

## FACT SHEET

### *Passenger Transport Amendment (Accreditation Status) Bill 2011*

The purpose of this Bill is to validate a number of administrative errors that have occurred during the administration of transport operator accreditation under the *Passenger Transport Act 1997* (PTA). This Act provides the legislative basis for the management of accreditation and the Act requires a person who provides a public passenger service or a hire and drive service to be accredited.

Concerns were raised during the drafting of a new *Passenger Transport Services Bill 2011*, to replace the *Passenger Transport Act 1997* (PTA), as to the legal status of operators whose accreditation had not been renewed in accordance with the prescribed process in the PTA.

Accordingly, advice was sought from the Solicitor-General as to the legal status of these operators in respect to their accreditation. The Solicitor-General has confirmed that the administrative actions taken by DIER to renew operator accreditation were not in accordance with the legislation.

Nevertheless, it is essential that these passenger transport businesses have full certainty as to their legal position in terms of their accreditation. The Solicitor-General has recommended validating legislation to rectify this problem by confirming the status of existing accredited operators and actions taken by them under their accreditation.

It was subsequently established, while investigating the administrative processes employed by DIER to manage renewal of accreditation, that there are doubts about the standing of delegations issued by the Transport Commission.

In addition, it was identified that a number of administrative decisions relating to cancellation and suspension of accreditation had been taken by an officer(s) of DIER who had not been delegated the power to make such decisions in their own right.

This means any delegations purportedly exercised under the PTA would be invalid and therefore would have no effect. Based on an initial audit by DIER, there are likely to be over 100 suspensions that would be called into question and up to 100 cancellations. In most cases, the decisions involved operators who had not complied with their audit requirements as they had already left the industry.

The passage of this Bill will ensure that any delegation made or purportedly made by the Transport Commission will be taken to have been validly made and any action taken by any

person in DIER in relation to the cancellation or suspension of an operator's accreditation is taken to have been authorised by the Transport Commission.

It is important to note that the failure to renew accreditations, or suspend or cancel operator accreditations, in accordance with the *Passenger Transport Act 1997*, has not compromised the safety of Tasmania's passenger transport services.