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c2022-215B  
SFF--Shooters, Fishers and Farmers Party

**LEGISLATIVE COUNCIL**

**Point to Point Transport (Taxis and Hire Vehicles) Amendment Bill 2022**

**Second print**

**Proposed amendments**

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- No. 1      **Authorisations**  
Page 3, Schedule 1. Insert after line 12—  
    **[3A] Section 27 Provider of taxi service or booking service must be authorised**  
    Omit section 27(2).
- No. 2      **Authorisations**  
Page 3, Schedule 1. Insert after line 14—  
    **[4A] Part 3, Division 3A**  
    Insert after Division 3—  
    **Division 3A Authorisation fees**  
    **44A Authorisation fees**  
        (1) In addition to an application fee, an authorisation fee is payable to the Commissioner when an authorisation is first issued or each time it is renewed.  
        (2) The authorisation fee is payable by the person to whom the authorisation is issued in the way determined by the Commissioner.  
        (3) The authorisation fee is—  
            (a) \$500, or  
            (b) another amount prescribed by the regulations.
- No. 3      **Area of operations**  
Page 3, Schedule 1[9], lines 23 and 24. Omit all words on the lines.
- No. 4      **Area of operations**  
Page 4, Schedule 1[14], lines 7 and 8. Omit all words on the lines.
- No. 5      **Release of taxi licences**  
Page 4, Schedule 1[16], lines 14 and 15. Omit all words on the lines.

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No. 6 **IPART**

Page 4, Schedule 1. Insert after line 17—

**[17A] Section 74 Referrals to IPART**

Insert after section 74(1)—

- (1A) The Minister must, at least once every 2 years, refer passenger services generally to IPART for a recommendation about appropriate fares for the services.

No. 7 **Levy**

Page 8, Schedule 1[27], lines 35–41. Omit all words on the lines. Insert instead—

**[27] Schedule 4 Passenger service levy**

Omit clause 4(1). Insert instead—

- (1) The amount of the levy, for each passenger service transaction by the provider of a passenger service or booking service that occurred in the assessment period for which the levy is payable, is—

- (a) \$1, or  
(b) another amount prescribed by the regulations.

**[27A] Schedule 4, clause 13A**

Insert after clause 13—

**13A Annual review of levy**

The Minister must, at least once a year, review the amount of the levy determined by clause 4(1) to determine whether the amount is still appropriate.

No. 8 **Passenger services and Point to Point Industry Board**

Page 9, Schedule 1. Insert after line 3—

**[29] Schedules 5 and 6**

Insert after Schedule 4—

**Schedule 5 Further provisions in relation to providing passenger services**

**1 Schedule prevails**

This Schedule has effect despite the other provisions of—

- (a) this Act, or  
(b) the regulations.

**2 Hire vehicles to be identified as hire vehicles**

A provider of a passenger service by a hire vehicle must ensure the vehicle is permanently fitted with signage identifying the vehicle as a hire vehicle.

Maximum penalty—

- (a) for an individual—50 penalty units, or  
(b) for a body corporate—250 penalty units.

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### **3 English language requirements**

- (1) A person must not drive a taxi or hire vehicle on a road or road related area unless the person has sufficient competence in the English language to communicate with passengers about—
  - (a) a hiring of the taxi or hire vehicle, and
  - (b) matters related to the hiring.

Maximum penalty—

- (a) for an individual—50 penalty units, or
  - (b) for a body corporate—250 penalty units.
- (2) Without limiting subclause (1), a driver is assumed to comply with the subclause if the driver can demonstrate a level of competence equivalent to, or has passed an examination or assessment and achieved results equivalent to, the following levels—
    - (a) for the International English Language Testing System—an overall band score of at least 5.5, with marks of at least 5.5 for speaking and listening,
    - (b) for the International Second Language Proficiency Ratings—at least level 2 for reading and writing and at least level 3 for speaking and listening,
    - (c) for the course English as a Second Language offered by the NSW Education Standards Authority as a Higher School Certificate course—band 3.

### **4 Identification numbers for providers of passenger services**

A person must not provide a passenger service unless the Commissioner has assigned the person a unique identification number.

Maximum penalty—50 penalty units.

### **5 Approved training**

- (1) The Commissioner may approve courses of training that must be completed by a person before—
  - (a) an application by the person for, or for the renewal of, an authorisation or a taxi licence is granted, or
  - (b) the person provides a passenger service.
- (2) Without limiting subclause (1), the Commissioner may approve a course of training that must be completed by—
  - (a) all persons, or
  - (b) persons of a particular class.
- (3) The Commissioner must not grant a person, or grant a person the renewal of, an authorisation or taxi licence unless the person has completed an approved course of training that must be completed by the person under this clause.
- (4) A person must not provide a passenger service unless the person has completed an approved course of training that must be completed by the person under this clause.

Maximum penalty—

- (a) for an individual—50 penalty units, or
- (b) for a body corporate—250 penalty units.

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## 6 Point to Point Industry Board and controlled functions

- (1) There is constituted by this Act a Point to Point Industry Board (the **Board**).
- (2) The Board consists of the following members appointed by the Minister—
  - (a) a chairperson,
  - (b) a person to represent the Commissioner,
  - (c) a person to represent the interests of passengers,
  - (d) a person to represent the interests of drivers of vehicles used to provide passenger services,
  - (e) a person to represent the interests of providers of taxi services,
  - (f) a person to represent the interests of affiliated providers,
  - (g) a person to represent the interests of providers of booking services.
- (3) The Board has the following functions—
  - (a) to advise the Commissioner, TfNSW and the Minister on the future direction and operational efficiency of the point to point transport sector,
  - (b) to establish criteria for the exercise of the following functions under this Act (each a **controlled function**)—
    - (i) the amendment of a licence, or a class of licences, by the Commissioner under section 56(6) or (7),
    - (ii) the determination by TfNSW, under section 71, of the number of taxi licences to be issued during a year if the number is a number other than 0,
    - (iii) the approval of a course of training under this Schedule, clause 5 for a person or class of persons.
- (4) A controlled function may not be exercised other than in accordance with the criteria for its exercise established by the Board.

## 7 Disability Transport Competency Plan

- (1) The Commissioner must make a plan that establishes minimum standards for the provision of passenger services to persons with disability (a **Disability Transport Competency Plan**).
- (2) Subsidies or payments under the Taxi Transport Subsidy Scheme must not be made in relation to the provision of a passenger service unless the passenger service meets the minimum standards established by the Disability Transport Competency Plan.
- (3) In this clause—

**Taxi Transport Subsidy Scheme** means the scheme of that name administered by TfNSW under the *Transport Administration Act 1988*, Schedule 1, clause 8.

## Schedule 6 Constitution and procedure of Point to Point Industry Board

Schedule 5, clause 6

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## Part 1 General

### 1 Definitions

In this Schedule—

*appointed member* means a person appointed by the Minister as a member of the Board.

*Board* means the Point to Point Industry Board established under Schedule 5.

*Chairperson* means the Chairperson of the Board.

*member* means a member of the Board.

## Part 2 Constitution

### 2 Terms of office of members

Subject to this Schedule and the regulations, an appointed member holds office for the period, not exceeding 2 years, specified in the member's instrument of appointment, but is eligible, if otherwise qualified, for re-appointment.

### 3 Part-time appointments

Appointed members hold office as part-time members.

### 4 Remuneration

An appointed member is entitled to be paid the remuneration, including travelling and subsistence allowances, the Minister may from time to time determine for the member.

### 5 Deputies

- (1) A member may, from time to time, appoint a person to be the deputy of the member and may revoke the appointment.
- (2) In the absence of a member, the member's deputy may, if available, act in the place of the member.
- (3) When acting in the place of a member, a person has all the functions of the member and is taken to be a member.
- (4) For the purposes of this clause, a vacancy in the office of a member is taken to be an absence of the member.
- (5) This clause does not operate to confer on the deputy of a member who is the Chairperson the member's functions as Chairperson.

### 6 Vacancy in office of member

- (1) The office of an appointed member becomes vacant if the member—
  - (a) dies, or
  - (b) completes a term of office and is not re-appointed, or
  - (c) resigns the office by written instrument addressed to the Minister, or
  - (d) is removed from office by the Minister under this clause, or
  - (e) is absent from 3 consecutive meetings of the Board of which reasonable notice has been given to the member personally or by post, unless—
    - (i) the member is on leave granted by the Minister, or

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- (ii) the member is excused by the Minister for having been absent from those meetings, or
  - (f) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration for the benefit of the member's creditors, or
  - (g) becomes a mentally incapacitated person, or
  - (h) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted outside New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.
- (2) The Minister may remove an appointed member from office at any time.

#### **7 Filling of vacancy in office of appointed member**

If the office of an appointed member becomes vacant, a person is, subject to this Act and the regulations, to be appointed to fill the vacancy.

#### **8 Chairperson**

- (1) The Chairperson vacates office as Chairperson if the Chairperson—
- (a) is removed from the office by the Minister under this clause, or
  - (b) resigns the office by written instrument addressed to the Minister, or
  - (c) ceases to be a member of the Board.
- (2) The Minister may at any time remove the Chairperson from office as Chairperson.

#### **9 Disclosure of pecuniary interests**

- (1) If—
- (a) a member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Board, and
  - (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,
- the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Board.
- (2) A disclosure by a member at a meeting of the Board that the member—
- (a) is a member of, or employed by, a specified company or other body, or
  - (b) is a partner of, or employed by, a specified person, or
  - (c) has some other specified interest relating to a specified company or other body or to a specified person,
- is a sufficient disclosure of the nature of the interest in a matter relating to the company or other body or to the person that may arise after the date of the disclosure and that is required to be disclosed under subclause (1).
- (3) Particulars of a disclosure made under this clause must be recorded by the Board in a book kept for the purpose and the book must be open at all reasonable hours to inspection by a person on payment of the fee determined by the Board.

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- (4) After a member has disclosed the nature of an interest in a matter, the member must not, unless the Minister or Board otherwise determines—
    - (a) be present during a deliberation of the Board about the matter, or
    - (b) take part in a decision of the Board about the matter.
  - (5) For the purposes of the making of a determination by the Board under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not—
    - (a) be present during a deliberation of the Board for the purpose of making the determination, or
    - (b) take part in the making by the Board of the determination.
  - (6) A contravention of this clause does not invalidate a decision of the Board.
  - (7) This clause applies to a member of a committee of the Board and the committee in the same way it applies to a member of the Board and the Board.

#### **10 Effect of certain other Acts**

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to an appointed member.
- (2) If, by or under an Act, provision is made—
  - (a) requiring a person who is the holder of a specified office to devote the whole of the person's time to the duties of the office, or
  - (b) prohibiting the person from engaging in employment outside the duties of the office,

the provision does not operate to disqualify the person from holding the office and also the office of an appointed member or from accepting and retaining remuneration payable to the person under this Act as a member.

#### **11 Personal liability**

A matter or thing done or omitted to be done by the Board, a member of the Board or a person acting under the direction of the Board does not, if the matter or thing was done or omitted to be done in good faith for the purpose of executing this or another Act, subject a member or a person so acting personally to an action, liability, claim or demand.

### **Part 3 Procedure**

#### **12 General procedure**

The procedure for calling meetings of the Board and for conducting business at meetings is, subject to this Act and the regulations, to be as determined by the Board.

#### **13 Quorum**

The quorum for a meeting of the Board is a majority of members for the time being.

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**14 Presiding member**

- (1) The Chairperson or, in the absence of the Chairperson, a person elected by the members of the Board present at a meeting of the Board, is to preside at a meeting of the Board.
- (2) The presiding member has a deliberative vote and, in the event of an equality of votes, a second or casting vote.

**15 Voting**

A decision supported by a majority of the votes cast at a meeting of the Board at which a quorum is present is the decision of the Board.

**16 Transaction of business outside meetings or by telephone etc**

- (1) The Board may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Board for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Board made at a meeting of the Board.
- (2) The Board may, if it thinks fit, transact any of its business at a meeting at which members, or some members, participate by telephone or other electronic means, but only if a member who speaks on a matter before the meeting can be heard by the other members.
- (3) For the purposes of—
  - (a) the approval of a resolution under subclause (1), or
  - (b) a meeting held in accordance with subclause (2),the Chairperson and each other member have the same voting rights as they have at an ordinary meeting of the Board.
- (4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Board.
- (5) Papers may be circulated among the members for the purposes of subclause (1) by electronic means.

**17 First meeting**

The Minister—

- (a) may call the first meeting of the Board in the way as the Minister thinks fit, but
- (b) must call the first meeting of the Board as soon as reasonably practicable, and no later than 3 months, after the commencement of this clause.