

Passenger Transport Amendment (Accreditation Status and Validation of Actions) Bill 2011

Clause Notes

Clause 1 Short title and citation.

Clause 2 This Act is taken to have commenced on 27 June 2000 which has the effect of retrospectively repealing the provisions of the *Passenger Transport Act 1997* (PTA) listed in this Act. The 27th of June 2000 is the day immediately after the PTA commenced (see SR 2000, N0 62). The commencement date for the PTA occurred after the insertion of Part 2A (of which the accreditation renewal provisions form part) on 15 December 1999 (see Act 95 of 1999).

- Clause 3 In this Act the Principal Act is the *Passenger Transport Act 1997*.
- Clause 4 This clauses amends section 16H(2) of the Principal Act by changing the words so that it will now read:
- “Except as provided by this Part, accreditation is ongoing unless it is forfeited or surrendered.”
- Clause 5 Amends section 16I(1) of the Principal Act by omitting paragraph (b)
- Paragraph (b) reads “the period of accreditation; and”
- Clause 6 Repeals sections 16L and 16M of the Principal Act which specify the process for renewal of accreditation and the process for processing late applications for renewal. This is necessary because of the amendment to section 16H(2), which makes accreditation ongoing unless forfeited or suspended. As a result of the amendment to section 16H(2), there is no need for a renewal process.
- Clause 7 Specifies that section 16P(3) of the Principal Act is amended by omitting “except for the purposes of renewal under section 16L”.
- Paragraph 16P(3) will now read “Accreditation is not valid while it is suspended.”

- Clause 8 This clauses amends section 16Q(1) of the Principal Act, which allows the Commission to vary conditions of accreditation, by changing the words so that it will now read:
- “The Commission may, at any time - ”
- This amendment is necessary to reflect the amendment to section 16H(2).
- Clause 9(1) Validates any delegation made by the Transport Commission to any person by confirming that the instrument of delegation is taken to have been validly made and executed.
- Clause 9(2) Validates any action taken by a person under the authority of a delegation made or purportedly made by the Transport Commission.
- Clause 9(3) Validates actions that may have been taken by employees of the Department under section 16P of the PTA to suspend or cancel the accreditation of an operator of a public passenger service or hire and drive service by confirming that these actions are taken to have been authorised by the Commission (in whom the power to suspend or cancel accreditation is vested under section 16P).
- Clause 9(4) Removes any right of action that may have arisen in relation to an action being taken by a person referred to in sub-clauses (2) and (3).

Clause 9(5) Defines the terms 'hire and drive service', 'prescribed person' and 'public passenger service'.