

TASMANIA

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**PASSENGER TRANSPORT AMENDMENT  
BILL (No. 2) 2002**

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**PASSENGER TRANSPORT AMENDMENT  
BILL (No. 2) 2002**

*(Brought in by the Minister for Infrastructure, the  
Honourable James Glennister Cox)*

**A BILL FOR**

**An Act to amend the *Passenger Transport Act 1997*  
and make a related amendment to the *Vehicle and  
Traffic Act 1999***

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:

**Short title**

**1.** This Act may be cited as the *Passenger Transport  
Amendment Act 2002*.

**Commencement**

**2.** This Act commences on the day on which this Act  
receives the Royal Assent.

**Principal Act**

**3.** In this Act, the *Passenger Transport Act 1997*\* is  
referred to as the Principal Act.

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\*No. 52 of 1997

**Section 3 amended (Interpretation)**

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

- (a) by omitting “hiring out” from paragraph (b) of the definition of “public passenger service” and substituting “the hiring out of”;
- (b) by inserting the following paragraph after paragraph (b) in the definition of “public passenger service”:
  - (ba) any transport service that involves the provision of a large passenger vehicle, together with a driver, to carry passengers; or
- (c) by omitting the definition of “public passenger vehicle” and substituting the following definition:

**“public passenger vehicle” means –**

- (a) a motor vehicle that is used or intended to be used for the purpose of carrying passengers for reward; or
  - (b) a large passenger vehicle that does not have an exemption under section 8;
- (d) by omitting “, that is designed and constructed primarily for the carriage of passengers” from the definition of “small passenger vehicle”.

**Section 4A inserted**

5. After section 4 of the Principal Act, the following section is inserted in Part 1:

**Application of Act**

**4A.** This Act does not apply to an ambulance, or ambulance service, within the meaning of the *Ambulance Service Act 1982*.

**Section 15A amended (Using taxis for limited passenger services)**

**6.** Section 15A(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (b) “over; and” and substituting “over.”;
- (b) by omitting paragraph (c).

**Section 16D amended (Application for accreditation)**

**7.** Section 16D(5) of the Principal Act is amended by omitting paragraph (g) and substituting the following paragraphs:

- (g) taxi service;
- (h) limited passenger service;
- (i) prescribed transport service.

**Section 16J amended (Accreditation Register)**

**8.** Section 16J(4) of the Principal Act is amended by omitting “Registrar” and substituting “Commission or a delegate of the Commission”.

**Section 16P amended (Suspension and cancellation)**

**9.** Section 16P of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsection:

**(1)** The Commission may impose probationary status on a person's accreditation, suspend the accreditation for a period not exceeding 6 months or cancel the accreditation, if –

- (a) the person or, if applicable, the person's responsible officer has been found guilty of a disqualifying offence; or
- (b) the Commission is satisfied on reasonable grounds that –
- (i) the person, being required to have a responsible officer for the purposes of the accreditation, no longer has such an officer; or
- (ii) the person is not a fit and proper person to hold the accreditation or, if applicable, the person's responsible officer is not a fit and proper person to be such an officer; or
- (iii) the person or, if applicable, the person's responsible officer has failed to comply with the conditions of the accreditation; or

- (iv) the continued provision of the accredited service poses a risk to public safety; or
  - (v) in the case of public passenger service accreditation, the person has provided a category of service not authorised under the accreditation; or
  - (vi) in the case of probation, the Commission has grounds under another provision of this Act for imposing that status on the accreditation.
- (b) by inserting the following subsection after subsection (2):

**(2A)** Accreditation remains valid while it has probationary status but the Commission, in its absolute discretion, may impose restrictions on the accreditation by varying or adding to its conditions.
- (c) by omitting from subsection (4) “cancellation or suspension” and substituting “cancellation, suspension or imposition of probationary status”;
- (d) by omitting subsection (5) and substituting the following subsections:

**(5)** The Commission may at any time revoke the imposition of probationary status on an accreditation if it is satisfied that the status is no longer merited and, on the revocation, may remove or ameliorate any

restrictions imposed on the accreditation under subsection (2A).

**(5A)** The Commission may at any time revoke the suspension of an accreditation if it is satisfied that the suspension is no longer merited.

### **Section 16R repealed**

**10.** Section 16R of the Principal Act is repealed.

### **Section 20 amended (Applications to provide regular passenger transport services)**

**11.** Section 20 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “by contract under section 18.” and substituting “under government contract.”;
- (b) by omitting from subsection (3)(b) “by contract under section 18” and substituting “under government contract”;
- (c) by inserting the following subsection after subsection (4):

**(5)** In this section, “**government contract**” means a contract entered into with the Commission, the Minister or another agent of the Crown.

### **Section 24 amended (Regulations)**

**12.** Section 24 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(i) “regulation” and substituting “review, regulation”;
- (b) by omitting paragraph (m) from subsection (2) and substituting the following paragraphs:
  - (m) the regulation, control and termination of regular passenger service contracts;
  - (n) the conditions of regular passenger transport contracts, including the prescription of conditions providing for their termination and other matters that are to be taken to be contained in such contracts;
  - (o) the payment of compensation to persons who may be disadvantaged or otherwise affected by this Act or actions taken pursuant to this Act, and the arbitration and resolution of disputes concerning such compensation;
  - (p) the service of documents.
- (c) by omitting subsection (7).

***Vehicle and Traffic Act 1999 amended***

**13.** Section 7(1) of the *Vehicle and Traffic Act 1999* is amended by omitting “this Act.” and substituting “this or any other Act.”.