FACT SHEET

Passenger Transport and Related Legislation (Consequential Amendments) Bill 2011

The purpose of the *Passenger Transport and Related Legislation (Consequential Amendments) Bill 2011* is to make amendments to certain Acts and statutory rules as a result of the enactment of the *Passenger Transport Services Act 2011* and the *Taxi and Hire Vehicle Industries Act 2008.*

The majority of the amendments are required either to reflect the change in titles of the above Acts, or to update the definitions of terms such as 'public passenger vehicle' 'hire and drive vehicle' and 'regular passenger service'. In some cases, additional terms are required to be defined.

The Bill introduces a revised vehicle inspection program for Public Passenger Vehicles and Hire and Drive Vehicles in Regulation 102 of the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010.*

The Bill also amends Regulation 85 and 87 of the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010* to confirm that public passenger vehicles are subject to defect notices.

The Bill amends the *Vehicle and Traffic Act 1999* to introduce a new test to determine whether a driver of a public passenger vehicle needs an Ancillary Certificate. The concept of "for reward" in the Vehicle and Traffic Act is replaced and the problems associated with the practical application of that concept are addressed by introducing a three-part test, to determine which drivers are required to obtain an Ancillary Certificate.

A driver is now required to obtain an Ancillary Certificate if a fare is charged (a 'fare' meaning any financial consideration), the service is available to the general public and the service is a 'transport concern' (a transport concern relates to a service that is primarily based on delivering transport, rather than transport being an adjunct to a wider service of a different type), or the service is a 'regular passenger service' as defined in the *Passenger Transport Services Act 2011*.