

LEGISLATIVE COUNCIL

COMMERCIAL PASSENGER VEHICLE INDUSTRY AMENDMENT (FURTHER REFORMS) BILL 2017

(Amendments to be proposed in Committee by Ms PATTEN)

1. Clause 1, page 2, line 29, omit "(a)." and insert "(a) (subject to a scheme applying to certain unbooked commercial passenger vehicle services).".
2. Clause 7, page 14, line 2, omit "vehicle," and insert "vehicle service,".
3. Clause 7, page 17, after line 14 insert—
() In section 5(2)(c) of the **Commercial Passenger Vehicle Industry Act 2017**, for "reward or hiring fee" **substitute** "fare or other consideration".
4. Clause 18, page 90, after line 25 insert—

"Division 1A—Protections for unbooked commercial passenger vehicle services

110A Definitions

In this Division—

applicable unbooked service means an unbooked commercial passenger vehicle service in respect of carriage on a journey that begins in—

- (a) the Melbourne Metropolitan Zone; or
- (b) the Urban and Large Regional Zone;

Melbourne Metropolitan Zone means the Melbourne Metropolitan Zone established under section 143B(1)(a) of the **Transport (Compliance and Miscellaneous) Act 1983** (as in force immediately before the commencement of item 10.7 of Schedule 1 to the **Commercial Passenger Vehicle Industry Amendment (Further Reforms) Act 2017**;

Urban and Large Regional Zone means the Urban and Large Regional Zone established under section 143B(1)(b) of the **Transport (Compliance and Miscellaneous) Act 1983** (as in force immediately before the commencement of item 10.7 of Schedule 1 to the **Commercial Passenger Vehicle Industry Amendment (Further Reforms) Act 2017**.

110B Application of Essential Services Commission Act 2001

- (1) For the purposes of the **Essential Services Commission Act 2001**—
 - (a) this Division is relevant legislation; and

- (b) the commercial passenger vehicle industry is a regulated industry in relation to applicable unbooked services.
- (2) If there is any inconsistency between this Division and a provision of the **Essential Services Commission Act 2001**, the provision of this Division prevails.

110C Objective of the ESC

The objective of the ESC in relation to the commercial passenger vehicle industry is to promote the efficient provision and use of applicable unbooked services.

110D Powers in relation to fares regulation

For the purposes of Part 3 of the **Essential Services Commission Act 2001**—

- (a) applicable unbooked services are prescribed services; and
- (b) the maximum charges for the services covered by paragraph (a) are prescribed prices.

110E Price determinations

Without limiting section 33(5) of the **Essential Services Commission Act 2001**, the manner in which the ESC may regulate prescribed prices includes determining different prices according to—

- (a) the time of day at which, or day of the week or kind of day on which, an applicable unbooked service is provided;
- (b) the speed at which the commercial passenger vehicle used in the provision of the applicable unbooked service is travelling;
- (c) the distance travelled by the commercial passenger vehicle used in the provision of the applicable unbooked service;
- (d) the type of commercial passenger vehicle used in the provision of the applicable unbooked service;
- (e) the occupancy of the commercial passenger vehicle used in the provision of the applicable unbooked service, including where there is more than one passenger;
- (f) where a journey in respect of which the applicable unbooked service is provided begins or ends;
- (g) the prevailing economic conditions, including the price of fuel and the consumer price index;
- (h) any other matter the ESC considers to be relevant.

110F Exercise of regulatory functions

- (1) The ESC must make a determination under this Division of the maximum charges for applicable unbooked services before the first anniversary of the day on which this section comes into operation.

- (2) The ESC must complete a review of a price determination no later than 2 years after it is made.

110G Offence to charge or ask for a fare for an unbooked service in excess of the maximum fare

A person who drives a commercial passenger vehicle for the purpose of providing an applicable unbooked service must not charge or ask for a fare for the service that is in excess of the fare or hiring rates permitted by a determination of the ESC under this Division.

Penalty: 60 penalty units."

5. Clause 20, page 253, line 12, omit "169(1)" and insert "169I(1)".

6. Clause 20, page 266, after line 19 insert—

"47A Price determination

- (1) This clause applies to the determination that was—
 - (a) made under Division 5A of Part VI of the old Act; and
 - (b) in force immediately before the commencement day.
- (2) On the commencement day, the determination as modified by subclause (3) is taken to be a determination under Division 1A of Part 6.
- (3) For the purposes of subclause (2), the determination is modified as follows—
 - (a) a determination of a price that is expressed to relate to Urban and Large Regional Zone taxi licences is taken to be a determination of a price for an applicable unbooked service in respect of a journey that begins in the Urban and Large Regional Zone;
 - (b) a determination of a price that is expressed to relate to metropolitan zone taxi licences is taken to be a determination of a price for an applicable unbooked service in respect of a journey that begins in the Melbourne Metropolitan Zone.
- (4) Nothing in this clause affects the ESC's obligation, under section 110F(1), to make a determination under Division 1A of Part 6 in the time specified in that section.
- (5) In this clause—

applicable unbooked service has the meaning given by section 110A;
Melbourne Metropolitan Zone has the meaning given by section 110A;
Urban and Large Regional Zone has the meaning given by section 110A."

AMENDMENT OF SCHEDULE

7. Schedule 1, item 4, line 27, omit all words and expressions on this line and insert—

'(b) in paragraph (fb), for "taxi industry" **substitute** "commercial passenger vehicle industry in relation to applicable unbooked services within the meaning of Division 1A of Part 6 of the **Commercial Passenger Vehicle Industry Act 2017**".'

8. Schedule 1, item 11, page 280, line 27, omit "115," and insert "115A,".