

LEGISLATIVE COUNCIL
TRANSPORT LEGISLATION AMENDMENT BILL 2019

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

1. Clause 1, page 3, line 8, omit "Acts." and insert "Acts; and"
2. Clause 1, page 3, after line 8 insert—
 - "(e) to amend the **Commercial Passenger Vehicle Industry Act 2017** to provide for offences prohibiting—
 - (i) persons from directly approaching other persons and offering them the provision of a commercial passenger vehicle service; and
 - (ii) persons from advertising offers for the provision of commercial passenger services in certain specified cases."
3. Clause 2, line 12, omit "and 155" and insert ", 155 and 195A".
4. Page 140, after line 23, insert the following heading—

"Part 8A—Amendment of Commercial Passenger Vehicle Industry Act 2017".

NEW CLAUSE

5. Insert the following New Clause to follow clause 195 and the heading proposed by amendment number 4—

"195A New sections 267A and 267B inserted

Before section 268 of the **Commercial Passenger Vehicle Industry Act 2017** insert—

"267A Advertising offers for the provision of commercial passenger vehicle services in certain cases prohibited

- (1) A person commits an offence if the person advertises in any way an offer for the provision of a commercial passenger vehicle service and—
 - (a) the motor vehicle to be used for the purpose of providing the commercial passenger vehicle service is not a commercial passenger vehicle; or
 - (b) the person is not an accredited driver.
- (2) A person who commits an offence against subsection (1) is liable to a penalty not exceeding 60 penalty units for an individual or 300 penalty units for a body corporate.

- (3) This section does not apply to a person carrying out an activity set out in section 267B(1)(b).

267B Making offers in a certain way, or displaying offers on one's person, for the provision of commercial passenger vehicle services prohibited

- (1) A person must not—
- (a) directly approach another person and offer the provision of a commercial passenger vehicle service; or
 - (b) display on or about their person, in any way, an offer for the provision of a commercial vehicle passenger service; or
 - (c) offer the provision of a commercial passenger vehicle service through an activity that is prescribed.

Penalty: 60 penalty units.

- (2) Subsection (1)(a) or (c) does not apply to a person who facilitates the provision of a commercial passenger vehicle service to a person at a place designated as a place where a commercial passenger vehicle may pick up passengers for the provision of the commercial passenger vehicle service.
- (3) A person does not commit an offence against subsection (1) in relation to an activity referred to in subsection (1)(a), (b) or (c) if the activity is—
- (a) a prescribed activity; or
 - (b) carried out in the prescribed circumstances."

AMENDMENT OF LONG TITLE

6. Long title, omit "and the **Transport (Compliance and Miscellaneous) Act 1983**" and insert ", the **Transport (Compliance and Miscellaneous) Act 1983** and the **Commercial Passenger Vehicle Industry Act 2017**".