

**TRANSPORT (ROAD PASSENGER SERVICES) BILL 2018**

*Committee*

The Deputy Chair of Committees (Hon Adele Farina) in the chair; Hon Stephen Dawson (Minister for Environment) in charge of the bill.

**Clause 1: Short title —**

**Hon SIMON O'BRIEN:** I am loath to say that I have on the supplementary notice paper an amendment to clause 244, because we will probably have forgotten that by the time we get to it. It is not the intention of the opposition to hold up the passage of this bill, but in connection with clause 1, it is customary to range over any general concerns, and I cannot think of a better place to ask this question than under clause 1. At several places in the second reading speech, reference is made to a voluntary buyback scheme. What is voluntary about it?

**Hon STEPHEN DAWSON:** I thank Hon Simon O'Brien for the question. I am told that the plate owner will decide whether to participate in the buyback scheme. If the vehicle to which the plate is attached at the time of transition is not subject to a taxi vehicle authorisation made under this bill, it will cease to be authorised for any hire and reward work.

**Hon SIMON O'BRIEN:** That does not sound very voluntary to me. It says that if they want some money, we will give it to them, but either way they are not having plates anymore. There is no option in fact.

**Hon STEPHEN DAWSON:** The option is to participate in the buyback, if they decide to participate in it. If they choose not to, obviously as I said, the vehicle to which the plate is attached at the time of transition is not subject to a taxi vehicle authorisation made under this bill, so it will cease to be authorised for any hire and reward work.

**Clause put and passed.**

**Clauses 2 to 5 put and passed.**

**Clause 6: Regular passenger transport service —**

**Hon SIMON O'BRIEN:** Clause 6(1) is a description of what sort of service is a regular passenger transport service, which is fairly recognisable. It is a scheduled bus or train service that operates at preordained times according to a timetable over a set route. But then it also holds out the possibility of adding to that definition —

(b) a service or other thing that the regulations provide is a regular passenger transport service.

I would have thought that a regular passenger transport service is easily enough defined. What would the minister anticipate might need to be included via regulation; and, if he can conceive of anything, why do we not put it in the bill?

**Hon STEPHEN DAWSON:** I am advised that at this stage it is not proposed to make any regulations pursuant to clause 6. The passenger transport industry is innovative, as we know, and rapidly evolving, and with this comes the need for the government and future governments to quickly and effectively respond to changes in the industry. The regulation-making powers in this clause will assist in this regard. Essentially, it is futureproofing the legislation. As the member knows, bills often take one to two years to be drafted and enacted, so the ability to make regulations for certain matters will ensure that the regime is flexible and can be efficiently changed if needed. Both this government and the previous government have been hampered by existing laws, and when new industry participants entered the market, there was no flexibility in the legislative regime for their effective regulation. This lack of flexibility contributed essentially to the current situation that we find ourselves in whereby the key players in the industry are not regulated on a level playing field with their competitors. The flexibility offered by the regulation-making powers in this clause is important to ensure that this kind of situation does not arise again in the future. It will enable governments to move quickly with regulations to ensure that those intended to be regulated are, in fact, captured, and to put beyond doubt the status of services that were not intended to be captured.

**Hon SIMON O'BRIEN:** Thanks for that. That sounds reasonable. Even though it might be difficult to contemplate hypothetically what sort of regular passenger transport service might apply in due course, we similarly probably did not conceive of an Uber-type thing 10 years ago. That is fine.

I have another question on this clause. If we were asked to identify and give an example of a regular passenger transport service, we could say Public Transport Authority buses and trains; some private bus lines' regular services between set destinations, as long as they fit the description here; Transwa services; and the like. What about PTA ferry services?

**Hon STEPHEN DAWSON:** The bill applies only to motor vehicles, so ferries are not captured by it.

**Hon SIMON O'BRIEN:** The minister has just dealt with my next question, so moving beyond the next question to the next, next question, how would boat-based passenger transport services be regulated in the future? Could we not conceivably see a similar regime being needed to apply to those?

**Hon STEPHEN DAWSON:** I am told that commercial vessel services are regulated by the commonwealth government.

**Hon SIMON O'BRIEN:** Is the minister saying that the South Perth ferry is regulated by the commonwealth government?

**Hon STEPHEN DAWSON:** We will have to check on the specific issue for Hon Simon O'Brien, but certainly the commonwealth has the powers. It has legislated that commercial vessel services belong to its remit, but in terms of the ferry, we will check that and provide the member with a response tomorrow.

**Hon SIMON O'BRIEN:** I thank the minister for that. That is quite acceptable, because these things are not within the ambit of the bill. Madam Deputy Chair, I appreciate that you will probably want to report progress in a moment, so perhaps we will come back to this tomorrow. I look forward to the minister's advice, because it is not only the South Perth ferry. What about Swan River ferries and ferries that go outside the Swan River onto another river or a lake elsewhere in the state? It might be interesting to find out how they are regulated, particularly if they are state owned, of course.

**Progress reported and leave granted to sit again, pursuant to standing orders.**