

Transport (Amendment) Bill

EXPLANATORY MEMORANDUM

The main purposes of the Bill are—

- to make further provision for officers of the Victorian Transport Service;
- to clarify the powers of Authorities;
- to provide for the appointment of certain part-time members of Authorities;
- to make further provision relating to traffic infringements, tow trucks, passenger ferries and taxi-cabs.

Clause 1 provides for the purposes of the Bill.

Clause 2 provides for the Bill to come into operation on a day or days to be proclaimed except for section 15, which is deemed to have operated from 1 July 1983.

Clause 3 provides for the *Transport Act* 1983 to be the Principal Act for the purposes of the Bill.

Clause 4 amends sections 82 and 84 of the Principal Act.

Paragraph (a) amends section 82 to enable a Ministerial determination that a person is to be in the Victorian Transport Service to be made in respect of any person employed in the public sector. That person must then be employed as soon as possible in the Ministry of Transport or a Transport Authority.

Paragraphs (b) and (c) amend section 84 to make certain officers in the Victorian Transport Service eligible for re-appointment to the public service.

Clause 5 amends section 86 of the Principal Act by inserting a definition of taxi-cab. It also inserts a new section 141A in the Principal Act with a consequential amendment to section 143 (1). The effect of these amendments is that applications for a commercial passenger vehicle licence in respect of a vehicle which is to operate as a taxi-cab are dealt with by the Road Traffic Authority and objections are not required to be referred to the Road Transport Licensing Tribunal.

Clause 6 amends section 171 of the Principal Act to exclude from the operation of the section a tow truck operating otherwise than for hire or reward or which is being used to tow a vehicle belonging to the owner of the tow truck.

Clause 7

Sub-clause (1) amends section 172 of the Principal Act to provide for the payment of tow truck licence fees by instalments.

Sub-clause (2) amends section 181 of the Principal Act to enable the Road Traffic Authority to suspend a tow truck licence if an instalment (other than the first instalment) is not paid by the due date.

Clause 8

Sub-clause (1) amends section 174 of the Principal Act to enable the Road Traffic Authority to impose licence conditions on the granting or renewal of a tow truck licence.

Sub-clause (2) inserts a new section 174A in the Principal Act to enable the Road Traffic Authority to alter or cancel licence conditions (other than implied conditions) attached to a tow truck licence.

Sub-clause (3) amends section 182 of the Principal Act by inserting a new sub-section (1A) providing for the procedures to apply to applications for both the authority to transfer a tow truck licence and to alter or cancel any of the conditions attached to the licence.

Sub-clause (4) makes a consequential amendment to section 183 (1) of the Principal Act.

Clause 9 amends section 185 of the Principal Act to enable regulations to be made—
prescribing the fee for inspection of a tow truck;
enabling any matter to be determined, applied, dispensed with or regulated by a body other than the Road Traffic Authority.

Clause 10 inserts a new section 185A in the Principal Act to make it clear that tow truck licences renewed by the Road Traffic Authority on or after 1 July 1983 were validly renewed. There is a saving in respect of the rights of the parties to certain Supreme Court proceedings.

Clause 11 amends the definition of “passenger ferry” in section 198 of the Principal Act and inserts a definition of “charter” and “proclaimed area”. It makes consequential amendments to the definition of “operate” and “owner” in section 86 and inserts a definition of “passenger ferry” in that section.

Clause 12 inserts a new section 198A in the Principal Act to enable the declaration of proclaimed areas for the purposes of section 199.

Clause 13

Sub-clause (1) makes a consequential amendment to section 199 of the Principal Act.

Sub-clause (2) inserts a new sub-section (3) in section 199 of the Principal Act providing for the matters to be taken into account by the Road Traffic Authority in granting a passenger ferry licence.

Sub-clause (3) inserts a new section 202A in the Principal Act setting out the matters which the Road Traffic Authority must consider before granting or refusing a passenger ferry licence.

Sub-clause (4) makes a number of consequential amendments to section 204 of the Principal Act.

Sub-clause (5) inserts a new section 205A in the Principal Act providing for the Authority to be able to alter or cancel any of the conditions attached to a passenger ferry licence.

Sub-clause (6) inserts new sections 206A and 206B in the Principal Act making it an offence to operate a passenger ferry in a proclaimed area without a licence and setting out the penalties for such an offence.

Sub-clause (7) amends sections 86, 201, 203 and 204 of the Principal Act to remove the requirement that an applicant for a passenger ferry licence must obtain the approval of the appropriate Authority.

Clause 14 amends sections 26 and 240 of the Principal Act to enable an appointed member of an Authority or any other person other than the Managing Director to be appointed as Chairman of that Authority.

Clause 15 amends Schedule 2 to the Principal Act to make it clear that an Authority may enter into a joint venture with a person or corporation whether within or outside the State of Victoria.

Clause 16 amends Schedule 9 to the Principal Act to clarify the description of certain of the offences listed in that Schedule and to correct the reference to tram lane line.

Clause 17 repeals the *Serviceton Public Hall Act 1956*.

