

**SECOND READING SPEECH**

**(The Hon Nick McKim MP)**

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

**Mr McKim (Minister for Sustainable Transport) – I  
move:**

That this Bill be now read a second time.

**MR SPEAKER / MADAM PRESIDENT**

I present to the House the *Passenger Transport and Related Legislation (Consequential Amendments) Bill 2011*.

Mr Speaker/Madam President, this Bill accompanies the *Passenger Transport Services Bill 2011* and the *Taxi and Luxury Hire Car Industries Amendment Bill 2011*.

The Bill amends specified Acts and Regulations by updating the references in those Acts to reflect the repeal of the *Passenger Transport Act 1997* by the passage of the *Passenger Transport Services Bill 2011*

and the amendments made by the *Taxi and Luxury Hire Car Industries Amendment Bill 2011*.

The Bill amends other specified Acts and Regulations by amending references to such terms as ‘public passenger vehicle’, ‘hire and drive vehicle’ and ‘regular passenger service’ to ensure that these terms are used in a manner that reflects their definition in the *Passenger Transport Services Bill 2011*.

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.*

Given the cost to operators associated with the vehicle inspection program, there has been considerable effort made to ensure the program is more effective and made less onerous, where possible, by reducing the frequency of inspections where it is considered doing so would not compromise safety outcomes.

The revised vehicle inspection program for large passenger vehicles reduces the frequency of inspections from six-monthly to 12 monthly for

newer vehicles. It retains the requirement for six monthly inspections for large passenger vehicles once they reach an age greater than 15 years.

For small passenger vehicles (other than taxis), the vehicle inspection program has been amended so that an inspection is not required for a vehicle that is no more than three years old. This change reflects the significant safety gains in the small passenger vehicle fleet in the past decade.

Once a small passenger vehicle (other than a taxi) reaches an age of three years, it will be required to be inspected 12 monthly. The revisions will

introduce six monthly inspections for vehicles once they reach an age greater than 15 years old.

The vehicle inspection regime for taxis has been amended slightly to require only an initial inspection until the vehicle is a year old. From then, the requirement to have a taxi inspection at six-monthly intervals remains in place. Taxi inspections remain at more frequent intervals in recognition of the specialised work and number of kilometres travelled by these vehicles.

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* (Vehicle and Traffic Act) to introduce a new test to determine whether a driver of a public passenger vehicle needs an Ancillary Certificate, as an adjunct to their driver licence.

These amendments are based on the fundamental principles that have been used to guide the design of the regulatory approach in the *Passenger Transport Services Bill 2011*. That is:

- regulation generally should apply to commercial, rather than non-commercial operations because of the higher risks associated with profit-maximising behaviour;
- regulation should also focus on services available to the wider public, rather than transport involving private arrangements because of a reduced ability of customers to judge safety risk based on personal knowledge.

This Bill now makes it clear that an Ancillary Certificate is only required when the driver is driving a vehicle used to operate a regular passenger service



(within the meaning of the *Passenger Transport Services Act 2011*), or passenger transport service where:

- passengers, or any of them, pay a fare;
- the service is available to any member of the public; and
- the service is a transport concern.

A passenger service is considered to be a 'transport concern' if it is operated by a business or an undertaking as its sole or main activity, or is an

integral and indispensable component of its activities.

These amendments make it clear that drivers of community transport services are not required to hold an Ancillary Certificate. These drivers will continue to require the appropriate class of driver licence for the size of vehicle they are driving and the relevant accredited operators will be required to ensure that their drivers are 'fit and proper'.

It is noted that further consequential amendments will need to be made next year to the *Government Prices Oversight (MAIB Premiums) Order 2009* and

the *Traffic (Compliance and Enforcement) Regulations 2001*.

This Bill, together with the accompanying *Passenger Transport Services Bill* and *Taxi and Luxury Hire Car Industries Amendment Bill*, form a cohesive package for regulating the passenger transport industries.

Mr Speaker/ Mr President, I commend this Bill to the House.