

LEGISLATIVE COUNCIL

COMMERCIAL PASSENGER VEHICLE INDUSTRY AMENDMENT (FURTHER REFORMS) BILL 2017

(Amendments and New Clause to be proposed in Committee by Mr DAVIS)

1. Clause 2, line 31, omit "(2), this Act" insert "(3), this Act (except section 22)".
2. Clause 2, after line 32 insert—

"() Section 22 comes into operation on the day after the day on which this Act receives the Royal Assent."
3. Clause 6, line 22, omit "289" and insert "292".
4. Clause 18, page 29, line 32, omit "284" and insert "287".
5. Clause 18, page 30, line 27, omit "284" and insert "287".
6. Clause 18, page 32, line 13, omit "284" and insert "287".
7. Clause 18, page 34, line 2, omit "284" and insert "287".
8. Clause 18, page 41, line 6, omit "284" and insert "287".
9. Clause 18, page 41, line 24, omit "282" and insert "285".
10. Clause 18, page 42, line 18, before "The" insert "(1)".
11. Clause 18, page 42, after line 22 insert—

"(2) In the case of a motor vehicle registered under this Part where the applicant is a member of the Victorian Hire Car Association Inc or its successor in law, the regulator must—

 - (a) record in the register of permission holders the vehicle as a hire car; and
 - (b) give the applicant an appropriate written authority to enable the applicant to be issued hire car plates by the Roads Corporation under the **Road Safety Act 1986** for affixing to that vehicle.

(3) In this section—

hire car plate means a non-standard number plate within the meaning of the **Road Safety Act 1986** issued by the Roads Corporation for affixing to a motor vehicle—

 - (a) registered under that Act (and bearing the registration number assigned to that vehicle under that Act); and

(b) recorded in the register of permission holders as a hire car.

Example

A hire car plate is a non-standard number plate bearing a registration number within the following the ranges: VHA 000 to VHA 999, VHB 000 to VHB 999 and VHC 000 to VHC 999."

12. Clause 18, page 43, line 19, omit "282" and insert "285".

13. Clause 18, page 49, line 9, omit "284" and insert "287".

14. Clause 18, page 51, line 2, omit "284" and insert "287".

15. Clause 18, page 51, line 17, omit "282" and insert "285".

16. Clause 18, page 54, line 8, omit "282" and insert "285".

17. Clause 18, page 56, line 2, omit "284" and insert "287".

18. Clause 18, page 60, line 26, omit "282" and insert "285".

19. Clause 18, page 66, line 25, omit "282" and insert "285".

20. Clause 18, page 70, line 31, omit "282" and insert "285".

21. Clause 18, page 94, line 15, omit "285" and insert "288".

22. Clause 18, page 95, line 32, omit "285" and insert "288".

23. Clause 18, page 131, line 12, omit "284" and insert "287".

24. Clause 18, page 144, line 11, omit "284" and insert "287".

25. Clause 18, page 149, line 10, omit "284" and insert "287".

26. Clause 18, page 153, line 21, omit "288" and insert "291".

27. Clause 18, page 185, after line 6 insert—

"(4) In the case of a permission holder in whose name a motor vehicle is registered under Part 3 and who is a member of the Victorian Hire Car Association Inc or its successor in law, the regulator must record in the register that the vehicle is a hire car."

28. Clause 19, page 202, line 14, omit "288" and insert "291".

29. Clause 19, page 213, line 5, omit "284" and insert "287".

30. Clause 19, page 218, after line 2 insert—

**"Division 4—Unbooked commercial passenger vehicle services
codes of practice**

280 Minister to prepare code of practice

- (1) The Minister must prepare a code practice for the following purposes—
 - (a) to protect older citizens and vulnerable persons from—
 - (i) unfair charging for the provision of unbooked commercial passenger vehicle services; and
 - (ii) unfair practices in relation to the provision of unbooked commercial passenger vehicle services;
 - (b) to regulate fares for the provision of commercial passenger vehicle services.
- (2) A code of practice must specify the classes of persons who are to be older citizens and vulnerable persons for the purposes of subsection (1)(a).
- (3) A code of practice must for the purposes of subsection (1)(b)—
 - (a) set out requirements for the installation, operation and maintenance of fare calculation devices in commercial passenger vehicles used for the provision of unbooked commercial passenger vehicle services; and
 - (b) do any one or more of the following—
 - (i) specify maximum fares that may be charged for the provision of specified unbooked commercial passenger vehicle services;
 - (ii) specify rates to be applied in the calculation of fares for the provision of specified unbooked commercial passenger vehicle services;
 - (iii) specify formulas or methodologies by which rates to be applied in the calculation of fares for the provision of specified unbooked commercial passenger vehicle service can be determined.
- (4) A code of practice may—
 - (a) be of general or limited application;
 - (b) differ according to differences in time, place or circumstance;
 - (c) confer a discretionary authority or impose a duty on a specified person or a person of a specified class.
- (5) In this section—

fare calculation device means a mechanical, electrical or electronic device that records and displays information about fares for the provision of unbooked commercial passenger vehicle services.

281 Public availability of code of practice

- (1) The Minister must cause a code of practice prepared under section 280 to be published on the Department's internet site and to be made available for inspection, free of charge, at the principal office of the Department.
- (2) If a code of practice published under subsection (1) is amended under section 280, the Minister must cause the amended code of practice to be published in accordance with subsection (1).

282 Compliance with code of practice

A person on whom a duty is imposed under a code of practice prepared under section 280 must comply with the duty unless the person has a reasonable excuse.

Penalty: In the case of an individual, 2 penalty units;

In the case of a body corporate, 10 penalty units."

31. Clause 19, page 218, line 3, omit "4" and insert "5".
32. Clause 19, page 218, line 5, omit "280" and insert "283".
33. Clause 19, page 219, line 5, omit "281" and insert "284".
34. Clause 19, page 221, line 10, omit "5" and insert "6".
35. Clause 19, page 221, line 11, omit "282" and insert "285".
36. Clause 19, page 222, line 8, omit "283" and insert "286".
37. Clause 19, page 222, line 28, omit "284" and insert "287".
38. Clause 19, page 225, line 1, omit "285" and insert "288".
39. Clause 19, page 227, line 1, omit "286" and insert "289".
40. Clause 19, page 227, line 15, omit "287" and insert "290".
41. Clause 19, page 227, line 27, omit "288" and insert "291".
42. Clause 19, page 229, line 1, omit "289" and insert "292".
43. Clause 20, page 231, line 1, omit "290" and insert "293".
44. Clause 20, page 235, line 2, omit "289" and insert "292".
45. Clause 20, page 241, omit "section 290" appearing immediately below the heading to proposed new Schedule 3 and insert "section 293".

NEW CLAUSE

46. After clause 21 insert—

"Part 4—Review of transitional assistance package

AA Independent review of transitional assistance package

- (1) The Minister must cause an independent review to be conducted into
 - (a) the administration and fairness of the transitional assistance package; and
 - (b) the impact of the transitional assistance package on—
 - (i) the regulation and safety of the commercial passenger vehicle industry; and
 - (c) participants in the commercial passenger vehicle industry.
- (2) The Minister must cause a copy of the review to be published on the Department's internet site and to be made available for inspection, free of charge, at the principal office of the Department on or before 1 July 2018.
- (3) For the purposes of this section, the *transitional assistance package* comprises—
 - (a) money paid by the State to participants in the commercial passenger vehicle industry to assist them in relation to changes to the law applying to that industry made by the **Commercial Passenger Vehicle Industry Act 2017** and this Act; and
 - (b) grants paid to commercial passenger vehicle industry participants referred to in paragraph (a); and
 - (c) rebate or subsidy schemes established and maintained to support participants referred to in paragraph (a)."