

Transport Legislation (Taxi Services) Amendment Bill 2015

Explanatory Notes

Title of the Bill

The short title is the Transport Legislation (Taxi Services) Amendment Bill 2015.

Policy Objectives

The object of the Transport Legislation (Taxi Services) Amendment Bill 2015 is to increase penalties targeting illegal taxi operators and thereby deter non-compliance with the *Transport Operations (Passenger Transport) Act 1994*.

Reasons for the Bill

Illegal taxi services are circumventing the Queensland taxi industry to the public detriment. This threatens the standards and safety of taxi services across the state. It also erodes the integrity and viability of the taxi licensing scheme administered by the Queensland Government.

It is evident that existing penalties are not sufficient in deterring the increase of illegal taxi services in Queensland. For this reason the bill aims to ensure that those delivering a taxi service without a licence are appropriately penalised.

The bill is consistent with the objects of the *Transport Operations (Passenger Transport) Act 1994*:

- The principal object of the *Transport Operations (Passenger Transport) Act 1994* is to achieve the best possible public passenger transport at reasonable cost to community and government while facilitating market entry restrictions in the public interest.

Achievement of the Policy Objectives

The bill amends the *Transport Operations (Passenger Transport) Act 1994* by introducing demerit points against persons guilty of providing a taxi service without a taxi service licence or a peak demand taxi permit.

The bill also makes consequential amendments to *Transport Operations (Road Use Management) Act 1995* and *State Penalties Enforcement Act 1999*.

Alternative Ways of Achieving Policy Objectives

There is no alternative way of achieving the policy objectives of the Transport Legislation (Taxi Services) Amendment Bill 2015.

Estimated Cost of Government Implementation

It is anticipated that there will be no cost to Government, although should there be costs it is reasonably expected that these will be met by existing agency resources.

Consistency with Fundamental Legislative Principles

It is recognised that Fundamental Legislative Principles (FLPs) are the principles relating to legislation that underlie a parliamentary democracy based on the rule of law. FLPs include requiring that legislation has sufficient regard to the rights and liberties of individuals and further the institution of Parliament.

The Transport Legislation (Taxi Services) Amendment Bill 2015 is consistent with FLPs and has sufficient regard to rights and liberties of individuals. Furthermore the proposed legislation does not adversely affect rights and liberties, or impose obligations retrospectively.

Although this bill subjects individuals to demerit points and fines it is necessary to maintain the standards and safety of taxi services across the state. It also required to uphold the integrity and viability of the taxi licensing scheme.

This bill is consistent with the principles of natural justice as individuals issued with infringement notices for a relevant offence have the right to contest the penalty through judicial system.

Consultation

Consultation and has been conducted with the Queensland taxi industry and relevant stake holders. A submission by a self-proclaimed 'ride sharing' service has also been taken into consideration during the development of this bill.

Consistency with other Jurisdictions

The bill does not introduce uniform or complementary legislation. It is consistent with existing laws and complements the objects of the *State Penalties Enforcement Act 1999*, the *Transport Operations (Passenger Transport) Act 1994* and the *Transport Operations (Road Use Management) Act 1995*.

Notes on Provisions

Clause 1 Short title

Clause 1 states that if enacted the bill may be sighted as Transport Legislation (Taxi Services) Amendment Act 2015.

Part 2 Amendment of the Transport Operations (Passenger Transport) Act 1994

Clause 2 Act amended

Clause 2 states this part amends the *Transport Operations (Passenger Transport) Act 1994*.

Clause 3 Insertion of new section

Clause 3 provides for the recording of demerit points under the *State Penalties Enforcement Act 1999* when an individual is convicted for operating a taxi service without a taxi licence under section 70 (1) of the *Transport Operations (Passenger Transport) Act 1994*. It also provides for double demerit points for any subsequent offence within a year of committing the previous offence.

Part 3 Amendment of the Transport Operations (Road Use Management) Act 1995

Clause 4 Act amended

Clause 4 states this part amends the *Transport Operations (Road Use Management) Act 1995*.

Clause 5 Amendment of sch 4 (Dictionary)

Clause 5 amends schedule 4 of the *Transport Operations (Road Use Management) Act 1995* by omitting the current definition of traffic history and inserting a new definition as applicable.

Part 4 Amendment of the State Penalties Enforcement Act 1999

Clause 6 Act amended

Clause 6 states this part amends the *State Penalties Enforcement Act 1999*.

Clause 7 Amendment of s 31 (effect of cancellation of infringement notice)

Clause 7 amends the *State Penalties Enforcement Act 1999* to include offences under the *Transport Operations (Passenger Transport) Act 1994*.