

TRANSPORT COMMISSION (No. 2).

No. 93 of 1979.

AN ACT to amend the Transport Commission Act,
1966-1979.

[Assented to 17th December, 1979.]

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:—

1. (1) This Act may be cited as the *Transport Commission Act Amendment Act (No. 2), 1979.*

Short title
and
citation.

(2) In this Act the Transport Commission Act, 1966-1979, is referred to as the principal Act.

Reprinted
as approved
for reprint
21st June,
1977, and
amended by
Acts Nos.
53 of 1977
and 9
of 1979.

(3) The principal Act as amended by this Act may be cited as the Transport Act, 1966-1979.

Commence-
ment.

2. The several provisions of this Act shall come into operation on such day or days as is, or are respectively, fixed by proclamation.

Long title
amended.

3. The long title to the principal Act is amended—

- (a) by inserting, immediately after the words “provide for the appointment of a Commissioner”, the passage “of Transport, and to make provision as to the review, licensing and control of the transport of passengers and goods by road, rail, air, and sea; for the progressive removal of measures which hinder the efficient and safe transport of goods;”;
- (b) by deleting the words “to control and license the transport of passengers and goods by Road and by Air and to control” and inserting in lieu thereof the passage “; as to”;
- (c) by deleting the words “and to recommend” and inserting in lieu thereof the passage “; as to”; and
- (d) by deleting the words “sub-contracts and to provide for” and inserting in lieu thereof the passage “sub-contracts; and as to”.

Section 4
amended.

4. Section 4 of the principal Act is amended, as to the interpretation of the term “operate”—

- (a) by deleting the words “offer to carry”, in line two of that interpretation, and inserting in lieu thereof the passage “offer or agree to carry, or to be responsible for arranging the carriage of”; and
- (b) by inserting after the word “whatever”, being the last word in the interpretation, the passage “, and cognate expressions shall be construed accordingly”.

5. Section 19 of the principal Act is repealed and re-enacted with amendments as follows—

Section 19
repealed and
re-enacted.

19. (1) Notwithstanding the provisions of any other Act, but subject to the provisions of any notice published pursuant to subsection (2) of this section, this Part of this Act applies to and in relation to every vehicle that is operated by any person (including vehicles operated by the Crown, or by an agency of the Crown, in right of the State) other than vehicles operated under the Metropolitan (Perth) Passenger Transport Trust Act, 1957.

Application
of Part.

(2) The Minister may, by notice published in the *Government Gazette*, exempt—

- (a) any vehicle or class of vehicle;
- (b) any vehicle used for any purpose or any class of purpose; or
- (c) any vehicle whilst operated in any part of the State,

as specified in that notice, from the provisions of this Part of this Act. .

6. Section 20 of the principal Act is amended by adding a new subsection, to stand as subsection (4), as follows—

Section 20
amended.

(4) For the purposes of determining whether or not a licence is required under this Part in respect of any commercial goods vehicle, where goods are to be conveyed from one place to another, and the carriage of those goods is effected by stages whether by one vehicle or by different vehicles, the whole distance over which the goods are, or are to be, carried shall be taken to comprise the one journey and every vehicle taking part in the carriage of the goods in the course of that journey is to be deemed to make the whole journey. .

Section 21
amended.

7. Section 21 of the principal Act is amended—

- (a) as to subsection (1), by deleting the passage “The following fees are payable, in the prescribed manner, to the Commissioner, in respect of every public vehicle licence,” in lines one to three, and inserting in lieu thereof the passage “In respect of every public vehicle licence the following fees are payable to the Commissioner in the prescribed manner, in relation to the term of the licence or such shorter period as is prescribed,” ;
- (b) as to subsection (2), by deleting the word “The”, in line one, and inserting in lieu thereof the passage “Subject to the limitations imposed by subsection (1) of this section, the” ;
- (c) as to subsection (3), by inserting after the word “extent”, in line four, the words “or for the period”.

Section 30
amended.

8. Section 30 of the principal Act is amended, as to subsection (1), by deleting the passage commencing with the word “years”, in line two, to the end of the subsection, and inserting in lieu thereof the words “years or for a particular purpose of specified duration”.

Section 33
amended.

9. Section 33 of the principal Act is amended by deleting subsection (3) thereof.

Section 34
repealed and
re-enacted
with amend-
ments.

10. Section 34 of the principal Act is repealed and re-enacted with amendments as follows—

Certain
licences
to be
granted.

34. (1) The Commissioner shall grant upon application a licence to operate any commercial goods vehicle—

- (a) wholly within sixty kilometres of the General Post Office, Perth; or

- (b) where the Governor by Order in Council (which may be varied or cancelled by a subsequent Order in Council made under this section) has determined that the provisions of this section shall apply in relation to any such vehicle.

(2) An Order in Council made for the purposes of this section may be made so as to apply—

- (a) to any specified vehicle, or to vehicles of a specified class;
- (b) to vehicles used for a specified purpose or any specified class of purpose; or
- (c) to vehicles whilst operated in a specified part of the State,

and may provide that the provisions of this section shall not apply to any vehicle (to which they otherwise would apply) if that vehicle is operated for a purpose or in a locality which is by that Order determined to be a purpose or locality in respect of which the Order is not to apply.

(3) The provisions of section thirty-six, section thirty-seven, and section thirty-nine do not apply to or in relation to a licence granted by the Commissioner under this section or to an application for a licence, but the provisions of this Part other than those sections shall apply to any such licence or application.

11. Section 36 of the principal Act is amended— Section 36
amended.

- (a) by deleting the word “and” being the last word in paragraph (c);
- (b) by deleting the passage “applicant.”, at the end of paragraph (d), and inserting in lieu thereof the passage “applicant;” ; and

(c) by adding, after paragraph (d), two new paragraphs as follows—

(e) any direction given by the Minister as to the policies of the government in relation to economic development, decentralisation, or other matters; and

(f) the interests of persons requiring transport to be provided, and of the community generally. .

Section 40
amended.

12. Section 40 of the principal Act is amended by deleting the word “limited”, in line four, and inserting in lieu thereof the word “specified”.

Section 50
amended.

13. Section 50 of the principal Act is amended—

(a) by inserting after the word “vehicle”, in line two, the passage “, and any person who consigns or sends or causes to be consigned, sent or conveyed, or offers or agrees to consign, send or convey, any goods or passenger by a public vehicle” ;

(b) by deleting the passage “and that —”, in line two, and inserting in lieu thereof the passage “where —” ;

(c) by deleting paragraph (a), in line three, and inserting, in lieu thereof a new paragraph as follows—

(a) the vehicle is not appropriately licensed as such under this Act; ;

(d) by inserting after the paragraph designation “(b)”, in line four, the words “the vehicle”;

(e) by inserting after the passage “licence;” in line six, the word “or” ;

(f) by inserting after paragraph (b) of subsection (1) a new paragraph as follows—

(c) an appropriate Certificate of Authority issued under section forty-two C of this Act is not in force, ; and

- (g) by deleting the penalty provision in lines nine to twelve and inserting in lieu thereof a new provision as follows—

Penalty: For a first offence, not more than two hundred dollars, for a second offence, not more than three hundred dollars, for a third offence, not more than five hundred dollars, and, for any subsequent offence committed within a period of three years since the date of the last conviction under this section where it is shown that the accused has engaged in a course of conduct in contravention of this Act, not less than two hundred dollars and not more than five hundred dollars. .

14. Section 62 of the principal Act is amended by deleting the passage commencing with the word “operated” in line four of paragraph (c) of subsection (3), to the end of that paragraph, and inserting in lieu thereof the passage “service or scheme for which the Commissioner has a responsibility, including the provision and maintenance of subsidies, facilities, signs, shelters and amenities relating thereto; and”.

Section 62
amended.
