



TRANSPORT AMENDMENT ACT 1983

No. 18 of 1983

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AN ACT to amend the Transport Act 1981 to provide for the establishment of the Cab and Hire-Car Trust Fund and to provide for related matters.

[Royal Assent 13 July 1983]

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 1983*. Short title.

Commence-
ment.

2—This Act shall commence on the date fixed by proclamation under section 2 (3) of the *Traffic Amendment (Public Vehicles) Act 1983*.

Principal Act.

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

Amendment of
section 11 of
Principal Act
(Bank account
Funds of
Commission).

4—Section 11 (2) (b) of the Principal Act is amended by omitting “section” and substituting “sections 16c (2) (a) and (b), 16c (4) (a), 16c (8) (a) and (b), and”.

Insertion in
Principal Act
of new sections
17b and 17c.

5—After section 17A of the Principal Act, the following sections are inserted:—

Cab and Hire-
Car Trust Fund.

17B—(1) The Commission shall establish and maintain a trust fund to be called the Cab and Hire-Car Trust Fund.

(2) The Cab and Hire-Car Trust Fund shall consist of—

- (a) payments received by the Commission by way of annual levy in respect of a prescribed licence;
- (b) payments received by the Commission by way of levy in respect of the transfer of a prescribed licence;
- (c) amounts received by the Commission in respect of the issue of a prescribed licence other than the annual fee specified in relation to a prescribed licence in Part I of Schedule 3 to the *Traffic Act 1925*;
- (d) money paid into the Cab and Hire-Car Trust Fund by The Tasmanian Taxi and Hire Car Association Ltd.

(3) Money in the Cab and Hire-Car Trust Fund shall be applied in the following order of priority:—

- (a) firstly, in the payment or discharge of the obligations incurred by the Commission in respect of guarantees given to any person or lending institution with respect to the payment of interest on any amounts borrowed by the Tasmanian Taxi and Hire Car Association Ltd. for the sole purpose of payment into the Cab and Hire-Car Trust Fund.

* No. 20 of 1981. Amended by No. 62 of 1981 and No. 10 of 1982.

(b) secondly, in the payment of amounts for prescribed licences which are surrendered to the Commission pursuant to Part III of the *Traffic Act 1925*.

(4) Money in the Cab and Hire-Car Trust Fund shall not be used for any purpose other than those purposes specified in subsection (3).

(5) Money in the Cab and Hire-Car Trust Fund shall not, in any financial year, be used for the purpose specified in subsection (3) (b) until the obligations referred to in subsection (3) (a) have been satisfied in respect of the immediately preceding financial year.

(6) The Commission may, in its discretion, establish within the Cab and Hire-Car Trust Fund a reserve account to meet a contingent liability referred to in subsection (3) (a).

(7) For the purposes of this section, "prescribed licence" has the meaning assigned to that expression in Part III of the *Traffic Act 1925*.

17c—(1) Subject to subsection (2), the Commission may, from money in the Cab and Hire-Car Trust Fund, guarantee the payment of the interest on amounts borrowed by The Tasmanian Taxi and Hire Car Association Ltd. for the sole purpose of payment into that Fund.

Power of Commission to guarantee amounts borrowed to supplement Cab and Hire-Car Trust Fund.

(2) The Commission shall not exercise its power under subsection (1) unless it has agreed to the terms and conditions subject to which the amount was borrowed by The Tasmanian Taxi and Hire Car Association Ltd.

