

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the Passenger Transport Act 1990 (the Principal Act) as follows:

- (a) to provide for non-transferrable and renewable taxi-cab licences having terms of 12 months (annual licences), with such licences to be phased in,
- (b) to recognise, and standardise provisions applying to, the category of existing taxi-cab licences (nexus licences) associated with licences for wheelchair accessible taxis (paired licences),
- (c) to validate certain existing operative taxi-cab licences issued before the commencement of the Principal Act and to validate previous transactions relating to them,
- (d) to make other provision of a savings and transitional nature.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

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Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Passenger Transport Act

1990 No 39

New licence scheme

Schedule 1 [4] provides for new taxi-cab licences to have terms of 12 months, if they are for taxi-cabs operated wholly or partly in the Metropolitan transport district (Sydney) or are licences, or licences of a class, prescribed by order of the Director-General. In any other case, a taxi-cab licence (an ordinary licence) is to have a term determined by the Director-General of the Department of Transport and Infrastructure (the Director-General) or a term so determined not exceeding 6 years (a short-term licence). Schedule 1 [1] and [3] make consequential amendments.

Schedule 1 [5] omits sections 32C and 32D and inserts proposed sections 32C–32DA into the Principal Act.

Proposed section 32C enables annual licences to be renewed and continues the existing provision for renewal of ordinary licences.

Proposed section 32D continues the existing provision for transferral of ordinary licences and prohibits the transfer of annual and short-term licences except on the death of the licence holder (as is currently the case for short-term licences).

Proposed section 32DA applies to all taxi-cab licences and makes it clear that they can be let or sublet without the approval of the Director-General.

Schedule 1 [6] provides for licence fees for annual licences to be payable when the licences are first issued and when they are renewed.

Schedule 1 [7] makes it clear that the amount of a licence fee determined by the Director-General is not limited to the amount required to cover the costs of the taxi-cab licensing scheme.

Schedule 1 [10] provides for the fees payable for annual licences to be determined by the Director-General. Schedule 1 [8] and [9] make consequential amendments.

Savings and transitional provisions

Schedule 1 [11] enables regulations to be made containing savings and transitional provisions consequent on the enactment of the proposed Act.

Schedule 1 [12] inserts proposed Part 12 into Schedule 3 to the Principal Act. The proposed Part contains the following provisions:

Division 1 (proposed clauses 56 and 57) defines words and expressions used in the proposed Part. It also provides that the Part prevails over other provisions of the

Schedule and that savings and transitional regulations may be made that are inconsistent with the Part.

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Division 2 (proposed clauses 58–60) continues existing ordinary licences and short-term licences after the commencement of the proposed Act and provides for the continuation of existing licences on the introduction of annual licences. Any existing ordinary licence is renewable and both short-term and ordinary licences are transferrable (but only as permitted by the applicable provisions of Part 4 of the Principal Act). The Division also enables applications for licences that are pending when the annual licensing scheme comes into force to be dealt with as applications for short-term or ordinary licences.

Division 3 (proposed clauses 61–63) applies to taxi-cab licences issued before the commencement of the Principal Act that are operative or could be operative immediately before the commencement of the proposed Act. The Division validates the licences and previous transactions relating to them. The licences will be in force until surrendered or cancelled and are transferrable. Existing conditions are saved and provisions that apply generally to taxi-cab licences under the Principal Act are applied to the licences (except provisions relating to licence terms, renewal and initial licence fees). Division 3 is subject to Division 4 which also contains provisions that apply to such licences, if those licences are also nexus licences or paired licences.

Division 4 (proposed clauses 64–68) provides for nexus licences and paired licences to be identified by order of the Director-General published in the Gazette. The Division validates the licences. Licences issued before the commencement of the Principal Act will also be subject to Division 2, other licences will be subject to the applicable provisions of Part 4 of the Principal Act. The conditions to which nexus and paired licences are subject, and the terms of the licences (in the case of ordinary and short-term licences), are set out in the Division. The conditions link the operation of taxi-cabs under nexus licences with the continued operation of wheelchair accessible taxi-cabs under associated paired licences and also limit the transfer of such licences. New licence documents, which do not create new licences, may be issued for nexus licences and paired licences.

Statute law revision

Schedule 1 [2] updates references to a Government department and the head of that department.