

LEGISLATIVE ASSEMBLY

COMMERCIAL PASSENGER VEHICLE INDUSTRY BILL 2017

(Amendments and New Clauses to be moved by Mr Hodgett)

1. Clause 1, lines 4 to 6, omit all words and expressions on these lines.
2. Clause 1, page 3, line 18, omit "vehicles; and" and insert "vehicles."
3. Clause 1, page 3, lines 19 to 21, omit all words and expressions on these lines.
4. Clause 2, line 23, omit "Part 2,".
5. Clause 2, line 24, omit "3 and Division 4 of Part 4)" and insert "2)".
6. Clause 2, line 27, omit "Part 2,".
7. Clause 2, line 28, omit "3 and Division 4 of Part 4" and insert "2".
8. Clauses 3 to 8, omit these clauses.
9. Part heading preceding clause 9, omit this heading.
10. Clauses 9 to 20, omit these clauses.
11. Clause 21, after line 12 insert—
 - () In section 86(1) of the **Transport (Compliance and Miscellaneous) Act 1983** insert the following definition—

"commercial passenger vehicle service means the carriage of one or more passengers, in a motor vehicle operating as a commercial passenger vehicle, on a journey that begins in Victoria and ends at one or more destinations whether in or outside Victoria;".
12. Clause 34, lines 22 and 23, omit "**Commercial Passenger Vehicle Industry Act 2017**" and insert "**Transport Legislation Amendment (Commercial Passenger Vehicle Industry) Act 2017**".
13. Clause 34, line 28, omit "22" and insert "4".
14. Clause 34, lines 28 and 29, omit "**Commercial Passenger Vehicle Industry Act 2017**" and insert "**Transport Legislation Amendment (Commercial Passenger Vehicle Industry) Act 2017**".
15. Clause 34, page 19, line 5, omit "25" and insert "7".
16. Clause 34, page 19, lines 5 and 6, omit "**Commercial Passenger Vehicle Industry Act 2017**" and insert "**Transport Legislation Amendment (Commercial Passenger Vehicle Industry) Act 2017**".

17. Clause 34, page 19, line 9, omit "27" and insert "9".
18. Clause 34, page 19, lines 10 and 11, omit "**Commercial Passenger Vehicle Industry Act 2017—**" and insert "**Transport Legislation Amendment (Commercial Passenger Vehicle Industry) Act 2017—**".
19. Clause 34, page 20, line 8, omit "35" and insert "17".
20. Clause 34, page 20, lines 9 and 10, omit "**Commercial Passenger Vehicle Industry Act 2017**" and insert "**Transport Legislation Amendment (Commercial Passenger Vehicle Industry) Act 2017**".
21. Clause 34, page 20, line 15, omit "35" and insert "17".
22. Clause 34, page 20, lines 16 and 17, omit "**Commercial Passenger Vehicle Industry Act 2017,**" and insert "**Transport Legislation Amendment (Commercial Passenger Vehicle Industry) Act 2017,**".
23. Clause 35, lines 26 to 28, omit "same meaning as in the **Commercial Passenger Vehicle Industry Act 2017**" and insert "the meaning given by section 2AA".
24. Division heading preceding clause 51, omit this heading.
25. Clauses 51 and 52, omit these clauses.
26. Clause 64, lines 2 to 8, omit all words and expressions on these lines.
27. Clause 64, lines 13 to 17, omit all words and expressions on these lines.
28. Division heading preceding clause 69, omit this heading.
29. Clause 69, omit this clause.
30. Division heading preceding clause 75, omit this heading.
31. Clauses 75 to 79, omit these clauses.
32. Division heading preceding clause 80, omit this heading.
33. Clause 80, omit this clause.
34. Page 42, after line 16 insert the following heading—

"Part 4—Repeal of amending Act".

NEW CLAUSES

35. Insert the following New Clause to follow clause 35—

'A New section 2AA inserted

After section 2 of the **Transport (Compliance and Miscellaneous) Act 1983** insert—

"2AA Meaning of *booking service*

- (1) For the purposes of this Act, a person provides a ***booking service*** if the person carries on the business of—
 - (a) receiving requests for persons to be provided with commercial passenger vehicle services; and
 - (b) arranging or facilitating the acceptance of those requests by or on behalf of drivers of commercial passenger vehicles.
- (2) In determining whether a person (the ***service provider***) provides a ***booking service***, it does not matter—
 - (a) whether or not the commercial passenger vehicle service is provided by the driver as an agent or employee of the service provider; or
 - (b) whether the agreement or arrangement in accordance with which the commercial passenger vehicle service is provided is between—
 - (i) the driver and the passenger; or
 - (ii) the service provider and either the driver or the passenger; or
 - (iii) any other persons; or
 - (c) whether the reward or hiring fee for the commercial passenger vehicle service is paid to the driver by—
 - (i) the service provider; or
 - (ii) the passenger; or
 - (iii) any other person; or
 - (d) whether or not an act referred to in subsection (1)(a) or (b) involves the use of a wholly or partly automated electronic system; or
 - (e) whether or not the service provider is located outside Victoria; or
 - (f) whether or not the service provider also receives requests for persons to be carried as passengers outside Victoria.
- (3) A person who owns, operates or controls a wholly or partly automated electronic system that performs the acts referred to in subsection (1)(a) and (b) is taken to provide a ***booking service***.
- (4) A person prescribed for the purposes of this subsection is taken to provide a ***booking service***.

(5) A person prescribed for the purposes of this subsection is taken not to provide a *booking service* despite anything to the contrary in the other provisions of this section.

(6) In this section, *commercial passenger vehicle* and *commercial passenger vehicle services* have the same meanings as they have in Part VI."!

36. Insert the following New Clause to follow clause 80 and the Part heading proposed by amendment number 34—

"B Repeal of amending Act

This Act is **repealed** on 30 June 2019.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).".

AMENDMENTS TO LONG TITLE

37. Long title, omit "to impose a levy on the provision of commercial passenger vehicle services,".
38. Long title, omit "**2009**," and insert "**2009** and".
39. Long title, omit "and the **Taxation Administration Act 1997**" and insert "in relation to the commercial passenger vehicle industry".

AMENDMENT OF SHORT TITLE

40. Short title, omit "**Commercial Passenger Vehicle Industry**" and insert "**Transport Legislation Amendment (Commercial Passenger Vehicle Industry)**".