

TASMANIA

**PASSENGER TRANSPORT AMENDMENT
(ACCREDITATION STATUS AND VALIDATION
OF ACTIONS) BILL 2011**

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 16H amended (Grant of application)
5. Section 16I amended (Accreditation certificate)
6. Sections 16L and 16M repealed
7. Section 16P amended (Suspension and cancellation)
8. Section 16Q amended (Variation of conditions, &c.)
9. Validation of actions

**PASSENGER TRANSPORT AMENDMENT
(ACCREDITATION STATUS AND VALIDATION
OF ACTIONS) BILL 2011**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

P. R. ALCOCK, *Clerk of the House*
22 November 2011

*(Brought in by the Minister for Sustainable Transport, the
Honourable Nicholas James McKim)*

A BILL FOR

An Act to retrospectively amend the *Passenger Transport Act 1997* and to validate certain actions taken under that Act

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:

1. Short title

This Act may be cited as the *Passenger Transport Amendment (Accreditation Status and Validation of Actions) Act 2011*.

2. Commencement

This Act is taken to have commenced on 27 June 2000.

*Passenger Transport Amendment (Accreditation Status and
Validation of Actions) Act 2011*
Act No. of

s. 3

3. Principal Act

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

4. Section 16H amended (Grant of application)

Section 16H(2) of the Principal Act is amended by omitting “remains valid for a prescribed period unless it is sooner forfeited or surrendered” and substituting “is ongoing unless it is forfeited or surrendered”.

5. Section 16I amended (Accreditation certificate)

Section 16I(1) of the Principal Act is amended by omitting paragraph (b).

6. Sections 16L and 16M repealed

Sections 16L and 16M of the Principal Act are repealed.

7. Section 16P amended (Suspension and cancellation)

Section 16P(3) of the Principal Act is amended by omitting “except for the purposes of renewal under section 16L”.

*No. 52 of 1997

*Passenger Transport Amendment (Accreditation Status and
Validation of Actions) Act 2011*
Act No. of

s. 8

8. Section 16Q amended (Variation of conditions, &c.)

Section 16Q(1) of the Principal Act is amended
by omitting “on renewal or at any other time”
and substituting “at any time”.

9. Validation of actions

- (1) Any delegation in relation to any matter under the *Passenger Transport Act 1997* made or purportedly made by the Transport Commission to any person is taken to have been validly made and executed.
- (2) Any action taken by a person to whom a delegation in relation to any matter under the *Passenger Transport Act 1997* was made or purportedly made by the Transport Commission is deemed to have been validly taken.
- (3) Any action taken by a prescribed person under section 16P of the Principal Act, on and from 27 June 2000 until the day on which this Act receives the Royal Assent, in relation to the suspension or cancellation of the accreditation of an operator of a public passenger service or hire and drive service is deemed to have been authorised by the Transport Commission and validly taken.
- (4) No right of action arises and no legal proceedings may be taken in relation to any action referred to in subsection (2) or (3) taken

*Passenger Transport Amendment (Accreditation Status and
Validation of Actions) Act 2011*
Act No. of

s. 9

by a person referred to in either of those subsections.

(5) For the purposes of subsection (3) –

“hire and drive service” has the same meaning as in the *Passenger Transport Act 1997*;

“prescribed person” means a person employed in the Department;

“public passenger service” has the same meaning as in the *Passenger Transport Act 1997*.