

# Personalised Transport Ombudsman Act 2019

Explanatory notes for SL 2019 No. 217

made under the

*Personalised Transport Ombudsman Act 2019*

## General Outline

### Short title

Proclamation commencing provisions of the *Personalised Transport Ombudsman Act 2019*.

### Authorising law

Section 2 of the *Personalised Transport Ombudsman Act 2019* (the PTO Act).

### Policy objectives and the reasons for them

Section 2 of the PTO Act provides for the commencement of provisions of the PTO Act, with certain provisions commencing on a day to be fixed by proclamation.

The PTO Act makes amendments to the operator accreditation (OA) and driver authorisation (DA) framework in the *Transport Operations (Passenger Transport) Act 1994* (TOPTA) and provisions to aid compliance and enforcement.

The policy objective of the Proclamation is to commence provisions of the PTO Act that:

- clarify the public passenger services for which OA and DA are required
- reduce the maximum penalty for failing to hold the proper category of OA or DA, reflecting the less serious nature of these offences
- support the prosecution of existing offences.

### Achievement of policy objectives

The policy objective of the Proclamation is achieved by fixing 8 November 2019 as the commencement date for the following sections of the PTO Act: 117 to 121 and 131(2).

### Consistency with policy objectives of authorising law

The Proclamation is consistent with the policy objectives of the PTO 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**

The Proclamation is the only effective way of commencing the specified provisions of the PTO Act.

## **Benefits and costs of implementation**

The cost of implementing the relevant provisions will be negligible and will be met from existing budget allocations.

## **Consistency with fundamental legislative principles**

The Proclamation is consistent with fundamental legislative principles.

## **Consultation**

In accordance with the *Queensland Government Guide to Better Regulation*, the Department of Transport and Main Roads applied a self-assessable exclusion from undertaking further regulatory impact analysis based on Category G—Proclamations that are required before an Act or sections of an Act can be brought into operation.

As noted above, no stakeholders were consulted about the Proclamation as it is machinery in nature.

Consultation was undertaken as part of the development of the PTO Act. No consultation has occurred on the Proclamation as it is machinery in nature.