

Transport and Other Legislation (Personalised Transport Reform) Amendment Act 2017

Explanatory notes for SL 2017 No. 142

made under the

Transport and Other Legislation (Personalised Transport Reform) Amendment Act 2017

General Outline

Short title

Transport and Other Legislation (Personalised Transport Reform) Amendment Act 2017

Authorising law

Section 2 of the *Transport and Other Legislation (Personalised Transport Reform) Amendment Act 2017*

Policy objectives and the reasons for them

The *Transport and Other Legislation (Personalised Transport Reform) Amendment Act 2017* (the Amendment Act) amends the *Transport Operations (Passenger Transport) Act 1994* (the Act) and other Acts to introduce a new regulatory framework for personalised transport in Queensland. The Amendment Act received assent on 5 June 2017.

Commencement of the Amendment Act and related subordinate legislation is occurring in stages from June 2017 to give industry time to prepare for the new regulatory framework.

A Proclamation was approved by Governor in Council on 8 June 2017 fixing 9 June 2017 as the commencement date for particular provisions of the Amendment Act (SL 2017 No. 89). The objective of this further Proclamation is to fix commencement dates for the remaining provisions of the Amendment Act.

Most provisions of the Amendment Act will commence on 1 October 2017, which will allow new booked hire service licences and booking entity authorisations to be issued from this date.

Safety duties under the new industry chain of responsibility and other requirements relating to the provision of personalised transport services will also apply from this date.

Commencement of new offences for the provision of unauthorised booked hire services will be delayed to allow a suitable transition period for licences and authorisations to be obtained under the new regulatory framework. Specifically, booking entities will have until 30 November 2017 to obtain booking entity authorisation, and providers of booked hire services will have until 14 January 2018 to obtain a booked hire service licence. Existing service contracts with taxi booking companies for the administration of taxi services will also continue until 30 November 2017 to ensure a smooth transition from service contracts to booking entity authorisation for these entities.

The commencing provisions amend the Act, *Transport Operations (Road Use Management) Act 1995*, *Liquor Act 1992*, *Tobacco and Other Smoking Products Act 1998*, *Transport Infrastructure Act 1994* and *Transport Planning and Coordination Act 1994*.

Achievement of policy objectives

The policy objective is achieved by the Proclamation commencing the remaining provisions of the Amendment Act to facilitate the final stage of implementation of the personalised transport reforms.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the policy objectives of the Amendment Act.

Inconsistency with policy objectives of other legislation

The Proclamation is not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative means of achieving the purpose of the Proclamation.

Benefits and costs of implementation

The benefits and costs of implementation were outlined in the explanatory notes accompanying the Amendment Act.

Consistency with fundamental legislative principles

The proposal to commence the removal of taxi administration service contracts may raise FLP issues in ending existing contractual rights of taxi booking companies. However, as noted in the explanatory notes to the Amendment Act, this is justified on the basis that these are non-financial contracts that impose minimum service levels and other obligations on taxi booking companies. Further, the contracts do not provide any exclusivity to provide taxi booking services; that is, the chief executive can enter into a service contract with anyone who wishes

to operate such a service. Removal of these contracts will reduce red tape for taxi booking companies and administration costs for government.

Consultation

No consultation has been undertaken on the Proclamation as it is machinery in nature.

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