

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

ROAD TRANSPORT (PUBLIC PASSENGER SERVICES) BILL 2000

EXPLANATORY MEMORANDUM

**Circulated by authority of the
Minister of Urban Services**

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Outline

The Road Transport (Public Passenger Services) Bill 2000 (the Bill) will allow the Government to enhance the provision of bus transport by introducing accreditation for bus operators. Accreditation requirements will ensure that the industry maintains sound commercial practices, improves service quality and strengthens public safety.

A major component of accreditation by the road transport authority is whether the applicant can demonstrate the capacity to meet the government's standards, which will relate to safety of passengers and the public, and vehicle maintenance.

The Bill allows the Government to enter into contracts to provide regular route services in the ACT. These contracts will be for route services, which pick up and set down passengers in the ACT. Tour and charter services will not be required to sign a contract with the Government but will still be subject to accreditation standards and the regulations.

Explanatory Memorandum

Formal clauses

PART 1 – PRELIMINARY

Clauses 1, 2, 4 and 5 are formal requirements. They refer to the name of the Act, commencement and definitions of terms in the Principal Act. Clauses 1 and 2 commence on the day on which the Act is notified in the Gazette.

Clause 3 sets out the objects of the Act with respect to accreditation of bus operators, the provision of regular route services the provision of safe and reliable public passenger services.

Clause 6 sets out the functions of the road transport authority under the Act. Their role is to administer the accreditation scheme for operators of public passenger services and the service contracts entered into for regular route services.

Clause 7 Defines what is a public passenger service.

PART 2 – BUS SERVICES

Division 2.1 – Basic Concepts

Clause 8 Defines a bus service.

Clause 9 Defines a regular route service.

Clause 10 Defines tourist and charter bus services

Clause 11 Defines a long distance bus service

Division 2.2 - Accreditation of bus service operators

Clause 12 Purpose of accreditation

Accreditation will ensure that those who operate public passenger services are suitable persons who have demonstrated their capacity to comply with relevant and particular standards.

Clause 13 Keeping of register

A register of accredited bus operators to be kept and maintained by the Authority.

Clause 14 Security of information in register

The Authority will be only allowed to release information in the register in accordance with this Act or other laws.

Clause 15 Regulations about accreditation system

The regulations will provide for the kinds of accreditation. This clause allows for a flexible regulatory scheme. The clause establishes a framework so that different types of services may be regulated depending on the type of service for which an operator seeks accreditation.

Clause 16 Accreditation standards

The Minister will approve standards under this Act. Examples of the subject matter of some standards is listed. The intent behind the provision of standards is to ensure that the obligations of operators and drivers are clearly set out and to ensure that vehicles are properly maintained. Outcomes in achieving these standards include the safety of passengers and members of the public.

Division 2.3 – Service contracts for regular route services

Clause 17 Service Contracts

The road transport authority may on behalf of the Territory enter into a contract for the provision of a regular route service.

Division 2.4 – Entitlement to operate certain bus services

Clause 18 Entitlement to operate regular route services

The operator must hold the appropriate accreditation and a service contract.

Clause 19 Entitlement to operate tourist and charter services

The operator must hold the appropriate accreditation.

Clause 20 Unaccredited operators not to operate bus services

Prohibits a person from operating any route, tour or charter bus services within the Territory unless the operator is accredited for that service under the regulations.

Clause 21 Pretending to be accredited

Penalty provision of maximum of 30 penalty units if person pretends to be accredited.

Clause 22 Operators of regular route services to hold service contracts

The road transport authority may make temporary arrangements to operate a regular route service.

Division 2.5 – Regulation of bus services

Clause 23 Determination of maximum fares

The Minister will determine fares or the manner in which fares may be determined.

Clauses 24, 25, 26 and 27

The Regulations may make provision for the purposes of this Act. The regulations are intended to provide a high level of safety for the public and passengers on a bus service. The regulations also provide mechanisms for operators to protect their revenue.

PART 3 - Miscellaneous

Clause 28 Regulations may be made for this Act. The regulations may create offences. The maximum penalty will be 20 penalty units.

Clause 29 The regulations may incorporate documents or publications.

Clause 30 The Minister may exempt a vehicle or person from the Act.

Clause 31 The regulations may exclude or exempt vehicles and people from the Act. An exemption given by the road transport authority may be conditional.

PART 4 - Transitional Provisions

Division 4.1 – General

Clause 32 Sets out definitions for this Part.

Clause 33 Provides a power to make regulations for savings and transitional matters including regulations for carrying out or giving effect to the Act.

Clause 34 Provides a power to make regulations to modify the operation of the transitional Part if not a matter adequately dealt with in this Part.

Clause 35 This division will expire on 1 April 2002.

Division 4.2 – Bus Services under the Motor Omnibus Act.

Clause 36 Permits services under the *Motor Omnibus Act 1955* to continue until 30 June 2001.

Clause 37 Permits any determinations and notifications made under the *Motor Omnibus Act 1955* to continue.

Clause 38 This division will expire on 30 June 2001.

Division 4.3 – Infringement notices under Motor Omnibus Act

Clause 39 Permits an existing infringement under the *Motor Omnibus Act 1955* to continue.

Clause 40 Permits an existing final notice under the *Motor Omnibus Act 1955* to continue.

Clause 41 Permits an application disputing liability under the *Motor Omnibus Act 1955* to continue.

Clause 42 Permits an existing application for an extension of time under the *Motor Omnibus Act 1955* to continue.

Clause 43 Permits a suspension of a concession card under the *Motor Omnibus Act 1955* to continue.

Clause 44 This division will expire on 30 June 2001.

Division 4.4 – Bus operator’s licences

Clause 45 Permits a bus operator’s licence under the *Motor Omnibus Act 1955* to continue until 31 December 2001.

Clause 46 This division will expire on 31 December 2001.

Division 4.5 – Bus service licences

Clause 47 Permits a bus service licence under the *Motor Omnibus Act 1955* to continue.

Clause 48 This division will expire on 30 June 2001.

Division 4.6 - Small buses

Clause 49 Permits a person who operated a registered vehicle built mainly to carry up to 9 adults under the *Motor Omnibus Act 1955* to continue.

Clause 50 This division will expire on 31 December 2002.