

South Australia

Passenger Transport (Point to Point Transport Services) Amendment Act 2025

An Act to amend the *Passenger Transport Act 1994*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Passenger Transport (Point to Point Transport Services) Amendment Act 2025*.

2—Commencement

- (1) This Act comes into operation on a day to be fixed by proclamation.
- (2) Section 27(6) of the *Legislation Interpretation Act 2021* does not apply to this Act.

Part 2—Amendment of *Passenger Transport Act 1994*

3—Amendment of section 3—Objects

- (1) Section 3(b)—delete paragraph (b) and substitute:
 - (b) to provide for accreditations and vehicle approvals in order to encourage and facilitate compliance with industry standards for passenger transport within the State; and
- (2) Section 3(c)—delete "taxi-cabs" and substitute:

taxis
- (3) Section 3(d)—delete "by the public sector"

4—Amendment of section 4—Interpretation

- (1) Section 4(1), definitions of *centralised booking service*, *chauffeured vehicle service* and *designated taxi-stand*—delete the definitions and substitute:

authorised officer—see section 53;

booking service means a service where—

 - (a) requests for point to point transport services are made by members of the public; and
 - (b) the requests are assigned to drivers or vehicles; and
-

- (c) any other requirements prescribed by the regulations for the purposes of this definition are met;
- (2) Section 4(1), definitions of *Metropolitan Adelaide* and *motor vehicle*—delete the definitions and substitute:
- general passenger transport service* means a passenger transport service other than a point to point transport service;
- Metropolitan Point to Point Passenger Service Area* means the area determined by the Minister by notice in the Gazette for the purposes of this definition;
- Metropolitan Regular Passenger Service Area* means the area determined by the Minister by notice in the Gazette for the purposes of this definition;
- motor vehicle* means a vehicle built to be propelled by a motor that forms part of the vehicle, but does not include any vehicle of a class excluded by the regulations from the ambit of this definition;
- (3) Section 4(1), definition of *point to point transport service*—delete the definition and substitute:
- point to point transport service* means a passenger transport service, or class of passenger transport service, (not being a regular passenger service) where the pickup location and the destination are determined by the passenger and the service is requested for a time that is initiated by the passenger, but does not include a service, or class of service, exempted by the Minister by notice in the Gazette under section 5(2);
- (4) Section 4(1)—after the definition of *public passenger vehicle* insert:
- public passenger vehicle authorisation* means an authorisation under section 35B;
- (5) Section 4(1), definition of *relevant interest*—delete the definition
- (6) Section 4(1), definition of *Standards Committee*—delete the definition
- (7) Section 4(1), definition of *taxi-meter*—delete the definition and substitute:
- taxi-meter* means an instrument or device of a kind prescribed by the regulations for the purposes of this definition;
- (8) Section 4(1)—after the definition of *taxi service* insert:
- taxi zone* has the same meaning as in the *Australian Road Rules*;
- (9) Section 4(1), definition of *temporary licence*—delete the definition

5—Amendment of section 5—Application of Act

- (1) Section 5(2)—after "The Minister may," insert:
- by instrument in writing or
- (2) Section 5(4)—after "by further" insert:
- instrument in writing or

6—Amendment of section 20—Functions of Minister under Act

- (1) Section 20(1)(e)—delete "the operators of passenger transport services, to accredit drivers of public passenger vehicles" and substitute:

passenger transport drivers, booking service providers and general passenger transport service providers
- (2) Section 20(1)(g)—after "to" insert:

authorise the use of vehicles as public passenger vehicles and to otherwise

7—Amendment of section 22—Powers of Minister

Section 22(6)—delete "taxi-stand under this Act" and substitute:
taxi zone

8—Amendment of section 24A—Annual report

Section 24A(2)(d)—delete paragraph (d)

9—Amendment of heading to Part 4

Heading to Part 4—delete "Accreditation" and substitute:
Accreditations and authorisations

10—Substitution of Part 4 Divisions 1, 2 and 3

Part 4 Divisions 1, 2 and 3—delete the Divisions and substitute:

Division 1—Accreditations

27—Minister may grant accreditation to booking service providers

- (1) The Minister may grant a booking service accreditation to a person who provides a booking service.
- (2) The purpose of an accreditation under this section is—
 - (a) to attest—
 - (i) that the accredited person (or, in the case of an accredited body corporate, each director, manager or other person who is in a position to control or influence substantially the affairs of the body corporate) is considered to be of good repute and in all other respects fit and proper to be a booking service provider; and
 - (ii) that the booking service provider complies with the prescribed standards relating to—
 - (A) operational practices and procedures; and
 - (B) service to users; and
 - (C) equipment; and

- (D) the safety of passengers and the public; and
- (E) any other matter prescribed by the regulations; and
- (b) to provide a scheme to facilitate the observance of various standards by booking service providers; and
- (c) to provide for any other matter prescribed by the regulations for the purposes of this section.
- (3) Standards for the purposes of subsection (2)—
 - (a) may be prescribed by the regulations; or
 - (b) to the extent that they are not so prescribed, may be determined by the Minister.
- (4) The Minister must ensure that a standard determined by the Minister under subsection (3)(b) is widely published and made reasonably available to interested persons.
- (5) An accreditation must specify the services or kinds of services in respect of which the accreditation is granted.

28—Minister may grant accreditation to general passenger transport service providers

- (1) The Minister may grant a general passenger transport service accreditation to a person who provides a general passenger transport service.
- (2) The purpose of an accreditation under this section is—
 - (a) to attest—
 - (i) that the accredited person (or, in the case of an accredited body corporate, each director, manager or other person who is in a position to control or influence substantially the affairs of the body corporate) is considered to be of good repute and in all other respects fit and proper to be responsible for the operation of the passenger transport service to which the accreditation relates; and
 - (ii) that the accredited person is considered to have the capacity to meet prescribed standards relating to—
 - (A) the ability to provide passenger transport services; and
 - (B) safety of passengers and the public; and
 - (C) service to passengers; and
 - (D) vehicles and equipment (including their design, service, maintenance and condition); and

- (E) any other matter prescribed by the regulations,
to the degree and in the manner required in respect of services of the kind specified in the accreditation; and
 - (b) to provide a scheme to facilitate—
 - (i) the provision of an efficient and effective network of passenger transport services within the State; and
 - (ii) the observance of appropriate standards by the operators of passenger transport services; and
 - (c) to provide for any other matter prescribed by the regulations for the purposes of this section.
- (3) Standards for the purposes of subsection (2)—
- (a) may be prescribed by the regulations; or
 - (b) to the extent that they are not so prescribed, may be determined by the Minister.
- (4) The Minister must ensure that a standard determined by the Minister under subsection (3)(b) is widely published and made reasonably available to interested persons.
- (5) An accreditation must specify the services or kinds of services in respect of which the accreditation is granted.

29—Minister may grant accreditation to passenger transport drivers

- (1) The Minister may grant a passenger transport driver accreditation to a person.
- (2) The purpose of an accreditation under this section is—
 - (a) to attest—
 - (i) that the accredited person is considered to be of good repute and in all other respects a fit and proper person to be the driver of the public passenger vehicle or vehicles to which the accreditation relates; and
 - (ii) that the accredited person is considered to have sufficient responsibility, skills and aptitude to drive the vehicle or vehicles to which the accreditation relates—
 - (A) in accordance with the conditions under which a passenger transport service is operated; and
 - (B) in accordance with law; and

- (b) to provide a scheme to facilitate the observance of appropriate standards by the drivers of public passenger vehicles; and
 - (c) to provide for any other matter prescribed by the regulations for the purposes of this section.
- (3) An accreditation must specify the kind or kinds of vehicles and services for which it is appropriate.
- (4) Without limiting section 36, a passenger transport driver accreditation will be taken to be suspended for any period during which the accredited person's driver's licence is suspended.

Division 2—Offences relating to accreditations

29A—Booking service providers

A person must not provide a booking service unless the person holds a booking service provider accreditation granted by the Minister under section 27 that applies in respect of the booking service provided.

Maximum penalty: \$50 000.

29B—General passenger transport service providers

A person must not provide a general passenger transport service unless the person holds a general passenger transport service provider accreditation granted by the Minister under section 28 that applies in respect of the general passenger transport service provided.

Maximum penalty: \$50 000.

29C—Drivers

A person must not drive a public passenger vehicle for the purposes of a passenger transport service unless the person holds a passenger transport driver accreditation granted by the Minister under section 29 that applies in respect of the passenger transport service provided.

Maximum penalty: \$35 000.

29D—Passenger transport service must be linked to booking service or general passenger transport service

- (1) A person must not drive a public passenger vehicle for the purposes of a passenger transport service unless the person—
 - (a) in the case of a point to point transport service—
 - (i) is an accredited booking service provider; or
 - (ii) is acting as an employee or agent of such a booking service provider; or

- (iii) otherwise has a contractual arrangement with such a booking service provider in relation to the provision of passenger transport services by the person; or
- (b) in any other case—
 - (i) is an accredited general passenger transport service provider; or
 - (ii) is acting as an employee or agent of such a general passenger transport service provider; or
 - (iii) otherwise has a contractual arrangement with such a general passenger transport service provider in relation to the provision of passenger transport services by the person.

Maximum penalty: \$35 000.

Note—

The requirements under this section apply to a driver in addition to the requirements under section 29C.

- (2) The accredited booking service provider that is, or is linked to, a point to point transport service in accordance with subsection (1)(a)(i), (ii) or (iii) must keep records of each point to point transport service journey in accordance with the regulations.

Maximum penalty: \$35 000.

- (3) This section doesn't apply in relation to—
 - (a) a regular passenger service; or
 - (b) a passenger transport service, or passenger transport service of a class, prescribed by the regulations.

11—Amendment of section 30—Procedure

Section 30(4)(c)—after "any" insert:

review and

12—Amendment of section 31—Conditions

- (1) Section 31(2)(f)—delete "public transport vehicles" and substitute:
vehicles used for a passenger transport service
- (2) Section 31(3)—after "subject" insert:
(other than a condition applying under subsection (6a))
- (3) Section 31(4)—after "is subject" insert:
(other than a condition applying under subsection (6a))

(4) Section 31—after subsection (6) insert:

- (6a) A booking service accreditation under section 27 is subject to the following conditions (which apply in addition to any other conditions imposed on the accreditation under this section):
- (a) a condition that the accredited person uses, in accordance with any directions of the Minister, information sharing systems or other technological systems specified by the Minister by notice in writing to the accredited person or by notice in the Gazette;
 - (b) a condition that the accredited person must not divulge or use information obtained through the use of any such system in any manner without the authorisation of the Minister.

13—Amendment of section 32—Duration and categories of accreditation

Section 32(4)—after "class" (wherever occurring) insert:

or form

14—Insertion of section 32A

After section 32 insert:

32A—Automatic cancellation of accreditation in certain circumstances

If an accredited person—

- (a) no longer meets any prescribed requirements of the accreditation; or
- (b) has committed—
 - (i) an offence against section 44K or section 44O; or
 - (ii) an offence of a kind prescribed by the regulations; or
- (c) has engaged in conduct of a kind prescribed by the regulations,

the person's accreditation will be taken to be cancelled by force of this section.

15—Amendment of section 34—Renewals

Section 34(3)—delete subsection (3)

16—Amendment of section 35—Related matters

Section 35(1)—delete "The holder of an accreditation" and substitute:

An accredited person

17—Insertion of Part 4 Division 4A

After section 35 insert:

Division 4A—Public passenger vehicle authorisations

35A—Preliminary

(1) This Division applies to a vehicle that is, or is to be, used as a public passenger vehicle.

(2) In this Division—

operator, in relation to a vehicle to which this Division applies, means the person who operates, or is to operate, the passenger transport service for which the vehicle is, or is to be, used;

passenger transport fleet standards means standards determined by the Minister under section 35B(4);

passenger transport vehicle standards means standards determined by the Minister under section 35B(2);

relevant person, for a vehicle to which this Division applies, means—

- (a) if the vehicle is, or is to be, used to provide a point to point transport service—the registered owner;
- (b) in any other case—the operator.

35B—Minister may grant authorisation

(1) The Minister may, on application by the relevant person for a vehicle to which this Division applies, grant a public passenger vehicle authorisation in respect of the vehicle to attest that it complies with the passenger transport vehicle standards (and the applicant will be taken to be the holder of the authorisation for the purposes of this Act).

(2) The Minister may determine and publish standards for the purposes of subsection (1) including, to avoid doubt, standards requiring that vehicles, or vehicles of a prescribed class—

- (a) bear any prescribed markings or colours; or
- (b) be fitted with a camera or any other equipment; or
- (c) satisfy any other requirement relating to vehicle reliability, safety, security or comfort.

(3) If a vehicle is part of a fleet of vehicles that are to be used as public passenger vehicles, the Minister may refuse to grant, or may cancel, a public passenger vehicle authorisation in respect of the vehicle if the Minister is not satisfied that the vehicle complies with the passenger transport fleet standards.

- (4) The Minister may determine and publish fleet standards for the purposes of subsection (3) including, to avoid doubt, standards requiring that a fleet of public passenger vehicles consist of or include vehicles of a specified class, or provide services of a specified kind.
- (5) For the avoidance of doubt, requirements applying to a vehicle under the passenger transport fleet standards apply in addition to any requirements applying under the passenger transport vehicle standards.
- (6) The Minister may refuse to grant, or may cancel, a public passenger vehicle authorisation in respect of a vehicle—
 - (a) if the Minister is not satisfied that the relevant person for the vehicle is a fit and proper person to use or permit the use of a public passenger vehicle; or
 - (b) in circumstances prescribed by the regulations.
- (7) A person must not use, or permit the use of, a vehicle as a public passenger vehicle unless a public passenger vehicle authorisation that applies in respect of the vehicle is in force under this section.
Maximum penalty: \$35 000.
- (8) Subject to this Act, a public passenger vehicle authorisation continues in force (unless sooner revoked or surrendered) for a period prescribed by the regulations or determined by the Minister and specified in the instrument of authorisation.

35C—Procedure

- (1) An application for a public passenger vehicle authorisation must be made to the Minister in a manner and form determined by the Minister.
- (2) The Minister may require an applicant for an authorisation—
 - (a) to furnish further information specified by the Minister; or
 - (b) to verify, by statutory declaration, information furnished for the purposes of the application.
- (3) An applicant for an authorisation must meet any requirement, standard, criteria, qualification or condition set out in the regulations and must satisfy the Minister as to any matter the Minister considers relevant.
- (4) If the Minister refuses an application, the Minister must notify the applicant in writing of—
 - (a) the refusal; and
 - (b) the reasons for the refusal; and
 - (c) any review and appeal rights that the applicant may have under this Act.

- (5) The prescribed fee is payable to the Minister in respect of an application for authorisation.

35D—Automatic suspension or cancellation of authorisation in certain circumstances

- (1) If the relevant person for a vehicle to which this Division applies—
- (a) no longer meets any prescribed requirements; or
 - (b) has committed—
 - (i) an offence against section 44K or section 44O; or
 - (ii) an offence of a kind prescribed by the regulations; or
 - (c) has engaged in conduct of a kind prescribed by the regulations,

any public passenger vehicle authorisation held by the person will be taken to be cancelled by force of this section.

- (2) A public passenger vehicle authorisation granted under this Division is taken to be suspended for any period during which the vehicle does not have a current certificate under section 35E.

35E—Inspections

- (1) The relevant person for a vehicle to which this Division applies must cause that vehicle to be inspected by an approved vehicle inspector at least once within each prescribed period or as the Minister may direct in a particular case.
- (2) Subject to this section, an approved vehicle inspector must, after inspection of a vehicle and on payment of the relevant fee, issue a certificate of inspection in the manner and form determined by the Minister in respect of that vehicle and, subject to this Act, that certificate remains in force until the expiration of the next period, specified in the certificate, within which the vehicle must be again inspected.
- (3) Subject to subsection (5), an approved vehicle inspector must not issue a certificate of inspection unless satisfied, to such extent as may be reasonable in the circumstances—
- (a) that the vehicle does not have a mechanical defect or inadequacy that may render the vehicle unsafe; and
 - (b) that the vehicle provides reasonable comfort to passengers; and
 - (c) that the interior or exterior of the vehicle is reasonably clean and in good order or appearance; and
 - (d) that there is not a deficiency in a sign, meter or other equipment required to be fitted to the vehicle under this Act; and

- (e) that the vehicle complies with prescribed requirements or standards relating to its safety, design, service, maintenance or condition,
- (and for the purposes of this subsection the inspector may rely on evidence of a prescribed kind).
- (4) Subject to subsection (5), an approved vehicle inspector may refuse a certificate of inspection where, in the inspector's opinion, the vehicle has not, since a certificate was last issued, been maintained in accordance with a prescribed scheme of maintenance that applies to the vehicle.
- (5) An approved vehicle inspector may, instead of taking action under subsection (3) or (4), require that the vehicle be repaired or altered, or that other specified action be taken to rectify the vehicle, and then be resubmitted for inspection within a stated period and, pending that resubmission, may issue a temporary certificate.
- (6) If a vehicle is not resubmitted in accordance with a requirement under subsection (5) or, on inspection, a vehicle that is subject to a requirement under subsection (5) is found to be unsatisfactory, the temporary certificate is, by force of this provision, revoked.
- (7) An approved vehicle inspector may, when issuing a certificate under this section, attach such conditions to the certificate as they think fit.
- (8) An authorised officer who is authorised by the Minister to exercise the powers under this subsection may at any time, by notice given to the relevant person for a vehicle to which this Division applies, direct that the vehicle be presented for inspection under this section at such place and time as is specified in the notice.
- (9) The Minister may cancel a certificate if satisfied—
- (a) that the vehicle to which the certificate relates does not comply with any standard or other requirement that applies under subsection (3); or
 - (b) that since the certificate was issued, there has been a failure to maintain the vehicle in accordance with a prescribed scheme of maintenance that applies to the vehicle; or
 - (c) that a condition of the certificate has been contravened or has not been complied with; or
 - (d) that a person has failed to comply with a notice given under subsection (8).
- (10) If a vehicle to which this Division applies is used as a public passenger vehicle and the vehicle is not the subject of a current certificate under this section, the driver of the vehicle and the relevant person for the vehicle are each guilty of an offence.
Maximum penalty: \$35 000.
- (11) A person who, without reasonable excuse—
- (a) fails to comply with subsection (1); or

- (b) contravenes or fails to comply with a condition under subsection (7); or
- (c) fails to comply with a notice under subsection (8),

is guilty of an offence.

Maximum penalty: \$35 000.

- (12) An authorised officer or a member of the police force may require the driver of a vehicle used as a public passenger vehicle to stop the vehicle for the purpose of permitting that officer or member of the police force to inspect evidence of the certificate of inspection required under this section.
- (13) The Minister may, for the purposes of this section—
 - (a) establish a scheme for the accreditation of persons as approved vehicle inspectors;
 - (b) establish a code of practice to be observed by approved vehicle inspectors;
 - (c) revoke a person's accreditation as an approved vehicle inspector in prescribed circumstances.
- (14) A person who contravenes a code of practice established under subsection (13) is guilty of an offence.
Maximum penalty: \$35 000.
- (15) The Minister may recognise a certificate of inspection issued in respect of a vehicle under the law of another State or a Territory if the Minister is satisfied that the issuing body observes standards of safety comparable to those required under this Act or that it is otherwise appropriate to recognise the certificate for the purpose of this section.
- (16) A certificate of inspection recognised by the Minister under subsection (15) will be taken to be a certificate issued under this section.
- (17) A person who, as an approved vehicle inspector or authorised officer, performs an act in pursuance or purported pursuance of this section or omits to exercise a power conferred under this section, incurs no civil or criminal liability in respect of that act or omission if the person acted, or omitted to act, in good faith and with reasonable care.
- (18) In this section—

approved vehicle inspector means

 - (a) a person who is approved by the Minister as an approved vehicle inspector for the purposes of this section; or
 - (b) an authorised officer who is approved by the Minister to act as an approved vehicle inspector for the purposes of this section;

prescribed requirements or standards means requirements or standards determined and published by the Minister;

relevant fee means—

- (a) in relation to an inspection carried out by an approved vehicle inspector who is an authorised officer—the prescribed fee;
- (b) in any other case—a fee determined by agreement between the relevant person for the vehicle and the approved vehicle inspector.

35F—Requirements and standards

If the Minister determines any—

- (a) passenger transport vehicle standards or passenger transport fleet standards; or
- (b) prescribed requirements or standards for the purposes of section 35E,

the Minister must ensure that they are widely published and made reasonably available to interested persons.

18—Repeal of section 35A

Section 35A—delete the section

Note—

This relates to section 35A as in force before the commencement of section 17 of this Act

19—Amendment of section 36—Disciplinary powers

- (1) Section 36—delete "Standards Committee" wherever occurring and substitute in each case:

Minister

- (2) Section 36(1)—after "accredited person" insert:

, or the holder of a public passenger vehicle authorisation,

- (3) Section 36(1a)—delete "its" and substitute:

their

- (4) Section 36(2)(b), (c) and (d)—delete paragraphs (b), (c) and (d) and substitute:

(b) the respondent holds an accreditation under section 27 and has—

- (i) in the course of acting as a booking service provider, acted negligently or fraudulently; or
- (ii) failed to meet any standard that relates to the accreditation; or

(c) the respondent holds an accreditation under section 28 and has—

- (i) in the course of acting as a general passenger transport service provider, acted negligently or fraudulently; or

- (ii) failed to meet any standard that relates to the accreditation;
or
 - (d) the respondent holds an accreditation under section 29 and has ceased to have sufficient responsibility or aptitude to drive a vehicle to which the accreditation relates; or
- (5) Section 36(2)(e)—after "the respondent" insert:
is an accredited person and
- (6) Section 36(2)—after paragraph (e) insert:
or
 - (f) the respondent is the holder of a public passenger vehicle authorisation and—
 - (i) obtained the authorisation improperly; or
 - (ii) has ceased to be a person of good repute, or in any other respect has ceased to be a fit and proper person to hold the authorisation or, in the case of a body corporate, a person who has gained or is in a position to control or influence substantially the affairs of the respondent is not, or has ceased to be, a person of good repute, or in any other respect is not, or has ceased to be a fit and proper person to exercise such control or influence in respect of a body corporate that is the holder of an authorisation; or
 - (iii) has ceased to be eligible for any other reason to hold the authorisation; or
 - (iv) has breached, or failed to comply with, a code of practice under this Act, or otherwise has breached, or failed to comply with, a condition to which the authorisation is subject; or
 - (v) has breached, or failed to comply with, a provision of this Act; or
 - (vi) has breached, or failed to comply with or satisfy, any other requirement, standard, criteria, qualification or condition prescribed by the regulations for the purposes of this provision.
- (7) Section 36(3)(b)—delete "\$5000" and substitute:
\$10 000
- (8) Section 36(3)—after paragraph (c) insert:
 - (ca) if the respondent is the holder of a public passenger vehicle authorisation, the Minister may—
 - (i) attach conditions to the authorisation;

- (ii) shorten the period of authorisation, or issue a temporary authorisation, and warn the respondent that if further grounds for disciplinary action arise, the respondent will be liable to be disqualified from holding a public passenger vehicle authorisation;
 - (iii) suspend the authorisation for a specified period, until the fulfilment of specified conditions, or until further order;
 - (iv) revoke the authorisation;
- (9) Section 36(3)(d)—after "an accreditation" insert:
 , or a public passenger vehicle authorisation,
- (10) Section 36(4)—after "this Act" insert:
 or any provision of this section
- (11) Section 36(5) and (6)—delete subsections (5) and (6)
- (12) Section 36(7)—after "period of suspension" insert:
 and a person who has their public passenger vehicle authorisation suspended under this section is not the holder of a public passenger vehicle authorisation during the period of suspension
- (13) Section 36(8)—after "accreditation" wherever occurring insert:
 or authorisation

20—Amendment of section 37—Related matters

- (1) Section 37(1)—delete "Standards Committee" and substitute:
 Minister
- (2) Section 37(1)(b)—delete "itself on any matter in such manner as it " and substitute:
 themselves on any matter in such manner as the Minister
- (3) Section 37(2)—delete "Standards Committee" first and third occurring and substitute in each case:
 Minister
- (4) Section 37(2)(a)—delete "a member of the Standards Committee" and substitute:
 the Minister
- (5) Section 37(5) and (6)—delete "Standards Committee" wherever occurring and substitute in each case:
 Minister

21—Amendment of heading to Part 4 Division 6

- Heading to Part 4 Division 6—delete "Appeals" and substitute:
 Rights of review and appeal

22—Insertion of section 37A

Before section 38 insert:

37A—Review by Minister

- (1) A person—
 - (a) whose application for accreditation under this Part has been refused; or
 - (b) who is an accredited person and is aggrieved by a decision under this Part with respect to—
 - (i) the conditions imposed with respect to the accreditation, or a variation or proposed variation of them; or
 - (ii) the variation of the accreditation; or
 - (c) who is (or has been) an accredited person or the holder of a public passenger vehicle authorisation and is aggrieved by a decision of the Minister under Division 5; or
 - (d) whose application for a public passenger vehicle authorisation under Division 4A has been refused,may, within 1 month of the making of the decision, apply to the Minister for a review of the decision.
- (2) An application for review must be made in accordance with the regulations.
- (3) The lodging of an application for review of a decision does not affect the operation of the decision.
- (4) The applicant must, if so required by the Minister—
 - (a) appear personally before the Minister in support of the application; and
 - (b) provide any information sought by the Minister; and
 - (c) verify information provided to the Minister by statutory declaration.
- (5) The applicant may be assisted before the Minister by an agent or representative (not being a legal practitioner).
- (6) On a review under this section the Minister may confirm or vary the decision under review or set aside the decision and substitute a new decision.

23—Amendment of section 38—Appeals

- (1) Section 38(1)—delete subsection (1) and substitute:
 - (1) A person aggrieved by a decision of the Minister on a review under section 37A may appeal to SACAT.

- (2) Section 38(5)—delete "or the Standards Committee must, if so required by a person affected by a decision made by the Minister or the Standards Committee (as the case may be)" and substitute:

must, if so required by a person aggrieved by a decision made by the Minister

- (3) Section 38(6)—delete "or the Standards Committee (as the case requires)"

24—Amendment of section 39—Service contracts

Section 39(3)—delete "Metropolitan Adelaide" wherever occurring and substitute in each case:

the Metropolitan Regular Passenger Service Area

25—Amendment of section 40—Nature of contracts

Section 40(5) and (6)—delete "Metropolitan Adelaide" wherever occurring and substitute in each case:

the Metropolitan Regular Passenger Service Area

26—Amendment of section 44A—Interpretation

Section 44A, definition of *event*—delete "Metropolitan Adelaide" and substitute:

the Metropolitan Regular Passenger Service Area

27—Insertion of Part 5B

After section 44E insert:

Part 5B—General safety duty and audits

Division 1—Preliminary

44F—Interpretation

In this Part—

business practices means a person's practices in running a business associated with providing a point to point transport service or a general passenger transport service, including—

- (a) the operating policies and procedures of the business; and
- (b) the arrangements for preventing or minimising safety risks associated with the person's practices;

general passenger transport service does not include a public transport service;

officer has the same meaning as in the *Work Health and Safety Act 2012*;

person in the chain of responsibility for a point to point transport service or a general passenger transport service means each of the following:

- (a) the booking service provider or general passenger transport service provider (as the case may be);

- (b) the driver of the public passenger vehicle;
- (c) the holder of the public passenger vehicle authorisation in respect of the public passenger vehicle;
- (d) a person who has provided equipment for, or installed equipment in, the public passenger vehicle;

public transport service means—

- (a) a regular passenger service; or
- (b) a service, or service of a kind, prescribed by the regulations for the purposes of this definition;

reasonably practicable, in relation to a duty to ensure safety, means that which is, or was at a particular time, reasonably able to be done in relation to the duty, weighing up all relevant matters, including—

- (a) the likelihood of a safety risk, or damage to property, happening; and
- (b) the harm that could result from the risk or damage; and
- (c) what the person knows, or ought reasonably to know, about the risk or damage; and
- (d) what the person knows, or ought reasonably to know, about the ways of—
 - (i) removing or minimising the risk; or
 - (ii) preventing or minimising the damage; and
- (e) the availability and suitability of those ways; and
- (f) the cost associated with the available ways, including whether the cost is grossly disproportionate to the likelihood of the risk or damage;

safety law means—

- (a) *Work Health and Safety Act 2012*; or
- (b) *Heavy Vehicle National Law (South Australia)*;

safety risk means a risk to the safety of persons or property, including the safety of—

- (a) the drivers of, and passengers in, vehicles; and
- (b) persons or property in or in the vicinity of, or likely to be in or in the vicinity of, roads and public places, including other road users; and
- (c) vehicles and anything in them;

transport legislation means any of the following:

- (a) this Act;
- (b) the *Heavy Vehicle National Law (South Australia)*;
- (c) the *Motor Vehicles Act 1959*;

- (d) the *Road Traffic Act 1961*;
- (e) an Act prescribed by the regulations.

44G—Relationship with other laws

- (1) If a provision of this Part and a provision of another safety law deal with the same thing and it is possible to comply with both provisions, a person must comply with both provisions.
- (2) However, to the extent it is not possible for the person to comply with a provision of this Part and a provision of another safety law dealing with the same thing, the person must comply with—
 - (a) the provision of the other safety law; or
 - (b) if, under the other safety law, the person is required to comply with a provision of another safety law—the provision of the other safety law.
- (3) Evidence of a contravention of this Part is admissible in any proceeding for an offence against a provision of another safety law.
- (4) If an act, omission or circumstances constitute an offence under this Part and another safety law, the offender is not liable to be punished more than once for the act, omission or circumstances.

Division 2—Principles and duties

44H—Principle of shared responsibility

- (1) The safety of activities associated with providing a point to point transport service or general passenger transport service is the shared responsibility of each person in the chain of responsibility for the point to point transport service or general passenger transport service.
- (2) The level and nature of a person's responsibility for an activity depends on—
 - (a) the functions the person performs or is required to perform, whether exclusively or occasionally; and
 - (b) the nature of the safety risks created by the carrying out of the activity; and
 - (c) the person's capacity to control, eliminate or minimise the risks.

44I—Principles applying to duties

- (1) A person may have more than 1 duty because of the functions the person performs or is required to perform.
- (2) More than 1 person can concurrently have the same duty.
- (3) Each person must comply with the duty to the standard required under this part even if another person has the same duty.

- (4) If more than 1 person has a duty for the same matter, each person—
 - (a) is responsible for the person’s duty in relation to the matter; and
 - (b) must discharge the person’s duty to the extent to which the person—
 - (i) has the capacity to influence and control the matter; or
 - (ii) would have the capacity but for an agreement or arrangement purporting to limit or remove that capacity.
- (5) A person’s duty can not be transferred to another person.
- (6) Compliance with transport legislation or a safety law is not, of itself, evidence that a person has discharged a duty under this Part.

44J—General safety duty

- (1) Each person in the chain of responsibility for a point to point transport service or general passenger transport service must ensure, so far as is reasonably practicable, the safety of the person’s activities, including business practices and making decisions, relating to providing the service.
- (2) Without limiting subsection (1), each person in the chain of responsibility must—
 - (a) eliminate safety risks or, to the extent it is not reasonably practicable to eliminate safety risks, minimise the safety risks; and
 - (b) ensure the person’s conduct does not directly or indirectly encourage another person, including another person in the chain of responsibility, to contravene transport legislation relating to—
 - (i) providing a point to point transport service or general passenger transport service; or
 - (ii) a motor vehicle used to provide a point to point transport service or general passenger transport service.
- (3) If a corporation has a duty under subsection (1), an officer of the corporation must exercise due diligence to ensure the corporation complies with the duty.
Maximum penalty: \$35 000.
- (4) The officer may be proceeded against for, and convicted of, an offence against subsection (3) even if the corporation has not been proceeded against for, or convicted of, an offence relating to the duty.

- (5) In this section—
- due diligence* includes taking reasonable steps to—
- (a) acquire, and keep up to date, knowledge about the safe conduct of activities relating to providing point to point transport services or general passenger transport services (as the case may require); and
 - (b) gain an understanding of—
 - (i) the nature of the corporation’s activities relating to providing point to point transport services or general passenger transport services (as the case may require); and
 - (ii) the safety hazards and risks associated with those activities; and
 - (c) ensure the corporation has, and uses, appropriate resources to eliminate or minimise those hazards and risks; and
 - (d) ensure the corporation has, and implements, processes—
 - (i) to eliminate or minimise those hazards and risks; and
 - (ii) for receiving, considering, and responding in a timely way to information about those hazards and risks and any incidents; and
 - (iii) for complying with the corporation’s duty under subsection (1); and
 - (e) verify the resources and processes mentioned in paragraphs (c) and (d) are being provided, implemented and used.

44K—Failure to comply with duty

- (1) A person commits an offence if—
- (a) the person has a duty under section 44J(1); and
 - (b) the person, without a reasonable excuse, engages in conduct related to the duty that exposes an individual, or class of individuals, to a risk of death or serious injury or illness; and
 - (c) the person is reckless to the risk.

Maximum penalty:

- (a) in the case of an offence committed by an individual—\$300 000 or imprisonment for 5 years;
 - (b) in the case of an offence committed by a body corporate—\$3 000 000.
- (2) The prosecution bears the burden of proving that the conduct was engaged in without reasonable excuse.

- (3) A person commits an offence if—
- (a) the person has a duty under section 44J(1); and
 - (b) the person contravenes the duty; and
 - (c) the person’s contravention exposes an individual, or class of individuals, to a risk of death or serious injury or illness.

Maximum penalty:

- (a) in the case of an offence committed by an individual—\$150 000;
 - (b) in the case of an offence committed by a body corporate—\$1 500 000.
- (4) A person commits an offence if—
- (a) the person has a duty under section 44J(1); and
 - (b) the person contravenes the duty.

Maximum penalty:

- (a) in the case of an offence committed by an individual—\$50 000;
- (b) in the case of an offence committed by a body corporate—\$500 000.

44L—Regulation may impose other duties or requirements

- (1) A regulation may impose other duties or requirements on a person in the chain of responsibility for a point to point transport service or general passenger transport service.
- (2) A regulation under this section may, for example, impose—
 - (a) duties about the management of fatigue (as may be defined in the regulations); and
 - (b) requirements and standards about time spent driving a motor vehicle; and
 - (c) requirements about using particular equipment or technology; and
 - (d) requirements for training drivers and other persons in the chain of responsibility about safety matters.

Division 3—Audits

44M—Purpose of Division

The purpose of this Division is to allow the Minister to carry out an audit of a person in the chain of responsibility for a point to point transport service or general passenger transport service for either or both of the following purposes:

- (a) to assess the person’s compliance with transport legislation in relation to—

- (i) providing the service; or
 - (ii) a motor vehicle used to provide the service;
- (b) to verify information provided by the person under this Act.

Note—

This Division is not limited to auditing for purposes connected to Division 2.

44N—Audit notice

- (1) The Minister may give a person in the chain of responsibility for a point to point transport service or general passenger transport service a written notice (an *audit notice*) requiring the person—
 - (a) to allow the Minister, or an authorised officer, to carry out an audit, within the period stated in the notice, of the person’s activities, including business practices and decision making, relating to providing the service for a purpose mentioned in section 44M; and
 - (b) to cooperate with every reasonable requirement of the Minister or authorised officer so as to enable the Minister or authorised officer to carry out the audit.
- (2) An audit notice must state the following:
 - (a) the purpose of the audit;
 - (b) the period during which the audit is to be carried out;
 - (c) that a report of the audit will be given to the person;
 - (d) other matters prescribed by regulation.
- (3) The Minister may give a person an audit notice as frequently as the Minister reasonably requires for a purpose mentioned in section 44M.
- (4) A person who is given an audit notice must comply with the notice unless the person has a reasonable excuse.
Maximum penalty: \$35 000.
- (5) As soon as practicable after an audit is carried out, the Minister must give the person whose activities were audited a report about the audit (which must include any matters prescribed by the regulations).

44O—Direction to comply

- (1) This section applies if an audit report identifies that the person whose activities were audited has not complied with transport legislation in relation to—
 - (a) providing a point to point transport service or general passenger transport service; or
 - (b) a motor vehicle used to provide a point to point transport service or general passenger transport service.

- (2) The Minister may give the person a written direction to—
 - (a) if the person's noncompliance mentioned in subsection (1) exposes an individual to a risk of death or serious injury or illness—
 - (i) immediately comply with the transport legislation; and
 - (ii) take the action stated in the direction to remedy the noncompliance; or
 - (b) otherwise—comply with the transport legislation within the period stated in the direction (being not less than 5 business days).
- (3) A direction must—
 - (a) identify the noncompliance; and
 - (b) state that failure to comply with the direction, without a reasonable excuse, is an offence; and
 - (c) state the direction does not relieve the person from the obligation to comply with the transport legislation (or any other relevant legislation).
- (4) The Minister may, by written notice, extend the period specified in a notice referred to in subsection (2)(b).
- (5) The person to whom a direction is given under this section must not contravene the direction unless the person has a reasonable excuse.

Maximum penalty:

 - (a) for contravention of a direction mentioned in subsection (2)(a)—\$50 000.
 - (b) in any other case—\$35 000.

28—Amendment of section 45—Requirement for licence

- (1) Section 45(1)—delete "operate" and substitute:

provide
- (2) Section 45(1)(b)—delete "at a designated taxi-stand" and substitute:

within a taxi zone
- (3) Section 45(2)(a)—delete paragraph (a)
- (4) Section 45(2)—delete "Metropolitan Adelaide" wherever occurring and substitute in each case:

the Metropolitan Point to Point Passenger Service Area
- (5) Section 45(4)(b)—delete "the regulations" and substitute:

this Act

(6) Section 45—after subsection (8) insert:

- (9) The regulations may make provision in relation to the meaning of *ply for hire* for the purposes of this Act.

29—Amendment of section 46—Applications for licences or renewals

Section 46—after subsection (2) insert:

- (2a) The Minister may determine that renewal of a licence will be automatic on payment of the prescribed fee and that no further application is needed.

30—Amendment of section 47—Issue and term of licences

(1) Section 47(2)—delete "determined by the Minister and specified in the licence" and substitute:

of 12 months from the day on which it is granted or, in the case of a renewal of a licence, 12 months after the expiry of the term of the previous licence

(2) Section 47(3) to (10) (inclusive)—delete the subsections and substitute:

- (3) The term of a licence commences—
- (a) on the day on which it is granted; or
 - (b) if the licence is renewed on payment of the prescribed fee before the expiry of the term of the previous licence—on the expiry of the term of the previous licence; or
 - (c) if the licence is renewed on payment of the prescribed fee after the expiry of the term of the previous licence—on payment of the prescribed fee.
- (4) A licence cannot be transferred, assigned, leased or otherwise dealt with (and a purported dealing in contravention of this subsection is void).
- (5) A licence may, if the regulations so provide, be of a prescribed kind or grade.

31—Substitution of section 49

Section 49—delete the section and substitute:

49—Cancellation of licence at request of licensee

- (1) The holder of a licence may, at any time, apply to the Minister for cancellation of the licence and payment of any applicable refund.
- (2) If an application for cancellation of a licence is made and the holder of the licence complies with any requirements of the Minister in relation to the cancellation, the Minister must (subject to this section) cancel the licence and pay to the applicant a refund calculated in accordance with the regulations.

32—Substitution of section 51

Section 51—delete the section and substitute:

51—Reviews and appeals

- (1) A person—
 - (a) whose application for a licence under this Part has been refused; or
 - (b) who is the holder of a licence and is aggrieved by a decision of the Minister with respect to the conditions imposed with respect to the licence, or a variation or proposed variation of them; or
 - (c) who is (or has been) the holder of a licence and is aggrieved by a decision of the Minister under section 50,
may, within 1 month of the making of the decision, apply to the Minister for a review of the decision.
- (2) A person aggrieved by a decision of the Minister on a review under subsection (1) may appeal to SACAT.
- (3) Division 6 of Part 4 will apply with respect to a review or appeal under this section with such modifications or variations as may be necessary or appropriate, or as may be prescribed.

33—Insertion of sections 52AA and 52AB

After section 52 insert:

52AA—No compensation

No action lies against the State (whether an action for damages, equitable compensation, or otherwise) in relation to the abolition or diminution of taxi licences affected by or pursuant to—

- (a) the *Passenger Transport (Point to Point Transport Services) Amendment Act 2025*; or
- (b) any provisions of a saving or transitional nature consequent on the enactment of that Act (whether contained in Schedule 2 of that Act or in regulations made under this Act).

52AB—Scheme for buy-back or cancellation of perpetual licences

- (1) A licence in force immediately before the commencement of this section continues to have effect as if it were a licence under this Part and this Part applies to the licence (as in force on the commencement of this section or as subsequently renewed) subject to any modifications or conditions specified in the prescribed scheme applying to that kind or grade of licence.
- (2) The Minister may, on or after a date specified in the prescribed scheme, cancel any licence referred to in subsection (1).

- (3) For the avoidance of doubt (and without limiting subsection (1)), a prescribed scheme may provide—
- (a) that section 47(2) does not apply to a kind or grade of licence (or to a specified class of licences of a particular kind or grade) and that such licences will continue to have effect in perpetuity or until the happening of a specified event; or
 - (b) that a provision or provisions of this Part as in force before the commencement of this section will continue to apply to a kind or grade of licence (or to a specified class of licences of a particular kind or grade); or
 - (c) that any provision or provisions of this Part will not apply or will apply in a different way to a kind or grade of licence (or to a specified class of licences of a particular kind or grade).
- (4) In this section—

prescribed scheme means a scheme determined by the Minister by notice in the Gazette to implement a government buy-back or cancellation of taxi licences in force before the commencement of this section.

34—Amendment of heading to Part 6A

Heading to Part 6A—delete "Non-cash payment surcharges" and substitute:

Point to point transport service fares

35—Amendment of section 52B—Non-cash payment surcharges

Section 52B(4)—delete "regulation specifying a maximum fare for the hire of a point to point transport service" and substitute:

maximum fare determined under section 52D

36—Amendment of section 52C—Overcharging for non-cash payment surcharge

Section 52C(3)—delete "collect, for the purposes of or while providing a centralised booking service" and substitute:

, while acting as a booking service provider, collect

37—Insertion of section 52D and 52E

After section 52C insert:

52D—Maximum fares for taxis

- (1) The regulations may prescribe—
- (a) maximum fares to be charged in relation to taxi services or a method of calculating such fares; or
 - (b) a maximum amount for any component of a fare to be charged in relation to taxi services or a method of calculating such amounts.

- (2) A regulation under this section may apply to taxi services generally or a specified class of taxi services.
- (3) A method prescribed by the regulations for the purposes of subsection (1)—
 - (a) may operate to increase or decrease the amount of a maximum fare, or component of a fare, that applied under a previous application of that method; or
 - (b) may operate such that it results in no increase to or decrease of the amount of a maximum fare, or component of a fare, that applied under a previous application of that method.
- (4) The Minister may, by notice in the Gazette, approve an alteration to a prescribed maximum fare, or component of a fare, during any period specified in the notice and subject to any conditions specified in the notice.
- (5) The regulations may provide for amounts (whether specified in the regulation or determined according to the discretion of an entity specified in the regulation) that can be charged in addition to the fare for a specified class of journey and any such amounts will not be taken into account in determining whether a maximum fare, or component of a fare, prescribed under this section has been exceeded for such a journey.

52E—Certain fares and charges prohibited in prescribed circumstances

- (1) A booking service provider must ensure that a fare that is calculated by reference to an element of surge pricing, or includes a queue-jumping fee, is not charged for the provision of a point to point transport service in prescribed circumstances.
Maximum penalty: \$35 000.
- (2) A passenger transport driver must ensure that a fare that is calculated by reference to an element of surge pricing, or includes a queue-jumping fee, is not charged for the provision of a point to point transport service by the driver in prescribed circumstances.
Maximum penalty: \$10 000.
- (3) In this section—

queue-jumping fee means a fee payable in addition to the fare determined using the standard method of calculating the fare, in order to be conveyed by a point to point transport service in priority to persons already logged into the service's booking system;

surge pricing means an increased fare charged only at times of temporary high demand for passenger transport.

38—Amendment of section 53—Authorised officers

- (1) Section 53(5)(d)—delete "documents (which may include a written record reproducing in an understandable form information stored by computer, microfilm or other process)" and substitute:

any document or thing
- (2) Section 53(5)(g)—delete paragraph (g) and substitute:
 - (g) require a person to provide data, images, sound or film associated with the use of a camera or other recording device;
 - (ga) take photographs, screen shots, films or audio, video or other recordings;
 - (gb) seize and retain anything that the authorised officer reasonably suspects has been used in, or may constitute evidence of, a contravention of this Act;
 - (gc) require a person who the authorised officer reasonably suspects has knowledge of matters in respect of which information is required for the administration or enforcement of this Act to answer questions in relation to those matters;
 - (gd) require, by written notice, that a person attend at the time and place specified in the notice in order to answer questions;
- (3) Section 53(6)—delete subsection (6) and substitute:
 - (6) An authorised officer must not enter any residential premises, or any part of a workplace that is used only for residential purposes, or any premises that are not the premises of the holder of an accreditation or authorisation under this Act, except—
 - (a) on the authority of a warrant issued by a magistrate; or
 - (b) with the consent of the person with management or control of the place or premises; or
 - (c) for the purpose only of gaining access to a workplace or a suspected workplace, but only—
 - (i) if the authorised officer reasonably believes that no reasonably alternative access is available; and
 - (ii) at a reasonable time having regard to the times at which the authorised officer believes work is being carried out at the place to which access is sought.

39—Substitution of section 54

Section 54—delete the section and substitute:

54—Confidentiality

- (1) A person engaged or formerly engaged in the administration of this Act must not divulge or communicate information obtained (whether by that person or otherwise) in the administration of this Act except—
- (a) as required or authorised under this or any other Act; or
 - (b) with the consent of the person from whom the information was obtained or to whom the information relates; or
 - (c) in connection with the administration of this Act; or
 - (d) to a public authority of any jurisdiction for law enforcement purposes or a prescribed public authority of any jurisdiction; or
 - (e) to a court or in connection with any legal proceedings; or
 - (f) as may be required for the purposes of the *Fines Enforcement and Debt Recovery Act 2017*; or
 - (g) in accordance with guidelines prescribed by the regulations.

Maximum penalty: \$5 000.

- (2) Information that has been disclosed under subsection (1) for a particular purpose must not be used for any other purpose by—
- (a) the person to whom the information was disclosed; or
 - (b) any other person who gains access to the information (whether properly or improperly and whether directly or indirectly) as a result of that disclosure.

Maximum penalty: \$5 000.

54A—Arrangements for exchange of information etc

- (1) The Minister may disclose information obtained under this Act to—
- (a) the Commissioner of Police; or
 - (b) any other person or body prescribed by regulation.
- (2) The Minister may enter into arrangements with a Minister responsible for the administration of a relevant law for—
- (a) the provision of information by the Minister for the purposes of the relevant law; and
 - (b) the receipt of information by the Minister for the purposes of this Act; and
 - (c) any other matters that the Minister considers consistent with the objects of this Act.

- (3) If the Minister is responsible for the administration of a relevant law, the Minister may determine arrangements for the matters referred to in subsection (2).
- (4) The Minister may determine arrangements for sharing prescribed information with accredited booking service providers and accredited general passenger transport service providers.
- (5) Arrangements under this section have effect according to their terms (and operate despite any other Act or law).
- (6) In this section—

disqualifying offence means an offence that may result in the offender being disqualified from holding or obtaining a driver's licence;

prescribed information means any of the following:

- (a) information concerning breaches of this Act or the regulations or possible breaches of this Act or the regulations;
- (b) information concerning the safe provision of a passenger transport service;
- (c) information concerning accreditations, authorisations or licences under this Act;
- (d) information concerning notices issued, undertakings or orders made, and audits carried out under this Act;
- (e) information concerning any proceedings commenced against, or any conviction of, a person for a disqualifying offence;
- (f) driver licensing and vehicle registration information relating to drivers for passenger transport services and vehicles used or proposed to be used to provide passenger transport services;
- (g) any other information prescribed by the regulations;

relevant law means an Act or law of this State, or of another State or a Territory, relating to motor vehicles, driving or any other prescribed matter.

40—Substitution of section 58

Section 58—delete the section and substitute:

58—Liability of passenger transport service providers for acts or omissions of employees or agents

For the purposes of this Act, an act or omission of an employee or agent of a person who provides a passenger transport service will be taken to be an act or omission of that provider unless the provider proves that the employee or agent was not acting in the course of employment or agency.

41—Substitution of section 62

Section 62—delete the section and substitute:

62—Recovery of debts

- (1) A relevant debt amount is recoverable by the Minister as a debt due to the Crown.
- (2) If 2 or more persons are jointly or severally liable to pay an amount referred to in subsection (1), the Minister may recover the whole of the amount from them, or any of them, or any 1 of them.
- (3) Nothing in this Act prevents a person who is jointly or severally liable to pay an amount, and who pays the amount, to the Minister from recovering a contribution from any other person who is liable to pay the whole or part of that amount.
- (4) This section is in addition to and does not derogate from the provisions of the *Fines Enforcement and Debt Recovery Act 2017*.
- (5) In this section —

relevant debt amount means a fee, levy or other amount payable under this Act and includes—

- (a) any interest or penalty amounts payable under this Act; and
- (b) the amount of any overpayment made by the Minister to a person under this Act as a result of any incorrect or false information provided by a person or any administrative error.

42—Insertion of section 62B

After section 62A insert:

62B—Application of levy amounts

- (1) Amounts collected as point to point transport service transaction levy amounts under Schedule 2 may only be applied for any 1 or more of the following purposes:
 - (a) the provision of public transport services in the State;
 - (b) the administration and regulation of the passenger transport industry in the State;
 - (c) measures to improve disability access to passenger transport services in the State;
 - (d) the facilitation of active transport in the State;
 - (e) implementation of a prescribed scheme under section 52AB.
- (2) In this section—

active transport means walking, bicycle riding, scooter riding or other self-propelled means of transportation.

43—Repeal of section 63

Section 63—delete the section

44—Amendment of section 64—Regulations

- (1) Section 64, heading—after "Regulations" insert:

and fee notices
- (2) Section 64(2)(f)—after "factors" insert:

and provide for their waiver, reduction or remission
- (3) Section 64(2)—after paragraph (f) insert:

and

 - (g) make provisions of a saving or transitional nature consequent on the enactment of the *Passenger Transport (Point to Point Transport Services) Amendment Act 2025*.
- (4) Section 64—after subsection (2) insert:
 - (2a) The Minister must ensure that consultation is undertaken (in such manner as the Minister thinks fit) with the following classes of persons before any designated regulation is made under this Act:
 - (a) persons who, in the opinion of the Minister, represent industries involved in the provision of passenger transport services;
 - (b) persons who, in the opinion of the Minister, represent consumers of passenger transport services (including consumers with disabilities or other special needs).
- (5) Section 64(4)—delete subsection (4) and substitute:
 - (4) The Minister may prescribe fees for the purposes of this Act by fee notice under the *Legislation (Fees) Act 2019*.
 - (5) A fee notice may prescribe a fee by specifying an amount or by setting out the manner in which the fee amount is to be calculated.
 - (6) A fee notice may provide for the waiver, reduction or remission of fees.
 - (7) In this section—

designated regulation means a regulation that is, in the opinion of the Minister, made for the purpose of implementing the *Passenger Transport Act Review* undertaken by the government of South Australia and published in August 2024.

45—Amendment of Schedule 1—Regulations

- (1) Schedule 1, item 2—after paragraph (c) insert:
 - (ca) provisions allowing for accreditations, public passenger vehicle authorisations, service contracts or licences to be jointly held; and

- (2) Schedule 1, item 4—delete "the drivers and operators of public passenger vehicles" and substitute:
- accredited persons and the holders of public passenger vehicle authorisations
- (3) Schedule 1, after item 14 insert:
- 14A Empowering the Minister to prohibit such notices, signs, equipment or other devices or fittings as the Minister thinks fit from being displayed or fitted in public passenger vehicles.
- (4) Schedule 1, item 21—delete "stands" wherever occurring and substitute in each case:
- zones
- (5) Schedule 1—after item 21 insert:
- 21A The establishment, use and control of dedicated point to point transport service zones for the collection, or drop off, of passengers (including the power to prohibit the use of such zones by prescribed classes of vehicles or in prescribed circumstances).
- (6) Schedule 1, item 26—delete item 26
- (7) Schedule 1, item 27—delete "drivers or conductors of public passenger vehicles" and substitute:
- accredited persons or persons who hold a public passenger vehicle authorisation
- (8) Schedule 1, items 50 and 51—delete items 50 and 51 and substitute:
- 50 The imposition of fines, not exceeding \$10 000, for offences against the regulations.
- 51 The fixing of expiation fees, not exceeding \$2 500, for alleged offences against this Act or the regulations.

46—Amendment of Schedule 2—Point to point transport service transaction levy

- (1) Schedule 2, clause 1, definition of *booking service*—delete the definition
- (2) Schedule 2, clause 1, definition of *point to point transport service transaction*—delete the definition and substitute:
- linked booking service provider* for a point to point transport service means the accredited booking service provider that is, or is linked to, the point to point transport service in accordance with section 29D(1)(a)(i), (ii) or (iii);
- point to point transport service transaction* means—
- (a) the taking of a booking for a point to point transport service; or
- (b) the provision of a taxi service by a hiring made other than by use of a booking service,
- but does not include a transaction of a kind prescribed by the regulations;

- (3) Schedule 2, clause 1, definition of *relevant provider*—delete the definition and substitute:
- relevant provider* of a point to point transport service means—
- (a) the booking service provider that took the booking for the point to point transport service; or
 - (b) if the service was not booked through a booking service provider—the driver of the vehicle used to provide the service;
- (4) Schedule 2, clause 2(3)—delete "\$1" and substitute:
- the prescribed amount
- (5) Schedule 2, clause 2(4)—after "be paid" insert:
- by the booking service provider who collected the levy or, in the case of a levy collected by the driver of a vehicle used for a point to point transport service, by the linked booking service provider for the point to point transport service
- (6) Schedule 2, clause 2(9)—delete subclause (9) and substitute:
- (9) A driver who is required to collect any levy amount under this Schedule must pay the linked booking service provider the levy amount (or the estimated levy amount in a case where subclause (6) applies) in accordance with any reasonable directions of the linked booking service provider (and any unpaid levy amount is recoverable by the linked booking service provider as a debt due from the driver).
 - (10) For the avoidance of doubt, a failure by a driver to pay a levy amount to the linked booking service provider does not affect the liability of the linked booking service provider to pay the levy amount in accordance with the requirements of the Minister under subclause (4).
- (7) Schedule 2, clause 3(1)—delete subclause (1) and substitute:
- (1) A person is not required to collect, or liable to pay, the levy in respect of a point to point transport service if—
 - (a) the service is not provided for any reason; or
 - (b) another person is already liable to pay the levy in respect of the service; or
 - (c) the service is of a kind exempted from the levy under the regulations.
- (8) Schedule 2, clause 3(2)—delete "taking of a booking for" and substitute:
- provision of, or taking of a booking for,
- (9) Schedule 2, clause 3(3)—delete subclause (3)
- (10) Schedule 2, clause 4(1)—delete ", by a deliberate act or omission,"

- (11) Schedule 2, clause 4(2)—delete "A person who is a relevant provider during an assessment period" and substitute:
 A booking service provider that will be required to pay levy amounts for an assessment period in accordance with clause 2(4)
- (12) Schedule 2, clause 10(1)—after paragraph (a) insert:
 (ab) prescribe an amount for the purposes of clause 2(3) (and may prescribe different amounts for the purposes of that subclause, according to where the point to point transfer occurred or any other circumstances);
- (13) Schedule 2, clause 10(1)(c)—after "returns" insert:
 by booking service providers (including nil returns)
- (14) Schedule 2, clause 10(1)(h)—after "paid" insert:
 or to the reduction of a future levy payment

Schedule 1—Statute law revision amendment of *Passenger Transport Act 1994*

| Provision amended | How amended |
|--|--|
| Section 5(5), penalty provision | Delete the penalty provision and substitute: Maximum penalty: \$35 000. |
| Section 25(1) | Delete "his or her" and substitute: the Minister's |
| Section 31(7), penalty provision and expiation fee | Delete the penalty provision and expiation fee and substitute: Maximum penalty: (a) in the case of an accreditation under section 27 or 28—\$50 000; (b) in the case of an accreditation under section 29—\$35 000. |
| Section 33(2) | Delete "him or her" and substitute: them |
| Section 35(1), penalty provision | Delete the penalty provision and substitute: Maximum penalty: \$50 000. |
| Section 36(2)(e)(i) and (iv) | Delete "his or her" wherever occurring and substitute in each case: their |
| Section 36(7) | Delete "his or her" and substitute: their |
| Section 36(9), penalty provision | Delete the penalty provision and substitute: Maximum penalty: \$50 000. |
| Section 37(3), penalty provision | Delete the penalty provision and substitute: Maximum penalty: \$35 000. |
| Section 39(2a)(a) | delete "his or her" |

| Provision amended | How amended |
|-----------------------------------|--|
| Section 39(4), penalty provision | Delete the penalty provision and substitute: Maximum penalty: \$50 000. |
| Section 42(1), penalty provision | Delete the penalty provision and substitute: Maximum penalty: \$50 000. |
| Section 45(8), penalty provision | Delete the penalty provision and substitute: Maximum penalty: \$50 000. |
| Section 48(4) | Delete "him or her" and substitute: them |
| Section 52(1)(a) | Delete "himself or herself" and substitute: themselves |
| Section 52(1)(b) | Delete "he or she" and substitute: they |
| Section 52(1), penalty provision | Delete the penalty provision and substitute: Maximum penalty: \$10 000. |
| Section 52(2)(a) | Delete "his or her" and substitute: their |
| Section 52C(1), penalty provision | Delete the penalty provision and substitute: Maximum penalty: \$35 000. |
| Section 52C(2), penalty provision | Delete the penalty provision and substitute: Maximum penalty: \$35 000. |
| Section 52C(3), penalty provision | Delete the penalty provision and substitute: Maximum penalty: \$35 000. |
| Section 53(4) | Delete "his or her" and substitute: the authorised officer's |
| Section 53(8), penalty provision | Delete the penalty provision and substitute: Maximum penalty: \$10 000. |
| Section 53(9)(e) | Delete "he or she is" and substitute: they are |
| Section 53(9), penalty provision | Delete the penalty provision and substitute: Maximum penalty: \$10 000. |
| Section 53(12), penalty provision | Delete the penalty provision and substitute: Maximum penalty: \$10 000. |
| Section 55(1), penalty provision | Delete the penalty provision and substitute: Maximum penalty: \$35 000. |
| Section 55(2), penalty provision | Delete the penalty provision and substitute: Maximum penalty: \$20 000. |
| Section 56(1), penalty provision | Delete the penalty provision and substitute: Maximum penalty: \$35 000. |

| Provision amended | How amended |
|---|--|
| Section 56(3), penalty provision | Delete the penalty provision and substitute: Maximum penalty: \$10 000. |
| Section 56(5), penalty provision | Delete the penalty provision and substitute: Maximum penalty: \$2 500. |
| Section 56(7), penalty provision | Delete the penalty provision and substitute: Maximum penalty: \$2 500. |
| Section 57(1) and (2)(b) | Delete "his or her" wherever occurring and substitute in each case: their |
| Section 57(2), penalty provision | Delete the penalty provision and substitute: Maximum penalty: \$10 000. |
| Schedule 2, clause 4(1) penalty provision | Delete the penalty provision and substitute: Maximum penalty: \$35 000 or imprisonment for 2 years. |
| Schedule 2, clause 4(2) penalty provision | Delete the penalty provision and substitute: Maximum penalty: \$35 000. |
| Schedule 2, clause 4(3) penalty provision | Delete the penalty provision and substitute: Maximum penalty: \$35 000. |
| Schedule 2, clause 7(1) | Delete "he or she" and substitute: they |

Schedule 2—Savings and transitional provisions

1—Interpretation

In this Schedule—

principal Act means the *Passenger Transport Act 1994*.

2—Accreditations to continue

- (1) An accreditation held by a person under section 27 of the principal Act immediately before the commencement of section 10 of this Act, continues in force as if it were an accreditation of a kind prescribed by the regulations.
- (2) An accreditation held by a person under section 28 of the principal Act immediately before the commencement of section 10 of this Act, continues in force as if it were an accreditation under section 29 of the principal Act as in force after the commencement of section 10 of this Act.
- (3) An accreditation held by a person under section 29 of the principal Act immediately before the commencement of section 10 of this Act, continues in force as if it were an accreditation under section 27 of the principal Act as in force after the commencement of section 10 of this Act.

3—Inspections

- (1) A person who was, immediately before the commencement of section 39 of this Act, accredited by the Minister as an approved vehicle inspector for the purposes of section 54 of the principal Act is, on the commencement section 39 of this Act, taken to be accredited by the Minister as an approved vehicle inspector for the purposes of section 35E of the principal Act as in force after the commencement of section 17 of this Act.
- (2) On the commencement of section 17 of this Act—
 - (a) a certificate of inspection issued and in force in respect of a vehicle under section 54 of the principal Act as in force immediately before that commencement continues in force as if it were a certificate of inspection under section 35E of the principal Act; and
 - (b) the relevant person (within the meaning of Part 4 Division 4A of the principal Act) for such a vehicle is taken to have been granted a public passenger vehicle authorisation under Part 4 Division 4A of the principal Act.

4—Effect of Schedule

Regulations made under the principal Act may make any provisions of a savings or transitional nature consequent on the enactment of this Act that will apply in addition to, or in substitution for, any provisions of this Schedule.