

**PASSENGER TRANSPORT AND RELATED LEGISLATION
(CONSEQUENTIAL AMENDMENTS) BILL 2011**

CLAUSE NOTES

- Clause 1 Short title and citation.
- Clause 2 Section 1 and 4 of the Act commence on Royal Assent and the remainder of the Act commences on a day to be proclaimed.
- Clause 3 Provides that amendments to any statutory rules by this Act do not prohibit their subsequent amendment by further statutory rules.
- Clause 4 Enables the Governor to amend Schedule 1, if the statutory rules consequently amended by this Act are to be, or have been, rescinded, revoked or amended by other legislation, by omitting the whole or any part of the consequential amendment relating to the statutory rules concerned.
- Clause 5 Repeals this Act ninety days from the date at which all of the provisions of the Act have commenced.
- Clause 6 Provides that the legislation specified in Schedule 1 is amended as outlined in that Schedule.
- Clause 7 Repeals the legislation listed in Schedule 2.
- Clause 8 Rescinds the legislation listed in Schedule 3.

SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS

In this document:

- “the old Act” refers to the *Passenger Transport Act 1997* and “the new Act” refers to the *Passenger Transport Services Act 2011*.
- “the old Taxi Act” refers to the *Taxi and Luxury Hire Car Industries Act 2008* and “the new Taxi Act” refers to the *Taxi and Hire Vehicle Industries Act 2008*.

Annulled Convictions Act 2003

1. Replaces (b) from the definition of “traffic offence” in Section 7(1) with “an offence under the new Act or the new Taxi Act”.

Economic Regulator Act 2009

1. Amends Section 44 by:
 - (a) Omitting from subsection (2)(b) the title of the old Taxi Act and replacing it with the title of the new Taxi Act; and
 - (b) Omitting from subsection (5) the title of the old Taxi Act and replacing it with the title of the new Taxi Act.

Justices Rules 2003

1. Amends Schedule 2 by:
 - (a) Omitting from column 2 of item 19 the title of the old Act and replacing it with the title of the new Act; and
 - (b) Omitting from column 2 of item 26 the title of the old Taxi Act and replacing it with the title of the new Taxi Act.

Litter Act 2007

1. Amends Section 30(1) by omitting paragraph (a) which references registered as a Public Passenger Vehicle.

Local Government (Highways) Act 1982

1. Amends Section 97(11)(d) to reflect the changed terminology used in the new Act.

Luxury Hire Car Industries Regulations 2008

1. Amends Regulation 3 by omitting the title of the old Taxi Act referred to in the definition of "Act" and replacing it replaced with the title of the new Taxi Act.
2. Amends Regulation 6(d) by omitting "in accordance with Part 2A of the old Act" and substituting "under the new Act".
3. Amends Regulation 28(1) by omitting the title of the old Taxi Act referred to in the definition of "current Act" and replacing it with the title of the new Taxi Act.

Road Rules 2009

1. Replaces (a) and (b) in Rule 354(1) and substitutes:
 - (a) finds the person committing an offence against the Act, the new Act or the new Taxi Act; or
 - (b) reasonably believes that the person has committed an offence against the Act, the new Act or the new Taxi Act.

2. Amends Division 1 of Part 2 of Schedule 6 by omitting Clause 10 and replacing it with a new definition of Public Bus to reflect the changed terminology used in the new Act.

Road Safety (Alcohol and Drugs) Act 1970

1. Amends Section 2(2A) by replacing paragraph (a) to reflect the changed terminology used in the new Act.
2. Amends Section 7(3A) by:
 - (a) omitting “public passenger vehicle as defined in the old Act” and replacing it to reflect the changed terminology used in the new Act; and
 - (b) omitting “public passenger vehicle” second occurring and replacing it to reflect the changed terminology used in the new Act.

Taxi Industry Regulations 2008

1. Amends Regulation 3(1) by omitting the title of the old Taxi Act referred to in the definition of “Act” and replacing it replaced with the title of the new Taxi Act.
2. Amends Regulation 10(c) by omitting “in accordance with Part 2A of the old Act” and substituting “under the new Act”.
3. Amends Regulation 12(e) by omitting “in accordance with Part 2A of the old Act” and substituting “under the new Act”.
4. Amends Regulation 26 by omitting subregulation (3) and replacing it with “subregulation (1) does not apply to a vehicle that is being used to provide a restricted hire vehicle service under the new Taxi Act”.
5. Rescinds Regulation 59 as this has been incorporated in the new Act.
6. Amends Clause 1 of Schedule 1 by replacing paragraph (a) to ensure that the vehicle specification for taxis remains unchanged, despite the altered definition of ‘small passenger vehicle’ in the new Act.

Taxi and Luxury Hire Car Industries (Review of Decisions) Regulations 2010

1. Amends Regulation 1 by omitting “Luxury Hire Car” and replacing it replaced with “Hire Vehicle”.
2. Amends Regulation 3 by omitting the title of the old Taxi Act referred to in the definition of “Act” and replacing it with the title of the new Taxi Act.

Traffic Act 1925

1. Amends Section 3(1) by omitting the definition of “public passenger vehicle” and substituting a new definition to reflect the changed terminology used in the new Act.

Transport Act 1981

1. Amends Section 6(1)(c) and (ca) to reflect the title changes in the new Act and the new Taxi Act.
2. Amends the Powers of the Minister to establish Advisory Committees in Section 22 to reflect the title changes in the new Act and new Taxi Act.

Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010

1. Amends Regulation 3(1) by:
 - (a) inserting a definition of “hire and drive vehicle”;
 - (b) omitting the old definition of “large passenger vehicle” and inserting a new one;
 - (c) omitting the old definition of “luxury hire car” and inserting a new one;
 - (d) inserting a definition of “restricted hire vehicle”;
 - (e) omitting the old definition of “small passenger vehicle” and inserting a new one; and
 - (f) omitting the old definition of “taxi” and inserting a new one.
2. Rescinds the temporary exemption provided in Regulation 48 for community transport service drivers from the requirement to have an Ancillary Certificate.
3. Omits Regulation 52(3) as the requirements to obtain Hire and Drive Registration have been repealed.
4. Omits Regulation 57(5) as the requirements to obtain Hire and Drive Registration have been repealed.
5. Replaces the existing Regulation 85 with a new Regulation to provide police and authorised officers with the ability to issue a formal warning or defect notice for vehicles that are unroadworthy, do not comply with the relevant vehicle standards, or do not comply with the requirements under the new Act and new Taxi Act.
6. Amends Regulation 87 to reflect the changed terminology used in the new Act.

7. Amends Regulation 102 by replacing subregulation 3 with a less onerous vehicle inspection program. Imports a different definition of “public passenger vehicle” for this regulation.
8. Amends Schedule 1 to reflect the changed terminology used in the new Act.

Vehicle and Traffic (Vehicle Standards) Regulations 2001

1. Amends Regulation 104 by:
 - (a) replacing the term “regular passenger transport service” in (2)(c) with the term “regular passenger service”; and
 - (b) replacing the term “regular passenger transport service” in (3) with the term “regular passenger service” as defined in the new Act.

Vehicle and Traffic Act 1999

1. Amends Section 3(1) by:
 - (a) providing a new definition of Public Passenger Service in (1) for the purpose of determining which drivers will need to obtain an Ancillary Certificate; and
 - (b) inserting a new definition of restricted hire vehicle in (1).
2. Amends Section 15(1) by omitting words that are no longer necessary.
3. Repeals the requirement to register as a hire and drive vehicle in Section 33.
4. Amends Section 49(7) by substituting in (b) the title of the new Taxi Act and (c) the title of the new Act.

Workers Rehabilitation and Compensation Act 1988

1. Amends Section 4DA(3) by:
 - (a) replacing the title of the old Taxi Act in the definition of “licensee” with the title of the new Taxi Act; and
 - (b) replacing the title of the old Taxi Act in the definition of “luxury hire car” with the title of the new Taxi Act.
2. Amends Section 4DB(3) by:
 - (a) replacing the title of the old Taxi Act in the definition of “responsible operator” in paragraph (a) with the title of the new Taxi Act;
 - (b) replacing the title of the old Taxi Act in the definition of “responsible operator” in paragraph (b) with the title of the new Taxi Act;
 - (c) replacing the title of the old Taxi Act in the definition of “taxi” with the title of the new Taxi Act; and

(d) replacing the title of the old Tax Act in the definition of “taxi licence” with the title of the new Tax Act.