



New South Wales

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

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 *Point to Point Transport (Taxis and Hire Vehicles) Act 2016* in response to the *Point to Point Transport Independent Review 2020*.

In particular, the Bill—

- (a) further deregulates the taxi industry, and
- (b) provides for consequential transitional arrangements and adjustment assistance, and
- (c) makes other miscellaneous amendments.

Outline of provisions

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

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Point to Point Transport (Taxis and Hire Vehicles) Act 2016 No 34

Further deregulation of taxi industry

Schedule 1[9] removes limits on the provision of taxi services to specified areas of operation.

Schedule 1[14] makes a consequential amendment.

Schedule 1[10] removes the limit on the number of times a taxi licence may be renewed.

Schedule 1[11] abolishes taxi licence fees. **Schedule 1[7], [8], [19] and [21]** make consequential amendments.

Schedule 1[12] prevents taxi licences from being the subject of dealings such as leases, subleases, transfers and other arrangements. **Schedule 1[3] and [5]** make consequential amendments.

Schedule 1[16] removes caps on the number of taxi licences that may be issued annually.

Transitional arrangements and adjustment assistance

Schedule 1[23] provides for transitional arrangements consequent on the further deregulation of the taxi industry. **Schedule 1[1]** makes a consequential amendment.

The provisions establish a *transitional period* from the start of which ordinary taxi licences are no longer transferable.

During the transitional period the grant of taxi licences, other than taxi licences for wheelchair accessible taxis, is limited to an applicant who nominates an existing licence that the Point to Point Transport Commissioner is satisfied was held by the applicant at the start of the transitional period. Granting an application for a taxi licence made during the transitional period results in the cancellation of the nominated licence, and the Point to Point Transport Commissioner must give written notice of the cancellation to the person listed as the owner of the nominated licence on the taxi licence register.

No fee is payable for a taxi licence application made during the transitional period, and existing licence holders are not required to return their current taxi number-plates if they transition to the new taxi licensing arrangements.

A determination by the Point to Point Transport Commissioner that an applicant did not hold the nominated licence, and is therefore not eligible to be granted a taxi licence during the transitional period, is not able to be reviewed by the Civil and Administrative Tribunal.

Outstanding licence fees for existing licences cease to be payable on the licences' cancellation.

Schedule 1[24]—

- (a) cancels all remaining existing licences to provide taxi services, and
- (b) brings an end to the transitional period, and
- (c) opens taxi licence applications to persons other than existing licence holders.

Schedule 1[25] enables regulations to provide for the payment of funds in connection with the cancellation of ordinary taxi licences issued under the *Passenger Transport Act 1990* and continued in force by savings provisions under the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*. The amendment—

- (a) replaces the existing scheme for the payment of transitional assistance funds, and
- (b) enables regulations to establish eligibility criteria for payment of further transitional assistance funds, and
- (c) provides for the following matters—
 - (i) the source of further transitional assistance funds,
 - (ii) the refusal and recovery of further transitional assistance funds in connection with improper conduct,
 - (iii) termination of the provision of further transitional assistance funds.

The regulation-making power proposed to be enacted by Schedule 1[25] may be considered shell legislation.

Other amendments

Schedule 1[2] provides that the transport, by a motor vehicle, of an authorised officer on duty may be a passenger service for the purposes of the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*.

Schedule 1[4] and [6] provide that the regulations under the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016* need not prescribe a fee to accompany an application for—

- (a) an authorisation to provide a taxi service or booking service, or
- (b) a taxi licence.

Schedule 1[13] makes it clear the Point to Point Transport Commissioner may vary, suspend or cancel a taxi licence if the licence holder provides a taxi service without being authorised to do so or without being an affiliated provider.

Schedule 1[15] clarifies that taking proceedings, or issuing a penalty notice, under the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016* may occur in addition to the variation, suspension or cancellation of a taxi licence.

Schedule 1[17] enables the Minister administering the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016* to refer appropriate passenger service fares generally, rather than only appropriate maximum passenger service fares, to the Independent Pricing and Regulatory Tribunal for investigation and the making of recommendations. **Schedule 1[18]** makes a consequential amendment.

Schedule 1[20] provides that no compensation is payable by the State because of amendments to the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*, including the amendments in the Bill that—

- (a) further deregulate the taxi industry, and
- (b) cancel all remaining existing licences to provide taxi services.

Schedule 1[22] ensures that regulations under the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016* may require the Point to Point Transport Commissioner be provided information about wheelchair accessible vehicles.

Schedule 1[26] increases, from 1 July 2023, the amount of levy payable on a passenger service transaction (the *passenger service levy*) from \$1 to \$1.20.

Schedule 1[27] provides that the passenger service levy is not payable for a passenger service provided on or after—

- (a) 1 January 2031, or
- (b) an earlier day specified by the Minister administering the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*.