



Northern Ireland  
Assembly

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**COMMITTEE FOR  
REGIONAL DEVELOPMENT**

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**OFFICIAL REPORT  
(Hansard)**

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**The Transport Bill**

17 November 2010

**NORTHERN IRELAND ASSEMBLY**

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REGIONAL DEVELOPMENT**

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**Members present for all or part of the proceedings:**

Mr Fred Cobain (Chairperson)  
Miss Michelle McIlveen (Deputy Chairperson)  
Mr Cathal Boylan  
Mr Allan Bresland  
Mr Billy Leonard  
Ms Anna Lo  
Mr Fra McCann  
Mr Ian McCrea  
Mr Conall McDevitt  
Mr George Robinson

**Witnesses:**

Ms Doreen Brown       )       Department for Regional Development  
Mr Sean Johnston       )  
Mr Brian White         )

**The Chairperson (Mr Cobain):**

Good morning. Doreen, do you want to lead off?

**Ms Doreen Brown (Department for Regional Development):**

Yes, I will lead off, thank you. We are here today to give some further briefing on aspects of the Transport Bill. The Committee wrote to the Department on 8 November about some issues, and

our response was issued on 15 November. However, we did not have enough time to address all of the issues raised in the Committee's letter. We, therefore, agreed with the Committee Clerk that we would deal with what we could in the first letter and then follow up on other issues in a second letter, which we hope to get to the Committee before next week's session, subject to ministerial clearance. We have also written to the Committee about the outline business case (OBC) and responded to some of the preliminary points raised about that. However, we are not intending to cover that in today's briefing.

**The Chairperson:**

We need you back here next week to talk specifically about that. We will write to you about that.

**Ms D Brown:**

OK.

The purpose of today's briefing session is to enable the Committee to raise any questions that it may have on foot of our letter of 15 November. As you say, Chairperson, we are scheduled to attend next week's session to cover further points from that letter, from the next letter or, indeed, about the OBC.

Our letter of 15 November was set out in three main parts. One part dealt with amendments that we have agreed and which now need to be drafted for Committee scrutiny. The second area was potential amendments on which further work and, indeed, clarification are required by the Committee and the Department. The third section provided clarification on some other matters that the Committee had raised. If the Committee is happy, I intend to run through the main points in that letter. As I do so, it is probably best that I take your questions as they arise rather than wait until the very end.

The part on agreed amendments is probably the best place to start, even though that does not quite follow the sequence in our letter. I will start with what is set out in paragraphs 6 and 7 of the letter. We want to cover three areas.

Clauses 42(3) and 46(4) make provision for regulations, and we are proposing amendments in order to change the Assembly control procedure for regulations creating offences from negative resolution to affirmative resolution. We also propose to amend clause 47 to include DOE

examiners appointed under the Road Traffic (Northern Ireland) Order 1995 as authorised persons in relation to enforcement. We further propose to amend clause 6(2) to include representations from grant-aided community transport providers as matters to which the Department must have regard when deciding on permit applications. We have asked the draftsman to draft the necessary amendments, and the amended clauses will be sent to the Committee as soon as they have been drafted and approved.

The next part is important, because it is about proposed amendments on which we would welcome further clarification from the Committee. The relevant points are covered briefly in paragraphs 4 and 5 of our letter, and it may help if I say a little bit more about them. The first areas on which we are asking for further guidance from the Committee relate to the inclusion of sustainability and accessibility as matters to which the Department must have due regard when securing the provision of public passenger transport services. We are keen that those areas be included in the Bill. However, we need to be clear that we are both on the same wavelength, so that we can seek specific amendments. At the moment, the draftsman is saying that we do not have sufficient clarity for him to be able to draft provisions covering those areas.

I will say a bit about sustainability. Section 25 of the Northern Ireland (Miscellaneous Provisions) Act 2006 states:

“A public authority must, in exercising its functions, act in the way it considers best calculated to contribute to the achievement of sustainable development in Northern Ireland, except to the extent that it considers that any such action is not reasonably practicable in all the circumstances of the case.”

That duty, therefore, applies to DRD and public transport. Thus, if we were to undertake procurement of public transport services at present or were to award a contract directly to Translink, we would need to ensure that sustainable development was taken into account in areas such as the design of vehicles, the technology for greener transport, and so forth. A direct award to Translink would also involve a large social element that we would want to safeguard as far as possible, and that feeds into the notion of social sustainability.

There is a third leg to sustainability. As well as the environmental and social, there is the economic element of sustainability. At the moment, we are not clear on how the Committee wants to see a duty involving sustainability be reflected in the Bill and how that will relate to the duty that is in the 2006 Miscellaneous Provisions Act. Therefore, any guidance that the Committee can offer on that would be welcome.

**Mr McDevitt:**

Thanks, Doreen. I have always believed that we should build on the provisions of the St Andrews Act, which was, of course, introduced by Parliament, not by here. In my mind, we are talking about enshrining in the transport legislation a duty to consider the social, economic and environmental sustainability of the region and, specifically, how transport can contribute to that.

Our objective is for a statutory duty in the Bill to build on the provisions of the 2006 Act. I did not see it as being just one of the three legs. I saw it as us encapsulating clearly in legislation the need for transport to properly take into account social, economic and environmental sustainability.

**Ms D Brown:**

That sounds very reasonable. We then get to the issue of measurement, and how we would measure whether the Department was fulfilling that duty. We still have some discomfort about how we could do that and, therefore, prove that we were doing it or defend ourselves against accusations that we were not doing it.

**Mr McDevitt:**

That is an interesting question. The point of putting it in the Bill is because, as it stands in the 2006 Act, it is aspirational. My understanding is that there is no duty on any public authority to measure it. I am no lawyer, but the way I read the 2006 Act, it does not set a benchmark against which the public authorities are held accountable. It is a loose, aspirational thing.

In the light of conversations that we will be having about the regional development strategy and, more importantly, the regional transportation strategy, we must take the opportunity now to place a clear statutory duty on the Department to be able in future to define what we mean by sustainability. It is ultimately about arriving at the point where we will be measuring that.

**Ms D Brown:**

The fact that there are three legs to sustainability creates almost an internal tension, because they can pull in opposite directions at opposite times. The trick with sustainability is to try to achieve a balance. That balance will be a very difficult concept in legislation.

**Mr McDevitt:**

What is being enshrined in legislation is the statutory duty. You are thinking — it is obviously your job as a civil servant to think about this — about the future liability that that statutory duty could put you under as a Department. However, sustainability, in the broadest sense, places other Departments under an equal duty. The problem with the 2006 Act is that it is quite loose. It is aspirational. The sustainable development strategy is, of course, now decommissioned, and we do not have another one properly in development. The duty for us, as legislators looking at transport specifically, is to ensure that, when we have the opportunity to enshrine the principle of sustainability in law, we take it.

I take your point about the need to benchmark all this at a future point. However, the reference points for benchmarking would be wider Executive policy on social, economic and environmental sustainability, which would not be the responsibility of the Department for Regional Development. From the point of view of our duty to legislate for public transport in the years ahead, if we fail to include a clear benchmark on those criteria, we will allow future Departments — well after our time, of course — with less noble intentions to wriggle out of all sorts of commitments. Frankly, that could have massive financial implications for us, given our carbon problem, particularly this Department's carbon problem. This is one of those important statements of intent, which will have down-the-line consequences for everyone, including the scrutineers and the officials who will have to work it.

**Ms D Brown:**

Any such duty would have to be in the context of the limitations of budgetary constraints and cost-efficiency and effectiveness considerations. There could not be an absolute duty of sustainability without regard to the resources that would be available to the Department and public transport operators.

**The Chairperson:**

You said that the draftsman has looked at this stuff. Has he drawn up any examples of where he thinks that we could go, rather than talk in a vacuum here? Has he given any consideration to what shape some of the amendments would take?

**Ms D Brown:**

In the early stages, the only thing that the draftsman came up with was a statement that was solely

related to environmental sustainability, and that sort of missed the wider point. He has not been able to draft anything because he feels that he has not been given sufficient clarity to enable him to go any further.

**Mr Leonard:**

In mentioning the vacuum, Chairperson, you went in the direction that I want to go. Surely there is some legislative precedent that drills down the general aspiration in this context. I do not know whether it is enough for the draftsman/Department to ask for a bit of guidance. I would have thought that there were other areas where transport sustainability has been enshrined in legislation.

I am still open to the debate about primary legislation versus secondary legislation, but I know that the Department obviously wants to go with primary legislation. Surely, there are precedents and people in that neck of the woods and the domain of draftsmanship or departmental officials with their great grand resources and all the rest of it who would be able to show us where we could go.

**Mr Sean Johnston (Department for Regional Development):**

If someone is not clear about what they want, the Office of the Legislative Counsel will usually say, "Go away and sort out what you want. When you know what you want, we will turn our minds to it." The draftsman did look at amending the clause in relation to sustainability. Frankly, I am not sure whether there is any legislation that we could lift or point to from other jurisdictions. Transport Acts have been produced in Great Britain relatively recently. We could chase that up.

**Mr Brian White (Department for Regional Development):**

I doubt that there is a ready precedent. We are talking about the local environment. What we are proposing to do here is quite different in structure from that which operates across the water.

**Mr Leonard:**

I appreciate the points that have been made, and I am not looking for Evo-Stik legislation, a direct lift or anything like that. There are a couple of EU examples, and we should look more broadly than GB. I am sure that there is some precedent. I hope that there is.

**Mr McDevitt:**

To pick up on Billy's point: there are a couple of reference points. My understanding is that sustainability is clearly defined, certainly in European terms. As I understand it, it may not be enshrined in transport law, but the principle is in British statute. It is the three-legged stool definition. We are no longer debating what sustainability is; we are clear about what it is. Therefore, I do not see a barrier there.

The second issue is cost. I take the point that was made, but we must consider the cost of not doing this. That is the real driver behind sustainability in policy terms. As you know, the problem is not the cost of taking the decision today but the cost of ignoring the issue and leaving Departments and public authorities with no statutory duties to address it. To argue against Doreen's point: that is what we need to reflect on.

I am quite content that we are not making a world's first here; far from it. I suppose that what I am arguing to colleagues is that we should have the courage to do it.

**Ms D Brown:**

We will go back and talk to the draftsman and will see whether we can find examples of this being enshrined in other legislation and, in particular, in other transport legislation. We will come back to the Committee on that quite quickly.

**The Chairperson:**

We are looking at clause 1(1), which talks about having:

“due regard to economy, efficiency and safety of operation.”

There is bound to be some flexibility around that. We are actually talking about the economy and efficiencies. In a sense, it means that sustainability is that.

**Ms D Brown:**

OK. We will see what we can come up with.

**The Chairperson:**

Good.



**Ms D Brown:**

Can I move on to accessibility?

**The Chairperson:**

Yes. This is your hobby horse. We have the promises that you made us written down, Doreen.

**Ms D Brown:**

Again, we want to be clear about what changes the Committee would like to see to meet its desire to have accessibility in the Bill. We are not opposed to that as long as we understand what it is that we are drafting. We indicated in a previous briefing that there is quite a lot of existing legislative provision in this area, and we set out the detail of existing duties on accessibility in our letter of 7 October. Therefore, before we can ask for other amendments to be drafted, we need to be clear about what the Committee finds lacking in what is already provided and what additional provisions it considers necessary to cover accessibility in the Transport Bill.

**The Chairperson:**

This brings us back to where we were on sustainability. We have talked about accessibility on numerous occasions. We may be able to put this in subordinate legislation, but when we talk about accessibility to transport, we mean that everyone who wants to use public transport can use it, as the Minister said last week. When you were last here, Doreen, you gave us some agreements and assurances around this issue. We are not absolutely sure that it is as clear as it can be, or whether we can use subordinate legislation to reinforce the primary legislation around it. As long as we are all thinking about the same things and working towards the same objectives, which I am sure that we are, we are happy to keep working on this.

What we see at the moment in public transport is that those people who have disabilities are basically left to one side on the basics. We have talked about that before. We have talked about accessibility to audio-visual stuff, if we are going to put kiosks in and to introduce integrated ticketing. If we are all on the one page here, which I hope that we are, we need to look at strengthening stuff around this issue. We can do that next week, but some of the stuff is a bit up in the air at the minute.

**Ms D Brown:**

There is quite a raft of provisions in disability discrimination regulations relating to transport

vehicles. Again, if the Committee thinks that there is not enough there, we are keen to know what else is required. Those regulations also require transport providers, where reasonable, to make changes to any:

“practice, policy or procedure which makes it impossible or unreasonably difficult for disabled people to make use of those services.”

Quite a lot is provided for already. We are asking whether there is something extra that is not already in legislation that the Committee feels needs to be included, either in this Bill or in subsequent regulations.

**The Chairperson:**

We are also going to raise the issue of minimum wage in respect of clause 1(1). The Bill says that:

“The Department must secure the provision of public passenger transport services with due regard to economy, efficiency and safety of operation.”

Can accessibility be added to that?

**Ms D Brown:**

If we understand what aspects of accessibility you require to be in this Bill that are not covered elsewhere —

**The Chairperson:**

We will firm that up a bit more, but is there any objection to putting in “accessibility” so that it reads:

“due regard to economy, efficiency, safety of operation and accessibility”?

**Ms D Brown:**

No; there is not.

**Mr Johnston:**

No; there should not be.

**Ms D Brown:**

Again, it goes back to how we measure it. How will we know whether we are doing it?

**The Chairperson:**

It is not a matter of measuring accessibility. Accessibility means that all individuals can access transport. It is clear to me what that means.

**Mr Johnston:**

The problem would arise if it was interpreted with the cost issue, where we were —

**The Chairperson:**

This is not a cost issue, Sean.

**Mr Johnston:**

People with disabilities should not be getting any less service.

**The Chairperson:**

Yes, so it is not a cost issue.

**Mr Johnston:**

For example, we would not want to have a provision in the Bill whereby we were forced to do something that we did not have the money to do, such as the sort of adjustments that the operator could not make.

**The Chairperson:**

This is not an issue about costs. If we have a public transport system, it should be accessible to the public, not to only portions of the public. We cannot have people being told that they cannot get on a bus in a wheelchair because we do not have the money to make the bus wheelchair-friendly, or that people cannot use the train if they are blind because we do not have an audio system. We cannot have that any more. It is not a cost issue. We have been through all this 150 times. We are determined to ensure that public transport means public transport. I hope that that is where the Department is.

The issues that we need to address concerning accessibility of transport are not a matter of cost. It is a matter of the Department and the Committee working together to ensure that that happens. If it is a matter of cost, it becomes a matter of priorities. Do we put in audio-visual facilities, or do we make buses more accessible to wheelchairs? Do we introduce an integrated

ticketing system that is accessible to everybody, or do we use the money for something else? We are not into that; we are way by that.

**Ms D Brown:**

In going forward, we are inevitably going to have to consider priorities, because we are going to face such constraints on funding that we are not going to be able to do everything that everyone wants to do, whether in relation to transport in the broadest sense or to public transport. We will not have enough money to cover our wish list.

**The Chairperson:**

The Department will have to ensure that public transport means public transport. If we are buying new buses or trains, all of those things should be integrated into them before we buy them. If we are to have an integrated ticketing system, we will know what we need before we put the machine in place. There is no point in putting the machine in place and then apologising because we did not have enough money to do the rest. We do not want any of that.

**Ms D Brown:**

That is already covered by existing regulations, which means that we would not be able to do that, even if it was our intention.

**The Chairperson:**

I know that the Department and the Committee are on the same page. All I am saying to you is that we want to make sure, when we talk about public transport and accessibility, that that is what it means. It does not mean some of the buses and some of the trains. We do not want any of that. If you put that in the Bill, we can go through it again when you are here next week.

**Mr McDevitt:**

In a supplementary question during Question Time yesterday, the Minister was asked whether he would be willing to accept an amendment on accessibility, and he confirmed that he would.

**Ms D Brown:**

Yes, absolutely. I think that I made clear at the outset that we do not have a problem. We would like to include those things in the Bill, as long as we understand what they will actually require us to do.

**The Chairperson:**

They will require you to make public transport open to the public.

**Ms Lo:**

How much reference do you take from the Disability Discrimination Act (DDA) in relation to accessibility when drafting the Bill?

**Ms D Brown:**

We deem ourselves to be bound by existing legislation that deals with disability. There is no question of us not conforming to that. Legislation already exists, and we would not need to replicate those provisions in this Bill. If something additional was required, we would see whether we could reflect it in the Bill. Certainly, we are very much bound by the existing disability legislation.

**Ms Lo:**

Are you saying that, if we add the word “accessibility” to the Bill, we will be doing over and above what is required by the DDA?

**Ms D Brown:**

We do not know, because we do not know if you are asking for something over and above what is covered by the DDA.

**The Chairperson:**

We will do that next week.

**Mr Leonard:**

I am not a legal eagle, but if there is reference in clause 1(1) to economy, efficiency, safety and accessibility, I do not see why there should be a brand new debate about all aspects of accessibility when we are not re-debating all aspects of safety of operation or of efficiency. There are fluid terms there, and we have to accept that fluidity. Accessibility is important, but it carries equal weight to the other three.

**Mr Boylan:**

Doreen, the issue is about accessibility for everyone. However, you started to go into priorities, which is what I have a problem with. I know that accessibility is a broad concept for the Bill. Who does that cover? Does that mean accessibility for everybody? That is what we are trying to get at. The detail will come next week, but that is our first step. I know that disability was discussed, but it is about making public transport accessible to everyone. We can talk about budgets at a later date, but that is our starting point.

**Ms D Brown:**

That is a broader definition of “accessibility” than accessibility for elderly people or disabled people. That does bring us into the territory of resources. We can only fulfil those duties to the extent that resources are available to enable us to do so.

**Mr Boylan:**

I will not go into the rural issue today.

**Ms D Brown:**

I shall now touch on need and social inclusion. In our reply, we set out that the Bill provides what we thought were comprehensive powers to cover all the circumstances that we could envisage. Clauses 34, 35 and 36 provide permissive powers to fund service provision in connection with the purposes of the Act. You said that you wanted us to look at the concepts of need and social inclusion, and, I think, you have been considering the matter. We are keen for your clarification on whether you feel that clauses 34, 35 and 36 are adequate to deal with your view of those concepts.

**The Chairperson:**

We had discussions with the legal department last week, and we are waiting on wording from it. We will talk to you about that next week. We are forming an amendment on the national minimum wage issue, so we will talk to you about that next week as well.

**Ms D Brown:**

Will I just skip over that for today?

**The Chairperson:**

Yes, because we are not going to agree on it anyway. We have asked Legal Services for clarification, which we hope to have by next week. We have rehearsed those arguments two or three times.

**Ms D Brown:**

I shall move on to clause 45, which is the so-called Henry VIII clause. In annex A of our letter of 15 November, we set out, as the Committee requested, some of the circumstances in which the powers to amend primary legislation might be used for public transport. We also set out how that sort of power has been used elsewhere.

We still take the view that that sort of provision is a useful safeguard in the event that matters arise during implementation or subsequently that would otherwise need new primary legislation in order to fully implement the new arrangements. The Bill is quite wide-ranging, but there is no guarantee that we have thought of everything and that nothing that needs to be addressed will emerge during implementation. We reiterate that the power in clause 45 could be used only for the purpose of giving effect to the transport Act. We could not use it to take forward any matter that was not directly linked to the scope or purpose of the Act. On the face of it, it seems to be quite a wide-ranging power, but we could not use it on a whim to cover something that is not at the heart of the Bill.

**Mr McDevitt:**

Thank you for your letter's annex, which is very helpful. You made the point that the Bill is very wide-ranging. The power is restricted to the confines of the Bill, but those confines are massive, particularly when one thinks about the way in which it will grow over the years. With all the secondary legislation, it will be like the top of the family tree, and, by the time that you get to the bottom, a huge body of statute will exist.

I note that such provision has been applied elsewhere in recent years. As we have only received your response, I have not had time to look at those pieces of legislation. However, looking at their titles and your description of them, none of them are anywhere near as wide-ranging as the Transport Bill. From the way in which you have described them, Doreen, the clause tends to apply to specific aspects of specific Bills. You are asking us to accept it for the entire Bill. If, for example, you said to us that it may apply to a particular part because there are

“unknown unknowns”, to use that awful phrase, there may be some weight in the argument that you presented. However, given the breadth of the Bill, to apply it to the entire Bill is asking us to give you a blank cheque.

**Ms D Brown:**

It is not a die-in-the-ditch issue as far as we are concerned. We felt that it would be helpful in case anything was overlooked, as the Bill is wide-ranging. I understand the unease that was expressed about the breadth of it. We will look to the Committee’s view on it, and we are happy to go along with whatever it decides.

**Mr White:**

We do not regard having to make subordinate legislation as being a blank cheque. We would have to come back to the Committee and the Assembly with that legislation.

**The Chairperson:**

Why not just take it out and use the statutory rules should any issues arise from the Bill?

**Ms D Brown:**

That would not always work. It would depend on the issue whether we could do it through statutory rules or whether we would require new primary legislation.

**The Chairperson:**

You are saying that the clause is included in the Bill as a safety net.

**Ms D Brown:**

Yes.

**The Chairperson:**

You do not envisage using it every day. Therefore, why not find another vehicle? Why not remove the clause and, if an issue arises from the Bill, use the statutory rules?

**Mr Johnston:**

That is what we would do in normal circumstances. The provision would be applied only in circumstances in which the advice was that primary legislation rather than subordinate legislation



was required.

**Mr McDevitt:**

The point is that that would mean a substantial change.

**Mr Johnston:**

It might and it might not. Some of those things can be relatively minor.

**Mr McDevitt:**

Mr Johnston, you have allowed yourself so much scope for secondary legislation. To some extent, we are giving birth to the great-great grandfather of what will be the ultimate legislation.

**The Chairperson:**

The Committee is really not happy about the clause.

**Ms D Brown:**

As I said, we do not regard it as a drop-down-dead issue. It would be nice to have it though.

**Mr McDevitt:**

So says the deputy secretary.

**The Chairperson:**

It is also nice to get Christmas boxes. The Committee is not happy about the clause, but we will talk about it more next week.

**Ms D Brown:**

The third clump of issues covered in our letter was those on which clarification had been sought by the Committee. We hope that we have given the Committee enough detail in our reply, but I thought that I would talk through those issues paragraph by paragraph.

Paragraph 20 of our letter dealt with the issue of patients under the mental health legislation. Our understanding is that the Mental Health Order is to be reviewed, but, for now, we have to run with existing legal definitions in that area.

**The Chairperson:**

OK.

**Ms D Brown:**

Paragraph 21 dealt with shared facilities. The Committee had asked about the possibility of having a tighter definition of “place” in relation to shared facilities. We think that an appropriate approach would be to define “place” in regulations, which would require affirmative resolution, rather than seeking to put a precise definition in the Bill.

**The Chairperson:**

OK; good.

**Ms D Brown:**

Paragraphs 23 to 25 deal with permits issued under section 10B of the Transport Act (10B permits). We aimed to clarify in those paragraphs the circumstances of 10B permit exemptions.

Paragraphs 26 to 29 cover exempt services. In those paragraphs, we have explained the circumstances in which an operator is exempt from the need to have a permit.

Paragraphs 30 to 32 deal with fees for permits. We have not yet determined the level of fees for permit applications, but we have outlined in the letter the levels of fees that are used by Transport for London and the National Transport Authority in Dublin. We have also explained the circumstances in which a refund of the fee may be appropriate.

Paragraph 33 deals with the statutory maximum fine, which we have explained is currently £5,000.

Paragraph 34 relates to amendments to the road service licence. We have explained the amendments required to Part II of the 1967 Transport Act as a result of this Bill. In paragraphs 35 to 37, we have explained the impact on the Taxis Act (Northern Ireland) 2008.

Paragraph 38 refers to time limits for prosecutions. Prosecutions must be brought within six months of the Department having sufficient evidence, but, in any event, they cannot be brought more than three years after the alleged offence was committed.

Paragraphs 39 to 41 deal with appointments to the board of the Northern Ireland Transport Holding Company. That is another area where we are tidying up legislative provision. This requirement arose from a Public Accounts Committee report, which recommended that, where a Department has the power to appoint people to public bodies, it also has to have the power to terminate those appointments. We believed that we had that power, but we found out that we did not. Therefore, we are taking the first legislative vehicle to plug that gap.

Paragraphs 42 and 43 relate to shared facilities. The Committee had asked for examples of that. The sharing of public transport facilities is quite widespread in GB and in many other jurisdictions where bus depots are publicly owned, and we have set out some examples in those paragraphs.

**Mr Boylan:**

I have one point for clarification. The matter of 10B permits is being dealt with in the review of bus operator licensing.

**Mr Johnston:**

That is the Department of the Environment's (DOE) review.

**Mr Boylan:**

You said that there is no impact. What impact is there in respect of transporting people in general?

**Mr Johnston:**

Community transport will continue to operate under the 10B permit regime until the DOE changes it. However, the DOE cannot change it without taking account of the provisions that are contained in this Bill.

**Ms D Brown:**

I have gone through the content of our letter. As I said at the outset, we owe the Committee a further response to cover notice periods and appeals for non-renewal of permits; monitoring arrangements and level of enforcement resources for permits; costs and processes associated with upper tribunal, land tribunal and courts; and powers and vesting procedures for the acquisition of

land.

**The Chairperson:**

We need to talk with you next week about the outline business case.

**Ms D Brown:**

Yes, OK.

**The Chairperson:**

Thank you very much.

**The Committee Clerk:**

The Committee will write to officials this afternoon on the issues around the outline business case.