

Transport Operations (Passenger Transport) Amendment Regulation 2022

Explanatory notes for SL 2022 No. 128

made under the

Transport Operations (Passenger Transport) Act 1994

General Outline

Short title

Transport Operations (Passenger Transport) Amendment Regulation 2022

Authorising law

Sections 74, 76 and 155 of the *Transport Operations (Passenger Transport) Act 1994* (TOPTA).

Policy objectives and the reasons for them

The policy objectives of the *Transport Operations (Passenger Transport) Amendment Regulation 2022* (the Amendment Regulation) are to:

- extend the period for which substitute taxis can be used under a peak demand arrangement, until 30 September 2024, and
- remove the discretion for the Department of Transport and Main Roads (TMR) to refuse to award a school service contract unless a local conveyance committee has been established.

Peak demand arrangements for substitute taxis

Part 8, division 4 of the *Transport Operations (Passenger Transport) Regulation 2018* (TOPTR) provides for substitute vehicle authorities for taxi service licences. An authorised booking entity may apply for a substitute vehicle authority for a motor vehicle to be used under a taxi service licence in particular circumstances, such as where an existing taxi cannot be used due to accident or repair. These vehicles are called 'substitute taxis'.

In certain circumstances, substitute taxis may also be approved to supplement the taxi fleet during times of peak customer demand. Sections 284 (Continued use of substitute vehicles during peak patronage periods until 30 September 2019) and 308 (Application of s 284) of TOPTR allow substitute taxis stated in a peak demand exemption notice to be used to provide taxi services and booked hire services until 30 September 2022.

Between 2016 and 2021, the Queensland Government implemented reforms for the personalised transport industry to provide greater choice for passengers, while ensuring safety, accessibility, affordability, and accountability of personalised transport services. The reforms were delivered in three stages. The first two stages related to implementing regulatory changes to introduce the new personalised transport framework. Stage three involved ongoing monitoring, review, and evaluation of the framework to ensure it delivers the best outcomes for customers and industry.

Following the findings of Stage three's monitoring and evaluation of the personalised transport reforms, TMR is progressing a wider review of taxi service licensing. Until this wider review is completed, and a longer-term solution is determined, peak demand arrangements for substitute taxis must remain in place to ensure that substitute vehicles can continue to be used to provide taxi services and booked hire services during peak patronage periods. This will be achieved through an amendment to section 284 to extend the current arrangements until 30 September 2024.

The amendments will also clarify that section 180(1) of TOPTR (Requirements for use of a vehicle) does not apply in relation to peak demand arrangements. Section 180 of TOPTR provides that a substitute taxi can be used to provide personalised transport services in accordance with section 177 (Allowed use of vehicle under taxi service licence). Section 177 does not currently provide for the use of a substitute taxi under a peak demand exemption notice. A clarifying amendment to section 180 will ensure vehicles used during peak demand arrangements are exempt from complying with this requirement.

Local conveyance committees

Section 273 of TOPTR deals with local conveyance committee establishment before school service contracts to provide school services are awarded. Under section 273(1), the chief executive may refuse to award a school service contract unless parents of students eligible for the School Transport Assistance Scheme (STAS) who will use the service, have established a local conveyance committee, and the committee is operating in accordance with relevant guidelines. Under section 273(2), in awarding a school service contract, the chief executive must also ensure the views of any relevant local conveyance committee, if established, are considered.

Local conveyance committees are made up of volunteer parents and guardians of eligible students travelling on a kilometre-based school bus service. Conveyance committees may be formed to assist operators with the administration of services, providing input to ensure the service meets the transport needs of individual rural, regional, and remote communities.

The chief executive no longer refuses to award a school service contract if a conveyance committee is not in place. The role of conveyance committees has evolved, diminishing the need for them to exist for the purposes of service contracts. In the past, conveyance committees were involved in awarding new school service contracts and were responsible for certifying bus operators' monthly Kilometre Exception Reports, which enabled monthly payments. TMR now assumes responsibility for contract requirements. More recently, the role of conveyance committees has evolved to:

- assisting school principals and bus operators in maintaining discipline of school students while travelling on school buses, and
- liaising with operators on matters such as bus stops and timetables.

Removing section 273 will clarify that local conveyance committees are not mandatory for the purposes of school service contracts. TMR will continue to manage these local conveyance committees through existing policy, which outlines the requirements around conveyance committees, and through individual school service contracts negotiated between TMR and the service operator.

Achievement of policy objectives

Peak demand arrangements for substitute taxis

To maintain existing arrangements regarding the use of substitute taxis until a longer-term solution is determined, the period during which a substitute taxi can be used under a peak demand exemption notice will be extended until 30 September 2024.

Local conveyance committees

Removing the discretion for TMR to refuse to award a school service contract unless a local conveyance committee has been established will clarify that conveyance committees are not mandatory and allow any ongoing arrangements about conveyance committees to be managed within departmental policy and in individual school service contracts negotiated between TMR and the service operator.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the main objective of TOPTA, to achieve the provision of the best possible public passenger transport at reasonable cost to the community and government, keeping government regulation to a minimum.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other Queensland legislation.

Benefits and costs of implementation

Peak demand arrangements for substitute taxis

Extending the period during which a substitute taxi can be used under a peak demand exemption notice will ensure operators can continue to use substitute taxis to provide services during peak periods.

There will be no cost associated with extending the period that a substitute taxi can be used under a peak demand exemption notice.

Local conveyance committees

Removing TMR's discretion will streamline passenger transport legislation by removing outdated provisions and functions no longer utilised by TMR. Established and future local conveyance committees will be managed by TMR in individual school service contracts, as negotiated between TMR and a service operator.

Local conveyance committees will continue to perform their contemporary roles and responsibilities providing stability for committees and operators.

There will be no costs associated with removing local conveyance committee provisions.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

Peak demand arrangements for substitute taxis

Stakeholder consultation was undertaken in 2020 when TMR previously extended the peak demand arrangements. The Taxi Council Queensland (TCQ) was consulted on the proposed amendments that relate to the peak demand extension at that time. The TCQ did not oppose the proposed amendments relating to the peak demand extension. Engagement with stakeholders has been ongoing as part of the personalised transport reforms. Industry stakeholders were notified of the proposed extension of the current arrangement in July 2022 at an industry reference group meeting and no concerns were raised.

Local conveyance committees

Peak industry bodies and relevant operators were previously consulted in 2020 on the conveyance committee policy changes, including the clarification that conveyance committees are not mandatory, and that conveyance committees are no longer responsible for certifying bus operators' monthly Kilometre Exception Reports.

Industry stakeholders indicated broad support for the proposals relating to removal of local conveyance committee provisions.

The Office of Best Practice Regulation (OBPR) was also consulted. OBPR considered the proposal to extend peak demand arrangements for substitute taxis will not add to the burden of regulation and is unlikely to result in significant adverse impacts. OBPR considered the proposal to omit the local conveyance committee provisions removes regulation that is no longer fit for purpose and is unlikely to result in significant adverse impacts. As a result, OBPR considered no further regulatory impact analysis is required under the *Queensland Government Guide to Better Regulation*.

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