

WESTERN AUSTRALIA

TRANSPORT CO-ORDINATION AMENDMENT ACT

No. 2 of 1986

AN ACT to amend the *Transport Co-ordination Act 1966*.

[Assented to 26 June 1986.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title

1. This Act may be cited as the *Transport Co-ordination Amendment Act 1986*.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Principal Act

3. In this Act the *Transport Co-ordination Act 1966** is referred to as the principal Act.

[**Reprinted as approved 19 July 1983 and amended by Acts Nos. 102 of 1984 and 30 and 54 of 1985.*]

Section 47G amended

4. Section 47G of the principal Act is amended, in subsection (1), by inserting after the definition of “petroleum products” the following definition—

“ “relevant month”, in relation to a licence in respect of a particular named month specified in the 1st column of the Third Schedule, means the month specified in the 2nd column of that Schedule opposite that particular month; ”.

Section 47H amended

5. Section 47H of the principal Act is amended, in subsection (1), by deleting “consider and determine applications for licences under this Part and shall have such other” and substituting the following—

“ have such ”.

Section 47L amended

6. Section 47L of the principal Act is amended—

(a) in subsection (1), by deleting “Director General” and substituting the following—

“ Minister ”; and

(b) in subsection (3) by deleting “Subject to section forty-seven O the Minister shall not issue” and substituting the following—

“ Applications for licences shall be determined by the Minister but he shall not grant ”.

Section 47LA inserted

7. After section 47L of the principal Act, the following section is inserted—

Licence deemed to be granted in certain circumstances

“ 47LA. Where a licensee (including a licensee holding a licence deemed by paragraph (d) to have been granted)—

- (a) has complied with any requirement of the Director General under section 47S; and
- (b) has paid the fee that would be payable under section 47N (2a), if he applied for a further licence that, from the expiration of the licence pursuant to which he is a licensee, would confer the same authority as the expired licence,

that licensee shall—

- (c) if he has not applied for such a further licence, be deemed to have duly so applied; and
- (d) be deemed to be the holder of such a further licence granted with effect from the expiration of the licence already held by the licensee unless, before that expiration, the Minister informs the licensee that the Minister refuses to grant the further licence for which the licensee has, or is by paragraph (c) deemed to have, applied. ”.

Section 47M amended

8. Section 47M of the principal Act is amended by deleting “effect, the 30th day of June next following” and substituting the following—

“ effect—

- (a) the 30th day of June next following, in the case of a licence which has effect before the 1st day of July 1986; and
- (b) in any other case, the last day of the month in which it commenced ”.

Section 47N amended

9. Section 47N of the principal Act is amended—

(a) in subsection (2), by inserting after “1980” the following—

“ and before the 1st day of July 1986 ”;

(b) by inserting after subsection (2) the following subsection—

“ (2a) The fee payable for a licence that will have effect for any period after the 30th day of June 1986 shall be \$50 together with—

(a) an amount as prescribed for the purposes of this paragraph for every litre of motor spirit wholesaled by the applicant in the relevant month; and

(b) an amount as prescribed for the purposes of this paragraph for every litre of diesel fuel wholesaled by the applicant in the relevant month and used in propelling diesel engined road vehicles on roads. ”;

(c) in subsection (3)(b), by inserting after “1980” the following—

“ and before the 1st day of July 1986 ”; and

(d) by inserting after subsection (3) the following subsection—

“ (3a) Where an application is made for a licence that will have effect for any period after the 30th day of June 1986 and the applicant did not carry on the business of wholesaling petroleum products during the whole of the relevant month, the fee payable in respect of the licence shall be such amount as is assessed by the Minister as being just and reasonable in the circumstances of the case, having regard to the petroleum products that would have been handled by the applicant had he been carrying on the business in respect of which the application for the licence was made during the whole of that relevant month, the relevant principles of assessing fees under subsection (2a) and, where the application is made in respect of a licensing period that is less than one month, the period that the licence will be in force. ”.

Section 47 O repealed and transitional provision

10. (1) Section 47 O of the principal Act is repealed.

(2) The repeal of section 47 O of the principal Act by subsection (1) does not affect any determination by the Minister in force immediately before that repeal whereby a licence fee for the period ending on 30 June 1986 may be paid by instalments; and if an instalment is not paid in accordance with that determination the Minister may recover the balance due from the person in default, as a debt due to the Crown, in a court of competent jurisdiction.

Section 47P amended

11. Section 47P of the principal Act is amended by repealing subsection (4).

Section 47T amended

12. Section 47T of the principal Act is amended, in subsection (1), by deleting "forty-two" and substituting the following—

“ 30 ”.

Third Schedule added

13. After the Second Schedule to the principal Act, the following Schedule is added—

“ **THIRD SCHEDULE** (section 47G)

RELEVANT MONTHS FOR LICENCES

July	May
August	June
September	July
October	August
November	September
December	October
January	November
February	December
March	January
April	February
May	March
June	April

”.

Licence fee for July 1986 may be paid by instalments

14. (1) Notwithstanding section 47L (3) of the principal Act, the fee payable for a licence under Part IIIA of the principal Act that will have effect for the month of July 1986, or any part thereof, may be paid by 12 equal instalments payable on the last day of each month, the first instalment being payable on 30 June 1986, or on the day immediately preceding the day on which the licence commences, and the final instalment being payable on 31 May 1987.

(2) If an instalment under subsection (1) in respect of a licence is not paid on or before the day upon which it is payable, or if any additional amount that is due and payable under section 47P of the principal Act is unpaid, the Minister may revoke the licence or a corresponding licence and thereupon the licence or the corresponding licence shall cease to be in force and the fee payable for the licence referred to in subsection (1), or so much thereof as remains unpaid, shall become due and payable immediately.

(3) Notwithstanding subsection (2) where an instalment under subsection (1) in respect of a licence is not paid within 14 days of the day upon which it is payable, the Minister may recover in any court of competent jurisdiction the whole of the fee payable for that licence or so much thereof as remains unpaid as a debt due to the Crown by the person who was the holder of the licence at the time when the licence first had effect.

(4) In subsection (2), "corresponding licence" means a licence under Part IIIA of the principal Act that has effect for a period after the month of July 1986 and that is held by the person who was the holder of, and confers on that holder substantially the same authority as, the licence referred to in subsection (1).
