

Transport Legislation (Taxi Services) Amendment Bill 2015

Amendments during consideration in detail to be moved by
The Honourable the Minister for Transport and the Commonwealth Games

1 After clause 1

Page 4, after line 5—

insert—

1A Commencement

This Act commences on 28 April 2016.

2 Clause 3 (Insertion of new s 70A)

Page 4, lines 12 to 21 and page 5, lines 1 to 24—

omit, insert—

3 Replacement of s 70 (Requirement for taxi service licence or peak demand taxi permit)

Section 70—

omit, insert—

70 Taxi service may only be provided using a taxi

- (1) A person must not provide a taxi service using a motor vehicle that is not a taxi.

Maximum penalty—200 penalty units.

- (2) In a prosecution for an offence against subsection (1), proof that a service—

(a) was for the carriage of passengers for a journey; and

(b) was provided by the hire of a motor vehicle, and a person to drive the motor vehicle, for the journey;

is taken to be sufficient proof that the service was a taxi service.

- (3) However, it is a defence to a prosecution for

an offence against subsection (1) for a person to prove the service provided by the person was—

- (a) a cross-border taxi service; or
- (b) an excluded public passenger service.
- (4) Subsection (1) does not apply to a person providing a taxi service prescribed under a regulation as a taxi service to which this section does not apply.
- (5) To remove any doubt, it is declared for subsection (1) that a person who provides a taxi service using a motor vehicle includes a person who drives the motor vehicle.

3 After clause 3

Page 5, after line 24—

insert—

3A Amendment of s 128 (Power to require information from certain persons)

Section 128(1)(b), ‘public passenger’—
omit.

3B Insertion of new s 129AA

Part 4—

insert—

129AA Power to require production of driver licence

- (1) This section applies if an authorised person reasonably suspects a person in control of a motor vehicle, or a person who reasonably appears to be the person in control of a motor vehicle, has just committed, or is committing, an offence against this Act.

- (2) The authorised person may require the person to produce his or her driver licence.
- (3) If the person is unable to comply with the requirement immediately but holds an open licence, the person may comply with the requirement by producing the licence to the chief executive at a place nominated by the authorised person within 2 business days after the requirement is made.
- (4) The person must comply with a requirement under subsection (2) or (3), unless the person has a reasonable excuse.

Maximum penalty—60 penalty units.

- (5) The place nominated under subsection (3) must be an office of the department that is reasonable in the circumstances.
- (6) In this section—

driver licence see the *Transport Operations (Road Use Management) Act 1995*.

open licence see the *Transport Operations (Road Use Management) Act 1995*.

3C Amendment of s 153A (Facilitation of proof)

Section 153A, heading, ‘proof’—

omit, insert—

proof—dangerous goods offences

3D Insertion of new s 153B

After section 153A—

insert—

153B Facilitation of proof—general

- (1) In a proceeding for an offence against this Act—

- (a) an allegation or averment in a complaint stating any of the following matters is evidence of the matter, and, in the absence of evidence to the contrary, is proof of the matter—
 - (i) at a particular time, a stated thing was or was not a vehicle or motor vehicle;
 - (ii) at a particular time, a stated vehicle or motor vehicle was or was not of a particular class or description; and
 - (b) a certificate purporting to be signed by the chief executive stating that, at a particular time, a stated motor vehicle was or was not a taxi is evidence of the matter; and
 - (c) evidence that a number plate showing a particular registration number was attached to a motor vehicle, at a particular time, is evidence that the motor vehicle is the motor vehicle noted in the register of vehicles, at that time, as having that registration number; and
 - (d) a document, or a copy of a document, purporting to be an invoice, receipt or other record of an amount that is or was payable, or has been paid, for a service for the carriage of passengers, is evidence of a matter stated in the document or copy.
- (2) In this section—

register of vehicles means a register of vehicles kept by the chief executive under a transport Act as defined under the *Transport Operations (Road Use Management) Act*

1995, schedule 4.

3E Insertion of new ch 13, pt 16

Chapter 13—

insert—

Part 16

**Transitional
provision for
Transport
Legislation (Taxi
Services)
Amendment Act
2015**

206 Application of s 70

Section 70, as in force on the commencement, applies only in relation to an offence that happens after the commencement.

3F Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definition *excluded public passenger service*, paragraphs (a) to (d)—

renumber as paragraphs (b) to (e).

- (2) Schedule 3, definition *excluded public passenger service*—

insert—

- (a) a charter bus service;

**4 Part 3, heading (Amendment of Transport Operations
(Road Use Management) Act 1995)**

Page 6, lines 1 to 3—

omit, insert—

Part 3

Amendment of State Penalties Enforcement Regulation 2014

5 Clause 4 (Act amended)

Page 6, lines 4 to 6—

omit, insert—

4 Regulation amended

This part amends the *State Penalties Enforcement Regulation 2014*.

6 Clause 5 (Amendment of sch 4 (Dictionary))

Page 6, lines 7 to 19—

omit, insert—

5 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

- (1) Schedule 1, entry for Transport Operations (Passenger Transport) Act 1994, entry for section 70(1), column 2, ‘12’—

omit, insert—

20

- (2) Schedule 1, entry for Transport Operations (Passenger Transport) Act 1994—

insert—

s 129AA(4)

4

7 Part 4, heading (Amendment of State Penalties Enforcement Act 1999)

Page 6, lines 20 to 21—

omit, insert—

**Part 4 Amendment of
Transport Operations
(Passenger Transport)
Regulation 2005**

8 Clause 6 (Act amended)

Page 6, lines 22 to 23—

omit, insert—

6 Regulation amended

This part amends the *Transport Operations (Passenger Transport) Regulation 2005*.

9 Clause 7 (Amendment of s 31 (Effect of cancellation of infringement notice))

Page 7, lines 1 to 6—

omit, insert—

7 Omission of s 96A (Services for which taxi service licence not required)

Section 96A—

omit.

~~10 Long title~~

~~Page 3, long title, from ‘amend’~~

~~*omit, insert—*~~

~~**amend the *Transport Operations (Passenger Transport) Act 1994* to facilitate the prosecution of persons who provide a taxi**~~

~~service using a vehicle that is not a taxi, and to
amend the *State Penalties Enforcement
Regulation 2014* and the *Transport Operations
(Passenger Transport) Regulation 2005* for
particular purposes~~

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