



Australian Capital Territory

Road Transport (Hire Vehicle Services) Regulations 2000

Subordinate Law 2000 No 4

The Australian Capital Territory Executive makes the following regulations
under the *Road Transport (General) Act 1999*.

Dated 25 February 2000.

BRENDAN SMYTH
Minister

GARY HUMPHRIES
Minister



Australian Capital Territory

Road Transport (Hire Vehicle Services) Regulations 2000

Subordinate Law 2000 No 4
made under the
Road Transport (General) Act 1999

CONTENTS

Regulation

PART 1—PRELIMINARY

- 1 Name of regulations
- 2 Commencement
- 3 Dictionary
- 4 Notes

PART 2—OPERATION OF HIRE VEHICLE SERVICES

Division 2.1—Hire vehicle operators

- 5 Condition of hire vehicles (NSW Reg cl 5)
- 6 Notification of change in licence particulars (NSW Reg cl 6)
- 7 Noncompliance notices (NSW Reg cl 7)
- 8 Driver to hold appropriate driver licence (NSW Reg cl 8 (1))

Road Transport (Hire Vehicle Services) No 4, 2000

CONTENTS—continued

Regulation	
9	Records of drivers to be made (NSW Reg cl 8 (2))
10	Records about operation of hire vehicle to be kept etc (NSW reg cl 9) <i>Division 2.2—Hire vehicle drivers</i>
11	Condition of hire vehicles (NSW Reg cl 12)
12	Noncompliance notices (NSW Reg cl 13)
13	Transport of goods (NSW Reg cl 14)
14	Behaviour of drivers (NSW Reg cl 15)
15	Dress and conduct of drivers (NSW Reg cl 16)
	PART 3—HIRE VEHICLE HIRINGS
16	Way in which hiring to be carried out (NSW Reg cl 17 (1), (3))
17	Where hire vehicle driver must stop on a road (NSW Reg cl 17 (2))
18	Ending of hiring by hirer (NSW Reg cl 18)
19	Extra passengers (NSW Reg cl 17)
20	Fares not to be charged for avoidable delays (NSW Reg cl 17)
21	Payment of fares for hiring hire vehicles (NSW Reg cl 20A)
	PART 4—CONDUCT OF PASSENGERS
22	Offensive behaviour or language (NSW Reg cl 21)
23	Soiled clothing etc (NSW Reg cl 23)
24	Intoxicated passengers (NSW Reg cl 24)
25	Offender to get out of vehicle when directed (NSW Reg cl 25)
26	Removal of people from vehicles (NSW Reg cl 26)
27	Lost property (NSW Reg cl 27)
	PART 5—ENFORCEMENT
28	Purpose of powers under pt 5 (NSW s 42 (1))
29	Power to require records or information (NSW s 42 (1), sch 1 cl 1)
30	Power to inspect and test vehicles (NSW s 42 (5) (a), sch 1 cl 4, 5)
31	Power to require vehicles or equipment to be inspected and tested (NSW s 42 (5) (b), sch 1 cl 6)
	PART 6—MISCELLANEOUS
32	Noncompliance notices (NSW Reg cl 28)
33	Police officer or authorised person may require name and address (NSW Reg cl 35)

DICTIONARY

PART 1—PRELIMINARY

1 Name of regulations

These regulations are the *Road Transport (Hire Vehicle Services) Regulations 2000*.

2 Commencement

These regulations commence on the commencement of the *Road Transport (General) Act 1999*.

3 Dictionary

The dictionary at the end of these regulations is part of these regulations.

Note 1 The dictionary at the end of these regulations defines certain words and expressions used in these regulations, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in these regulations or elsewhere in the road transport legislation.

For example, the signpost definition '*public vehicle licence*—see the *Road Transport (Driver Licensing) Act 1999*, dictionary' means that the expression 'public vehicle licence' is defined in the dictionary to that Act. The definition applies to these regulations.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulations unless the definition, or another provision of the regulations, provides otherwise or the contrary intention otherwise appears (see *Interpretation Act 1967*, s 11F and s 11G as applied by the *Subordinate Laws Act 1989*, s 9).

4 Notes

(1) A note included in these regulations is explanatory and is not part of these regulations.

Note See *Interpretation Act 1967*, s 12 (1), (4) and (5) (as applied by the *Subordinate Laws Act 1989*, s 9) for the legal status of notes.

(2) In this regulation—

note includes material enclosed in brackets in regulation headings.

Note For comparison, a number of regulations of these regulations contain bracketed notes in their headings drawing attention to equivalent or comparable (though not necessarily identical) provisions of other legislation. Abbreviations in the notes include the following:

- NSW: *Passenger Transport Act 1990* (NSW)
- NSW Reg: *Passenger Transport (Private Hire Vehicle Services) Regulation 1995* (NSW).

PART 2—OPERATION OF HIRE VEHICLE SERVICES

Division 2.1—Hire vehicle operators

5 Condition of hire vehicles (NSW Reg cl 5)

(1) The operator of a hire vehicle must ensure that, while the vehicle is operating as a hire vehicle, its interior, exterior and fittings are clean, undamaged and in good repair.

Maximum penalty: 10 penalty units.

(2) In this regulation—

exterior, of the hire vehicle, includes the body, door panels, bumper bars, trim and wheels of the vehicle.

interior, of the hire vehicle, includes the interior of the boot of the vehicle.

6 Notification of change in licence particulars (NSW Reg cl 6)

If a change happens in a particular mentioned in a hire vehicle operator's licence, the holder of the licence must give written notice of the change to the road transport authority as soon as practicable (but within 14 days).

Maximum penalty: 10 penalty units.

7 Noncompliance notices (NSW Reg cl 7)

(1) If a noncompliance notice has been attached to a hire vehicle and has not been removed in accordance with these regulations, the operator of the vehicle must not allow the vehicle to operate as a hire vehicle—

- (a) after the expiry time of the notice; or
- (b) if the operator knows the notice has been removed otherwise than in accordance with these regulations.

Maximum penalty: 20 penalty units.

Note Regulation 32 deals with the attachment and removal of noncompliance notices.

(2) Paragraph (1) (b) ceases to apply to the hire vehicle in relation to the noncompliance notice if a police officer or authorised person directs in writing that the notice be taken to have been removed under subregulation 32 (3).

8 Driver to hold appropriate driver licence (NSW Reg cl 8 (1))

The operator of a hire vehicle must not allow someone to drive the vehicle while it is operating as a hire vehicle unless satisfied that the person is the holder of a public vehicle licence authorising the person to drive the vehicle for hire or reward.

Maximum penalty: 20 penalty units.

9 Records of drivers to be made (NSW Reg cl 8 (2))

The operator of a hire vehicle must make a written record of the following particulars for each person who drives the vehicle while it is operating as a hire vehicle:

- (a) the person's full name and home address;
- (b) the dates and times when the vehicle was driven by the person.

Maximum penalty: 10 penalty units.

10 Records about operation of hire vehicle to be kept etc (NSW Reg cl 9)

A person who is or has been the operator of a hire vehicle—

- (a) must keep any record required to be made by the person under the Act for at least 2 years after the making of the last entry in it; and
- (b) must produce it for inspection when required by a police officer or authorised person; and
- (c) must produce it to the road transport authority for inspection when required, in writing, by the authority.

Maximum penalty: 10 penalty units.

Division 2.2—Hire vehicle drivers

11 Condition of hire vehicles (NSW Reg cl 12)

The driver of a hire vehicle must not operate the vehicle as a hire vehicle unless it is clean and tidy.

Maximum penalty: 5 penalty units.

12 Noncompliance notices (NSW Reg cl 13)

(1) If a noncompliance notice has been attached to a hire vehicle and has not been removed in accordance with these regulations, a person must not operate the hire vehicle as a hire vehicle—

- (a) after the expiry time of the notice; or
- (b) if the person knows the notice has been removed otherwise than in accordance with these regulations.

Maximum penalty: 20 penalty units.

Note Regulation 32 deals with the attachment and removal of noncompliance notices.

(2) Paragraph (1) (b) ceases to apply to the hire vehicle in relation to the noncompliance notice if a police officer or authorised person directs in writing that the notice be taken to have been removed under subregulation 32 (3).

13 Transport of goods (NSW Reg cl 14)

(1) The driver of a hire vehicle must not allow anyone to place or carry in the vehicle something that, because of its size or dimensions, cannot be carried in the vehicle without inconvenience to someone else.

Maximum penalty: 5 penalty units.

(2) Subregulation (1) does not apply to anything used by a person with a disability to alleviate the effect of the disability.

14 Behaviour of drivers (NSW Reg cl 15)

The driver of a hire vehicle must not do the following:

- (a) solicit for passengers or for a hiring;
- (b) move the vehicle while a door is open;
- (c) start the vehicle in a way that subjects a passenger or intending passenger to unnecessary risk of injury.

Maximum penalty: 5 penalty units.

Note The driver of a hire vehicle may not smoke in a taxi, see the *Smoke-free Areas (Enclosed Public Places) Act 1994*.

15 Dress and conduct of drivers (NSW Reg cl 16)

The driver of a hire vehicle must—

- (a) be clean and tidy and wear clean and respectable clothes; and

Road Transport (Hire Vehicle Services) No 4, 2000

- (b) behave in an orderly way and with politeness and propriety towards every passenger, intending passenger, police officer or authorised person; and
- (c) comply with every reasonable request of a passenger.

Maximum penalty: 5 penalty units.

PART 3—HIRE VEHICLE HIRINGS

16 Way in which hiring to be carried out (NSW Reg cl 17 (1), (3))

- (1) The driver of a hire vehicle—
- (a) must not fail to carry out promptly any hiring accepted; and
 - (b) must drive the vehicle by the shortest practicable route to any place stated by the hirer, unless the hirer asks that the vehicle be driven to the place by another route.

Maximum penalty: 5 penalty units.

- (2) The driver of a hire vehicle may refuse to stop the vehicle at a place where stopping the vehicle would be unlawful or, in the driver's opinion, unsafe.

17 Where hire vehicle driver must stop on a road (NSW Reg cl 17 (2))

If the driver of a hire vehicle stops on a road to drop off or pick up a passenger, the driver must stop parallel to, and as close as practicable to, the side of the road.

Maximum penalty: 5 penalty units.

18 Ending of hiring by hirer (NSW Reg cl 18)

The hirer of a hire vehicle may discharge the hire at any time.

19 Extra passengers (NSW Reg cl 17)

The driver of a hire vehicle must not allow someone to travel in the vehicle without the hirer's agreement.

Maximum penalty: 5 penalty units.

20 Fares not to be charged for avoidable delays (NSW Reg cl 17)

The driver of a hire vehicle must not ask for payment of a charge for a period when the vehicle is delayed because of—

- (a) a shortage of fuel or an accident to the tyres, mechanism or any other part of the vehicle; or
- (b) anything that the driver could have prevented.

Maximum penalty: 5 penalty units.

21 Payment of fares for hiring hire vehicles (NSW Reg cl 20A)

(1) The hirer of a hire vehicle must, after the end of the hiring, pay the driver of the vehicle the fare for the hiring.

Maximum penalty: 5 penalty units.

(2) The fare cannot be more than the amount the hirer was told before the hiring.

(3) However, if a person has entered into an arrangement with an operator in relation to the ongoing hire of 1 or more hire vehicles, the person must pay the fare or fares in accordance with the arrangement.

(4) In this regulation—

fare means the amount charged for the hiring of a hire vehicle, and includes any amount charged to carry goods.

PART 4—CONDUCT OF PASSENGERS

22 **Offensive behaviour or language** (NSW Reg cl 21)

A person must not, in a hire vehicle—

- (a) behave in an offensive way; or
- (b) use offensive language; or
- (c) eat or drink except with the agreement of the driver of the hire vehicle.

Maximum penalty: 5 penalty units.

Note A person is not allowed to smoke in a taxi, see the *Smoke free Areas (Enclosed Public Places) 1994*.

23 **Soiled clothing etc** (NSW Reg cl 23)

(1) The driver of a hire vehicle, a police officer or an authorised person may direct a person not to get into, or to get out of, a hire vehicle if the driver, police officer or authorised person believes on reasonable grounds that—

- (a) the person's clothing or goods (or anything else on or carried by the person) may soil or damage the hire vehicle or the clothing or goods of another passenger; or
- (b) any of the person's goods cannot, because of their size or dimensions, be carried in the hire vehicle without inconvenience to another passenger.

(2) Paragraph (1) (b) does not apply to anything used by a person with a disability to alleviate the effect of the disability.

(3) A person must not fail to comply with a direction under this regulation.

Maximum penalty: 5 penalty units.

24 **Intoxicated passengers** (NSW Reg cl 24)

(1) The driver of a hire vehicle, a police officer or an authorised person may direct a person not to get into, or to get out of, the hire vehicle if the driver, police officer or authorised person believes on reasonable grounds that the person—

- (a) is under the influence of alcohol or another drug; and

Road Transport (Hire Vehicle Services) No 4, 2000

(b) is causing, or is likely to cause, a nuisance or annoyance to another passenger.

(2) A person must not fail to comply with a direction under this regulation.

Maximum penalty: 5 penalty units.

25 Offender to get out of vehicle when directed (NSW Reg cl 25)

(1) The driver of a hire vehicle, a police officer or an authorised person may direct a person to get out of the vehicle if the driver, police officer or authorised person believes on reasonable grounds that the person is committing an offence under this Part.

(2) A person must not fail to comply with a direction under this regulation.

Maximum penalty: 5 penalty units.

26 Removal of people from vehicles (NSW Reg cl 26)

A person who fails to comply with a direction under this Part to get out of a hire vehicle may be removed from the vehicle by a police officer.

27 Lost property (NSW Reg cl 27)

A person who finds something in a hire vehicle must return it to its owner or give it to the driver of the hire vehicle.

Maximum penalty: 5 penalty units.

PART 5—ENFORCEMENT

28 Purpose of powers under pt 5 (NSW s 42 (1))

The powers under this Part may be exercised by a police officer or authorised person to decide whether there has been compliance with or a contravention of—

- (a) Part 9 (Public vehicles) of the Act or these regulations; or
- (b) the conditions of a licence or exemption issued or given under Part 9 of the Act or the regulations.

29 Power to require records or information (NSW s 42 (1), sch 1 cl 1)

(1) A police officer or authorised person may, by written notice, require a person to provide records or information within the reasonable time stated in the notice.

(2) The notice may only require a person to provide records that are in the person's possession or are within the person's power to obtain lawfully.

(3) The police officer or authorised person may take copies of any record provided in response to the notice.

(4) A record required by a notice must be provided in written form unless the notice provides otherwise.

(5) A person must not, without reasonable excuse, fail to comply with a notice under this regulation.

Maximum penalty: 20 penalty units.

30 Power to inspect and test vehicles (NSW s 42 (5) (a), sch 1 cl 4, 5)

(1) A police officer or authorised person may inspect a hire vehicle, or any other vehicle that the police officer or authorised person believes on reasonable grounds is operating, or has operated, as a hire vehicle, and may inspect and test its equipment and fittings.

(2) Without limiting subregulation (1), the police officer or authorised person may, for that subregulation, do 1 or more of the following:

- (a) request or signal the driver of the vehicle to stop the vehicle;
- (b) get into and remain in the vehicle;
- (c) operate the vehicle and any of its equipment;

- (d) request the driver to give the police officer or authorised person any information the police officer or authorised person reasonably requires to inspect or test the vehicle;
 - (e) request the driver to do anything else the police officer or authorised person reasonably requires to inspect or test the vehicle.
- (3) If a vehicle is stopped because of a request or signal under paragraph (2) (a), any inspection or testing of the vehicle must be carried out—
- (a) at, or as near as practicable to, the place where the request or signal is made or given; and
 - (b) as soon as practicable, and in any case within 1 hour after the vehicle is stopped.
- (4) A person must not, without reasonable excuse, fail to comply with a request or signal made or given by a police officer or authorised person under this regulation.

Maximum penalty (for subregulation (4)): 20 penalty units.

31 Power to require vehicles or equipment to be inspected and tested (NSW s 42 (5) (b), sch 1 cl 6)

- (1) A police officer or authorised person may, by written notice given to the responsible person for a vehicle that is a hire vehicle or that the police officer or authorised person believes on reasonable grounds is operating, or has operated, as a hire vehicle, require the person to have the vehicle and its equipment and fittings (or stated equipment) inspected or tested.
- (2) The notice may require any of the following:
- (a) the inspection and testing to be carried out within or at a stated reasonable time;
 - (b) the inspection and testing to be carried out by or in the presence of a police officer, an authorised person or anyone else;
 - (c) the inspection and testing to be carried out at a stated reasonable place;
 - (d) a report of the inspection and testing to be given to a police officer or authorised person within a stated reasonable time;
 - (e) anything else reasonably necessary or convenient for the inspection and testing.

Road Transport (Hire Vehicle Services) No 4, 2000

(3) A person must not, without reasonable excuse, fail to comply with a notice given to the person under this regulation.

Maximum penalty (for subsection (3)): 20 penalty units.

PART 6—MISCELLANEOUS

32 Noncompliance notices (NSW Reg cl 28)

(1) A police officer or authorised person, or a person inspecting and testing a vehicle under Part 5 (Enforcement), may attach a notice (a *noncompliance notice*) to the vehicle if it appears to the officer or person that the vehicle or its equipment or fittings do not comply with these regulations.

(2) The notice must state—

- (a) the action necessary to be taken for the vehicle, equipment or fittings to comply with these regulations; and
- (b) an expiry time after which the vehicle must not be operated as a hire vehicle unless the notice has been removed by a police officer or authorised person.

(3) A police officer or authorised person may remove the noncompliance notice from the hire vehicle, or direct in writing that it be taken to have been removed, if satisfied on inspection and testing of the vehicle or its equipment or fittings that the necessary action mentioned in the notice has been taken.

(4) A person, other than a police officer or authorised person, must not remove a noncompliance notice from a vehicle.

Maximum penalty (for subregulation (4)): 20 penalty units.

33 Police officer or authorised person may require name and address (NSW Reg cl 35)

(1) If a police officer or authorised person suspects on reasonable grounds that a person has contravened these regulations, the police officer or authorised person may require the person to state his or her name and home address.

(2) A person must not—

- (a) without reasonable excuse, fail to state his or her name or home address when required to do so under subregulation (1); or
- (b) state a false name or home address in purported compliance with a requirement under that subsection.

Maximum penalty: 10 penalty units.

DICTIONARY

(See reg 3)

authorised person—see the Act, dictionary.

drive a hire vehicle includes stop or park the vehicle.

driver, of a hire vehicle, means the person driving the vehicle if the person holds a public vehicle licence authorising the person to drive the vehicle for hire or reward.

fittings, of a vehicle, includes the seats, seat covers and floor coverings of the vehicle.

hire vehicle means a private hire car or a restricted hire vehicle.

home address—see the Act, dictionary.

in a hire vehicle includes on the vehicle.

inspect a vehicle includes observe the performance of the vehicle or any of its equipment, with or without the use of instruments.

noncompliance notice—see regulation 32.

operate a hire vehicle includes drive the vehicle.

operator, for a hire vehicle, means the person to whom a private hire car operator's licence or a restricted hire vehicle operator's licence has been issued for the vehicle.

private hire car—see the Act, section 100.

private hire car operator's licence—see the Act, subsection 120 (1).

public vehicle licence—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

responsible person, for a vehicle—see the Act, sections 10 and 11.

restricted hire vehicle—see the Act, section 100.

restricted hire vehicle operator's licence—see the Act, subsection 126 (1).

road—see the Act, dictionary.

road transport authority—see the Act, dictionary.

the Act means the *Road Transport (General) Act 1999*.

Endnotes

Notification

1 Notified in the Gazette on 29 February 2000.

Penalty units

2 Section 33AA of the *Interpretation Act 1967* (as applied by section 9 of the *Subordinate Laws Act 1989*) deals with the meaning of offence penalties that are expressed in penalty units.