



TRANSPORT AMENDMENT ACT 1981

No. 62 of 1981

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AN ACT to amend the Transport Act 1981 to provide for the establishment of a trust fund and to provide for the payment to the Treasurer of certain money received by the Transport Commission and to validate certain payments made by the Transport Commission to the Treasurer.

[Royal Assent 30 November 1981]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Transport Amendment Act* Short title. 1981.

Commence-
ment.

2—This Act shall commence on the date on which the *Petroleum Products Business Franchise Licences Act 1981* commences.

Principal Act.

3—In this Act, the *Transport Act 1981** is referred to as the Principal Act.

Amendment of
section 3 of
Principal Act
(Interpre-
tation).

4—Section 3 of the Principal Act is amended as follows:—

(a) by omitting “1925.” from the definition of “public vehicle” and substituting “1925;”;

(b) by inserting after the definition of “public vehicle” the following definition:—

“vehicle” has the same meaning as it has in the *Traffic Act 1925*.

Insertion in
Principal Act
of new
section 15A.

5—After section 15 of the Principal Act, the following section is inserted:—

Commission to
pay money
received by
way of
registration
and licence
fees to
Treasurer.

15A—(1) The Commission shall, as and when directed by the Treasurer, pay to the Treasurer, to the credit of the Consolidated Revenue, the net amount of all money received by the Commission pursuant to the *Traffic Act 1925* in each financial year by way of—

(a) fees in respect of the registration, and the transfer and renewal of registration, of vehicles; and

(b) fees in respect of the issue of licences authorizing persons to drive motor vehicles and the renewal of those licences,

after deducting the prescribed costs and expenses from the money so received by it.

(2) For the purposes of subsection (1), “prescribed costs and expenses” means—

(a) the cost of collection by the Commission of the fees referred to in paragraphs (a) and (b) of that subsection; and

- (b) the costs and expenses incurred by the Commission in, or in connection with, the control of, and the provision of facilities for, traffic, other than amounts expended by the Commission pursuant to section 17A (3).

6—After section 17 of the Principal Act, the following section is inserted:—

Insertion in
Principal Act
of new
section 17A.

17A—(1) The Commission shall establish and keep a trust fund to be called the “Transport Research and Facilities Trust Fund” (in this section referred to as the Trust Fund).

Transport
Research and
Facilities
Trust Fund.

(2) The Treasurer shall pay out of the Consolidated Revenue Fund into the Trust Fund as soon as practicable after the end of each month an amount equal to 10 per cent of the amount collected by way of licence fees under the *Petroleum Products Business Franchise Licences Act 1981* during that month and the amount so payable under this subsection is accordingly, by virtue of this subsection, appropriated to the extent necessary.

(3) The Trust Fund shall be administered by the Commission and money in the Trust Fund may be used by the Commission—

- (a) for the provision of traffic signs (within the meaning of section 59 of the *Traffic Act 1925*) and traffic engineering devices and other traffic facilities for roads other than State highways, and subsidiary roads, within the meaning of the *Roads and Jetties Act 1935*;
- (b) for transport planning and research into matters relating to or associated with transport and transport services; and
- (c) for the establishment and maintenance of any other transport service or transport facility that it considers appropriate.

Amendment of section 20 of Principal Act (Statement of accounts).

7—Section 20 of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:—

(a) by way of—

(i) fees in respect of the registration, and the transfer and renewal of registration, of vehicles; and

(ii) fees in respect of the issue of licences authorizing persons to drive motor vehicles and the renewal of those licences,

under the *Traffic Act 1925*;

Validation of certain payments to Treasurer by Commission.

8—(1) The payments made by the former Commission to the Treasurer, to the credit of the Consolidated Revenue, of the net amount of all money received by the former Commission pursuant to the *Traffic Act 1925* in respect of the period commencing on 1st July 1977 and ending on 31st October 1981 by way of—

(a) fees in respect of the registration, and the transfer and renewal of registration, of vehicles; and

(b) fees in respect of the issue of licences authorizing persons to drive motor vehicles and the renewal of those licences,

after the deduction of the prescribed costs and expenses from the money so received by it in respect of that period, are, by virtue of this section, validated and the former Commission shall be deemed during that period to have had power to make those payments.

(2) The payments (if any) made by the existing Commission to the Treasurer, to the credit of the Consolidated Revenue, of the net amount of all money received by the existing Commission pursuant to the *Traffic Act 1925* in respect of the period commencing on 1st November 1981 and ending on the day immediately before the commencement of this section by way of—

(a) fees in respect of the registration, and the transfer and renewal of registration, of vehicles; and

(b) fees in respect of the issue of licences authorizing persons to drive motor vehicles and the renewal of those licences,

after the deduction of the prescribed costs and expenses from the money so received by it in respect of that period are, by virtue of this section, validated and the existing Commission shall be deemed during that period to have had power to make those payments.

(3) For the purposes of this section—

“ existing Commission ” means the Transport Commission incorporated under the Principal Act;

“ former Commission ” means the Transport Commission constituted under the *Transport Act 1938*;

“ motor vehicle ” has the meaning assigned to that expression in the *Traffic Act 1925*;

“ prescribed costs and expenses ” means—

(a) the cost of collection by the former Commission or the existing Commission, as the case may be, of the fees in respect of—

(i) the registration, and the transfer and renewal of registration, of vehicles; and

(ii) the issue of licences authorizing persons to drive motor vehicles and the renewal of those licences; and

(b) the costs and expenses incurred by the former Commission or the existing Commission, as the case may be, in, or in connection with, the control of, and the provision of facilities for, traffic;

“ vehicle ” has the meaning assigned to that expression in the *Traffic Act 1925*.

