



NSW Legislative Assembly Hansard

Passenger Transport Amendment Bill

Extract from NSW Legislative Assembly Hansard and Papers Wednesday 18 October 2006.

Second Reading

Mr MATT BROWN (Kiama—Parliamentary Secretary) [10.15 a.m.], on behalf of Mr John Watkins: I move:

That this bill be now read a second time.

The purpose of this bill is to amend the Passenger Transport Act 1990 to enable the accreditation of incorporated associations and groups of two or more persons, who may be partners, as operators of public passenger services. The bill will also validate accreditation of these associations and partnerships in the past, as well as any contracts entered into with the Director General of the Ministry of Transport for the provision of regular bus services by associations and partnerships.

Under this Act provision is only made for an individual or a corporation to be accredited as the operator of a public passenger service. Vehicles used may be a bus, taxicab, private hire vehicle, four-wheel drive vehicle, motorcycle, with or without sidecar, or motor tricycle. To provide public passenger services without accreditation is a serious offence, for which a court may impose a penalty of up to \$110,000. The accreditation mechanism provided for in the Act is the principal method by which the Government attempts to ensure safe, reliable and efficient public passenger road transport services.

The criteria relevant in examining an applicant's application for accreditation as an operator of a public passenger service include good repute, fitness and propriety, public responsibility, financial viability, training and competence. The activities of operators are closely monitored by the Ministry of Transport, which may fine or prosecute offending operators or vary, suspend or cancel their accreditation in more serious circumstances. Whilst it is possible for a driver, operator and licensee to be one and the same person, in many cases the three roles are held by three different parties. There are currently about 12,000 public passenger service operators in New South Wales using buses, taxis, private hire vehicles and tourist vehicles.

While partnerships and associations have been erroneously accredited since 1990, which was exacerbated by incorrect legal advice some years ago, subsequent legal advice from the Crown Solicitor made it clear that only an individual or a corporation can be accredited. From 1 July 2005, upon amendment of the Passenger Transport (Bus Services) Regulation 2000, the previous arrangement of bus operator accreditation for life was replaced with accreditation for three-year terms. Bus operators were advised that, in the light of the Crown Solicitor's advice, they may apply for reaccreditation only as an individual or a corporation.

This requirement created a difficult situation for a significant number of operators. Some bus operators who were previously accredited as partners or partnerships have remedied the situation themselves by applying for reaccreditation in the name of an individual. Others have not applied for accreditation as an individual, claiming that this may unreasonably necessitate a rearrangement of their business affairs through no fault of their own. Acknowledging industry concerns, the Ministry of Transport agreed to representations by the Bus and Coach Association that legislative amendments be sought to recognise partners and associations which are operating public passenger services, as well as those who may wish to do so in the future.

However, although the amendments are aimed primarily at small country family bus operations, equity demands that they will apply to all operators of all public passenger vehicles. In the meantime, the Ministry of Transport is accepting applications from bus operators for reaccreditation as partners, partnerships and associations but, as they cannot legally be accredited or reaccredited, they are not being processed but are being put aside until the matter is resolved. The proposals would have a positive and welcome effect on rural families that have set up their business affairs as partnerships, primarily as husband and wife, to run a small country bus service, by allowing them to continue with that arrangement. I commend the bill to the House.

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [10.19 a.m.]: I start where I started with the last bill, the Election Funding Amendment Bill, that is, by noting that a copy of the Passenger Transport Amendment Bill 2006 is actually date stamped 2.06 p.m. 16 October. Unlike the Election Funding Amendment Bill, on which the Premier's office managed to brief me on Monday and supply me with a copy as soon as it was available yesterday from Parliamentary Counsel at midday, this legislation was in final form on Monday, yet no approach was made to the Opposition to ensure adequate consultation could occur on it. I simply say that that speaks volumes of the difference in the way the Premier's office works and the procedures used by the man who calls himself the Deputy Premier of this State.

The other thing that this piece of legislation—which we will not be opposing—speaks volumes about is the way

in which the amendments to the Passenger Transport Bus Services Regulation were introduced in July last year. To not understand that operators of country bus services are involved in the sorts of partnerships that the bill seeks to validate simply and regrettably demonstrates how out of touch both this Government and the Ministry of Transport have been. Mum and dad bus companies have been providing the bulk of bus transport services in rural and regional New South Wales since day one. The amendments were brought in not because they had not been providing quality services but to suit the administrative desires of the ministry or presumably political objection of the Government. To bring into effect regulations which, at one swoop, require those people to rearrange their business affairs demonstrates how out of touch the Government is with the needs and interests of those who operate small businesses in this State—people who are operating bus services, and in other instances people who are operating other types of small businesses.

I say again that, because of the unavailability of the second reading speech and a copy of the legislation, we have not been able to get advice from the Bus and Coach Association or others interested in this legislation. We are prepared to allow the bill to go to the upper House. I am prepared to take the words of the Parliamentary Secretary when he says that these legislative changes have been sought by the Bus and Coach Association. I take him at his word on that. I have no doubt that the Bus and Coach Association has been lobbying for this change. What is not clear, and what cannot be clear because of the way in which this legislation is being rushed through this place, is whether the Bus and Coach Association has seen a copy of the bill, and whether the provisions of the bill as drafted meet the association's objectives. I will be checking that between now and when this bill goes to another place. If the legislation does not meet the specific objectives of the Bus and Coach Association, the bill may well be the subject of amendment in that place. Frankly, because of the way this legislation is being handled, I cannot say that, but I am prepared to let the bill go through to the next stage.

Mr MATT BROWN (Kiama—Parliamentary Secretary) [10.23 a.m.], in reply: I am pleased the Opposition will take the Government's word on this matter. We are very serious about remedying a problem that was created by a former Liberal-National Government.

Mr Barry O'Farrell: Point of order: If the Parliamentary Secretary wants to be political this morning, I am happy to engage the Government in that vein. The point is that the second reading speech delivered by the Parliamentary Secretary, if he understood it, noted that the regulation that had previously occurred had been signed off by the Crown Solicitor, the same man who subsequently changed his advice.

Mr SPEAKER: Order! There is no point of order.

Mr Barry O'Farrell: If the Parliamentary Secretary wants to attack the Crown Solicitor, who has been attacked recently for interfering in political debate, he is free to do so.

Mr SPEAKER: Order! The Deputy Leader of the Opposition is attempting to contribute further to the second reading debate.

Mr Barry O'Farrell: If the Parliamentary Secretary wants to slow down the business of the House today, he should just keep going on this tack.

Mr SPEAKER: Order! The Parliamentary Secretary may continue in reply.

Mr MATT BROWN: The bill will provide for groups of individuals, who may be partners, and incorporated associations to be accredited as the operator of a public passenger service using a bus, taxicab, private hire vehicle or tourist vehicle; recognize and validate the purported accreditation of all partners, partnerships and incorporated associations to date by deeming them to have been duly accredited as operators; and validate all contracts entered into with the Ministry of Transport to date for the provision of regular bus services by partners, partnerships and incorporated associations. The proposals will have a positive and welcome effect on families that have set up their business affairs as partnerships, primarily as husband and wife, to run a small rural bus service, by allowing them to continue with that arrangement. I commend the bill to the House.