

## Land Transport (Budget Amendment) Bill 2017

Bill No. 25 of 2017

### Introduction

The Land Transport (Budget Amendment) Bill 2017 (**'Bill'**) seeks to amend the *Land Transport Act 1998* (**'Act'**). The Act comes under the responsibility of the Minister responsible for transport.

### Objectives, scope and intent of the Bill

The Bill amends the *Land Transport Act 1998* to effect policy changes in the Budget 2017-18 to:

- provide for a register for public service permits;
- remove the requirement that an application for the renewal of a public service permit must be lodged 28 days before the date of expiry of the permit; and
- provide for powers for the Minister's to publish a Service Charter setting out the standards of service that public service permit holders must adhere to.

Public service permits are issued by the Land Transport Authority (LTA) under the principal Act for taxis, rental vehicles, hire vehicles with drivers, mini-buses, and road route licences (for buses).

### Summary of provisions

**Clause 1** of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date or dates appointed by the Minister.

**Clause 2** of the Bill amends section 2 of the Act to insert the definition of "register". The new definition is as follows:

**““register” means the public service permit register maintained by the Authority under section 66A;”**

**Clause 3** of the Bill amends section 64 of the Act to remove the requirement that an application for the renewal of a public service permit must be lodged 28 days before the date of expiry of the permit. The amendment provides instead for permit renewal processes to be prescribed by regulations. The Principal Act is amended as follows (deletions are struck out, amendments in bold):

(2) The holder of a public service permit is, upon application ~~at least 28 days before the expiry of the permit~~ **in accordance with regulations**, and upon payment of the prescribed fee, entitled to the renewal of the permit unless the Authority is satisfied that the holder is in breach of this Act or the regulations in respect of a public service license or of any condition attached to the permit.

**Clause 4** of the Bill amends section 65 of the Act by inserting a new subsection (3A) to clarify that the form for public service permits issued under the Act must be prescribed. This empowers the Minister to prescribe a standard form for public service permits. The new section is as follows:

**“(3A) A public service permit must be issued in the prescribed form.”**

**Clause 5** of the Bill amends the Act by inserting sections 66A and 66B after section 66. The newly inserted sections provide for the keeping of a register for public service permits (**'Register'**). The



Register must be capable of recording transactions concerning dealings with public service permits. The proposed section 66B provides grounds for the rectification of the Register and prohibits alterations to the Register without authorisation from the Authority.

The Principal Act is amended after section 66 by inserting the following new sections—

***“Public service permit register***

**66A.—(1) The Authority must keep a register of public service permits, including public service licenses issued in respect of road permits.**

**(2) The register must be capable of recording transactions concerning dealings with public service permits.**

**(3) The register must be available for inspection by a permit holder upon payment of the prescribed fee and in accordance with the regulations.**

***Rectification of register***

**66B.—(1) The Authority may rectify the register in the following cases—**

**(a) where there are errors or omissions in the register;**

**(b) where the details of a permit holder have changed and the register is no longer accurate; or**

**(c) where the Authority is satisfied that registration has been obtained or made or omitted to be made by fraud or mistake and the Authority deems it just to rectify the register.**

**(2) No person may make changes to the register without authorisation from the Authority.**

**(3) A person who contravenes subsection (2) commits an offence and is liable upon conviction to the prescribed penalty.”**

**Clause 6** of the Bill amends section 113 of the Act to provide for the Minister’s power to, in consultation with the Authority, publish a Service Charter setting out the standards of service that public service permit holders must adhere to. Section 113 of the Principal Act is amended by (amendments in bold)—

(a) Changing the heading of Section 113 as follows:

Regulations **and Service Charter**

(b) Inserting a new subsection after subsection (4). The new subsection (4A) is as follows:

**“(4A) In relation to Part 6, the Minister may, after consultation with the Authority, publish a Service Charter by notice in the Gazette prescribing the standards of service required by public service permit holders.”.**



**Clause 7** of the Bill amends the Act by prescribing the penalty for the offence under the proposed section 66B.

The **Schedule** to the Principal Act is amended in the table of prescribed penalties after the row prescribing the penalty for the offence under section 65(4) by inserting the following new row (amendments in bold) —

| <i>Section</i> | <i>Offence</i>                                      | <i>Prescribed penalty</i>  |
|----------------|---|--|
| 65 (4)         | Operating a public service vehicle without a permit | (a) First offence - \$500/3 months and 2 demerit points<br>(b) Second offence - \$1,000/6 months imprisonment and 3 demerit points |
| <b>66B</b>     | <b>Unauthorised alteration of register</b>          | <b>\$25,000/10 years imprisonment</b>  |
| 73 (8)         | Failure to obey traffic direction                   | \$200/30 days imprisonment   |

## Gender Analysis

The Bill does not appear to have any disproportionate impact on women or men.

## Sources

- Laws of Fiji (2016), *Land Transport Act 1998*, Volume 16, pp 10,021. Hardcopy available at the Parliament Library.
- *Land Transport (Budget Amendment) Bill 2017*, Bill No. 25 of 2017. Available at <http://www.parliament.gov.fj/bills/> [Accessed 4 July 2017]

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