



Australian Capital Territory

# Road Transport (Public Passenger Services) (Exemptions) Amendment Regulation 2015 (No 1)

Subordinate Law SL2015-34

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The Australian Capital Territory Executive makes the following regulation under the *Road Transport (Public Passenger Services) Act 2001*.

Dated 29 October 2015.

ANDREW BARR  
Minister

SHANE RATTENBURY  
Minister

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**1 Name of regulation**

This regulation is the *Road Transport (Public Passenger Services) (Exemptions) Amendment Regulation 2015 (No 1)*.

**2 Commencement**

This regulation commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

**3 Legislation amended**

This regulation amends the *Road Transport (Public Passenger Services) Regulation 2002*.

*Note* This regulation also amends the *Road Transport (Third-Party Insurance) Regulation 2008* (see sch 1).

**4 New part 4.1A**

*insert*

## **Part 4.1A Independent taxi booking services**

**81 Meaning of *independent taxi booking service***

In this regulation:

*independent taxi booking service*—

- (a) means a person who—
  - (i) accepts bookings from people for taxis; and
  - (ii) communicates the bookings to taxi drivers; but

(b) does not include a person who is an accredited taxi network.

*Note* **Person** includes a corporation as well as an individual (see [Legislation Act, s 160](#)).

**81A Exemption for independent taxi booking services—  
Act, s 128 (1) (a)**

- (1) An independent taxi booking service is exempt from the Act, section 33 (Operating taxi network without entitlement).
- (2) An exemption is subject to the following conditions:
  - (a) the independent taxi booking service must tell the road transport authority that the booking service is operating as an independent taxi booking service;
  - (b) the independent taxi booking service must take reasonable steps to ensure each driver to whom the booking service communicates a booking—
    - (i) is a taxi driver; and
    - (ii) is using a licensed taxi to carry out the booking;
  - (c) the independent taxi booking service must take reasonable steps to ensure the fare for a taxi hiring booked via the booking service does not exceed the maximum fare determined under the Act, section 60 (Power to determine maximum taxi fares) for the hiring (if any);
  - (d) the independent taxi booking service must take reasonable steps to ensure that each request for a wheelchair-accessible taxi booking received by the booking service is, without delay, directed to a WCBS;

- (e) the independent taxi booking service must—
  - (i) ensure the following details are recorded for each taxi booking:
    - (A) the name and driver licence number of the taxi driver;
    - (B) the registration number of the taxi;
    - (C) the name of the passenger or a unique identifying number for the passenger;
    - (D) where each passenger was picked up and dropped off;
    - (E) the fare paid; and
  - (ii) provide the details, on request, to the road transport authority, a police officer or a member of an emergency service.
- (3) An exemption ends if the independent taxi booking service fails to comply with a condition.

**5**      **New chapter 4A**

*insert*

## **Chapter 4A      Ridesharing**

### **Part 4A.1      Preliminary**

**164A      Object—ch 4A**

The object of this chapter is to allow the temporary provision of ridesharing.

**164B      Definitions—ch 4A**

In this chapter:

*affiliated driver*, for an interim rideshare booking service, means a rideshare driver who has an interim rideshare driver agreement with the booking service.

*certificate of inspection* means a certificate of inspection issued under the *Road Transport (Vehicle Registration) Regulation 2000*, section 146 (Issue of certificates of inspection etc).

*declared state of alert* means a state of alert declared under the *Emergencies Act 2004*, section 151.

*declared state of emergency* means a state of emergency declared under the *Emergencies Act 2004*, section 156.

*jump-the-queue fee*, for a rideshare, means a fee payable by a rideshare passenger, in addition to the rideshare fare, to be the next passenger picked up by the rideshare driver, ahead of the driver's existing bookings.

***medical fitness certificate*** means a certificate issued by a doctor certifying that—

- (a) the doctor has personally examined the person on a stated date; and
- (b) the person complies with the required medical standards.

***passenger number***, for a passenger for a rideshare booking service, means a unique identifying number given to the passenger by the booking service.

***required medical standards***, for a person—see the [Road Transport \(Driver Licensing\) Regulation 2000](#), section 15.

***rideshare vehicle suitability certificate*** means a certificate of inspection—

- (a) issued by an authorised examiner at a vehicle inspection station after 30 September 2015; and
- (b) certifying that the vehicle, and its parts and equipment, comply with the applicable vehicle standards.

***surge pricing***, for ridesharing, means the practice of increasing rideshare fares during times of high demand for ridesharing.

***third-party property insurance policy*** means a policy that—

- (a) is issued (or renewed) by a corporation authorised under the [Insurance Act 1973](#) (Cwlth); and
- (b) insures the driver of a vehicle to which the policy applies against liability in relation to damage to property caused by, or arising out of the use of, the vehicle anywhere in the ACT (whether or not on a road or road related area).

***vehicle inspection station***—see the [Road Transport \(Vehicle Registration\) Regulation 2000](#), dictionary.

**164C Meaning of *rideshare service*, *rideshare driver*, *rideshare* and *rideshare vehicle*—ch 4A**

In this chapter:

*rideshare service*—

- (a) means a public passenger service where—
  - (i) a passenger books the transport through a rideshare booking service; and
  - (ii) the rideshare booking service communicates the passenger’s booking to a driver (the *rideshare driver*); and
  - (iii) the driver carries out the transport booked (the *rideshare*) using a vehicle (the *rideshare vehicle*); but
- (b) does not include a public passenger service provided by a bus service, a taxi service, a hire car service or a demand responsive service.

*Note 1* A *public passenger service* is a service for the transport of passengers for a fare or other consideration by public passenger vehicles along a road or road related area (see Act, s 10).

*Note 2* Although a rideshare service is a public passenger service, a rideshare vehicle is not a public passenger vehicle. *Public passenger vehicle* means a public bus, taxi, hire car or demand responsive service vehicle.

**164D Meaning of *rideshare booking service*—ch 4A**

In this chapter:

*rideshare booking service*—

- (a) means a person who—
  - (i) accepts bookings from people for rideshare vehicles; and
  - (ii) communicates the bookings to rideshare drivers; but

- (b) does not include a person who is a rideshare driver if the booking is for the driver.

*Note* **Person** includes a corporation as well as an individual (see [Legislation Act](#), s 160).

## Part 4A.2 Interim rideshare booking services

### 164E Meaning of *interim rideshare booking service*—ch 4A

In this chapter:

*interim rideshare booking service* means a rideshare booking service whose operator has entered into an interim rideshare booking service agreement with the Territory.

### 164F Meaning of *interim rideshare booking service agreement*—ch 4A

- (1) In this chapter:

*interim rideshare booking service agreement* means an agreement between a rideshare booking service and the Territory that includes the following provisions:

- (a) a provision requiring the booking service to ensure that each affiliated driver holds a full driver licence of a class that authorises the driver to drive the vehicle to be used by the driver as an interim rideshare vehicle;

*Note* **Affiliated driver**, for an interim rideshare booking service—see s 164B.

- (b) a provision requiring the booking service to ensure that each affiliated driver is—
    - (i) an Australian citizen; or
    - (ii) a permanent resident; or
    - (iii) a temporary resident who holds a visa that allows the person to work as a rideshare driver;
  - (c) a provision requiring the booking service to ensure that each affiliated driver has not, within the 5 years immediately before affiliation—
    - (i) been disqualified (whether or not by court order) from holding or obtaining an Australian driver licence under the law of any jurisdiction; or
    - (ii) had their Australian driver licence, or right to drive a motor vehicle (however described), suspended or cancelled under the law of any jurisdiction other than—
      - (A) for the nonpayment of an infringement notice penalty; or
      - (B) under the *Road Transport (General) Act 1999*, part 6 (Fine defaulters) or a corresponding law;
- Note* An infringement notice penalty includes an amount payable under an infringement notice served on a person under the law of another jurisdiction (see *Road Transport (General) Act 1999*, dict, def *infringement notice penalty*).
- (d) a provision requiring the booking service to ensure that each affiliated driver satisfies stated suitability criteria;

- (e) a provision requiring the booking service to take reasonable steps to ensure that each affiliated driver holds a medical fitness certificate dated not more than 12 months before the date of affiliation if the affiliated driver—
  - (i) is 70 years old or older; or
  - (ii) has a medical condition mentioned in the required medical standards;

*Note* **Medical fitness certificate**—see s 164B.

- (f) a provision requiring the booking service to ensure that—
  - (i) each interim rideshare vehicle to be used by an affiliated driver—
    - (A) is a registered vehicle; and
    - (B) complies with the applicable vehicle standards for the vehicle; and
  - (ii) a rideshare vehicle suitability certificate has been issued for the vehicle before the vehicle is used as an interim rideshare vehicle;

*Note* **Rideshare vehicle suitability certificate**—see s 164B.

- (g) a provision requiring the booking service to—
  - (i) ensure that there is a third-party property insurance policy for at least \$5 000 000 in force for each interim rideshare vehicle to be used by an affiliated driver; and
  - (ii) provide evidence of the policy to the road transport authority on request;

*Note* **Third-party property insurance policy**—see s 164B.

- (h) a provision prohibiting the booking service from applying surge pricing, or accepting jump-the-queue fees, for a rideshare if a declared state of alert, or declared state of emergency, is in force for all or part of the ACT;

*Note* **Surge pricing**, for ridesharing—see s 164B.  
**Jump-the-queue fee**, for a rideshare—see s 164B.  
**Declared state of alert**—see s 164B.  
**Declared state of emergency**—see s 164B.

- (i) a provision requiring the booking service to—
- (i) ensure the following details are recorded for each rideshare it books:
    - (A) the name and driver licence number of the interim rideshare driver;
    - (B) the registration number of the interim rideshare vehicle;
    - (C) the name or passenger number of the passenger;  
*Note* **Passenger number**, for a passenger for a rideshare booking service—see s 164B.
    - (D) where each passenger was picked up and dropped off;
    - (E) the fare paid; and
  - (ii) provide the details, on request, to the road transport authority, a police officer or a member of an emergency service;
- (j) a provision requiring the booking service to give stated information about rideshare fares to passengers;
- (k) a provision about how rideshare fares may be paid by passengers;

- (l) a provision about procedures for dealing with complaints from rideshare drivers, passengers and other people;
  - (m) a provision about records to be kept by the booking service;
  - (n) a provision about information to be prepared by the booking service;
  - (o) a provision about circumstances in which the agreement may be terminated.
- (2) An interim rideshare booking service agreement may also include a provision about requirements for interim rideshare driver agreements.

### **Part 4A.3 Interim ridesharing arrangements**

#### **164G Meaning of *interim rideshare driver*—ch 4A**

In this chapter:

*interim rideshare driver* means a rideshare driver who has entered into an interim rideshare driver agreement.

#### **164H Meaning of *interim rideshare driver agreement* and *interim rideshare vehicle*—ch 4A**

- (1) In this chapter:

*interim rideshare driver agreement* means an agreement between a rideshare driver and an interim rideshare booking service for—

- (a) the interim rideshare booking service to provide a rideshare booking service for the rideshare driver; and
- (b) the rideshare driver to provide rideshares using a stated suitable vehicle (an *interim rideshare vehicle*) via the interim rideshare booking service.

(2) In this section:

**ambulance**—see the *Road Transport (Third-Party Insurance) Regulation 2008*, schedule 1, section 1.1.

**bus**—see the *Road Transport (Third-Party Insurance) Regulation 2008*, schedule 1, section 1.1.

**motorcycle**—see the *Road Transport (Third-Party Insurance) Regulation 2008*, schedule 1, section 1.1.

**police vehicle**—see the *Road Transport (Vehicle Registration) Regulation 2000*, dictionary.

**suitable vehicle** means a motor vehicle built mainly to carry people but does not include the following:

- (a) an ambulance;
- (b) a bus;
- (c) a demand responsive service vehicle;
- (d) a motorcycle;
- (e) a police vehicle.

**164I When is a rideshare driver *operating* a rideshare service?**

A rideshare driver is *operating* a rideshare service when the rideshare driver is carrying out a rideshare.

**164J Exemption for interim rideshare drivers—Act, s 128 (1) (a)**

- (1) An interim rideshare driver is exempt from the following provisions when the rideshare driver is operating a rideshare service:
- (a) the Act, section 64 (Use of vehicles as hire cars);
  - (b) the Act, section 74 (Unaccredited operators not to operate hire car services);

- (c) the Act, section 125 (Unauthorised public passenger services).
- (2) An exemption is subject to the following conditions:
- (a) the interim rideshare driver must hold a full driver licence of a class that authorises the driver to drive the vehicle to be used by the driver as an interim rideshare vehicle;
- (b) the interim rideshare driver must be—
- (i) an Australian citizen; or
  - (ii) a permanent resident; or
  - (iii) a temporary resident who holds a visa that allows the person to work as a rideshare driver;
- (c) the interim rideshare driver must not, within the 5 years immediately preceding the driver's affiliation with a interim rideshare booking service—
- (i) have been disqualified (whether or not by court order) from holding or obtaining an Australian driver licence under the law of any jurisdiction; or
  - (ii) have had their Australian driver licence, or right to drive a motor vehicle (however described), suspended or cancelled under the law of any jurisdiction other than—
    - (A) for the nonpayment of an infringement notice penalty; or
    - (B) under the *Road Transport (General) Act 1999*, part 6 (Fine defaulters) or a corresponding law;

*Note* An infringement notice penalty includes an amount payable under an infringement notice served on a person under the law of another jurisdiction (see *Road Transport (General) Act 1999*, dict, def *infringement notice penalty*).

- (d) the interim rideshare driver must satisfy the suitability criteria stated in the interim rideshare booking service agreement for the rideshare booking service with which the driver is affiliated;
- (e) the interim rideshare driver must hold a medical fitness certificate dated not more than 12 months before the date of affiliation with a interim rideshare booking service if the affiliated driver—
  - (i) is 70 years old or older; or
  - (ii) has a medical condition mentioned in the required medical standards;

*Note* **Medical fitness certificate**—see s 164B.

- (f) the interim rideshare driver must ensure that—
  - (i) the interim rideshare vehicle—
    - (A) is a registered vehicle; and
    - (B) complies with the applicable vehicle standards for the vehicle; and
  - (ii) a rideshare vehicle suitability certificate has been issued for the vehicle before the vehicle is used as an interim rideshare vehicle;

*Note* **Rideshare vehicle suitability certificate**—see s 164B.

- (g) the interim rideshare driver must—
  - (i) ensure that there is a third-party property insurance policy for at least \$5 000 000 in force for the interim rideshare vehicle; and

- (ii) provide evidence of the policy to a police officer, or authorised person, on request;

*Note* **Third-party property insurance policy**—see s 164B.

- (h) the interim rideshare driver must comply with the *Road Transport (Alcohol and Drugs) Act 1977* as if the driver were a special driver;
- (i) the interim rideshare driver must not stand or ply for rideshare passengers on a road or road related area;
- (j) the interim rideshare driver must not accept cash for payment of a rideshare fare;
- (k) the interim rideshare driver must not apply surge pricing, or accept jump-the-queue fees, for a rideshare if a declared state of alert, or declared state of emergency, is in force for all or part of the ACT;

*Note* **Surge pricing**, for ridesharing—see s 164B.

**Jump-the-queue fee**, for a rideshare—see s 164B.

**Declared state of alert**—see s 164B.

**Declared state of emergency**—see s 164B.

- (l) the interim rideshare driver must—
  - (i) ensure the following details are recorded for each rideshare:
    - (A) the interim rideshare booking service that communicated the booking to the driver;
    - (B) the registration number of the interim rideshare vehicle;
    - (C) the passenger number of the passenger; and

*Note* **Passenger number**, for a passenger for a rideshare booking service—see s 164B.

- (ii) provide the details to the road transport authority, or a police officer, on request.

**Example—ensuring rideshare details are recorded**

a driver affiliated with an interim rideshare booking service may enter into an agreement with the booking service for the booking service to record the details for each rideshare

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (3) An exemption ends if the interim rideshare driver fails to comply with a condition.

- (4) In this section:

*special driver*—see the [Road Transport \(Alcohol and Drugs\) Act 1977](#), section 4B (Meaning of *special driver*).

**164K Exemption for registered operators of interim rideshare vehicles—Act, s 128 (1) (a)**

- (1) A registered operator of an interim rideshare vehicle is exempt from the following provisions when a rideshare driver is using the vehicle to operate a rideshare service:
  - (a) the Act, section 74 (Unaccredited operators not to operate hire car services);
  - (b) the Act, section 125 (Unauthorised public passenger services).
- (2) An exemption is subject to the following conditions:
  - (a) the registered operator must ensure that the interim rideshare vehicle complies with the applicable vehicle standards for the vehicle;

- (b) the registered operator must ensure that a rideshare vehicle suitability certificate has been issued for the vehicle before the vehicle is used as an interim rideshare vehicle.

*Note* **Rideshare vehicle suitability certificate**—see s 164B.

- (3) An exemption ends if the registered operator of the interim rideshare vehicle fails to comply with a condition.

## 6 Dictionary, new definitions

*insert*

**affiliated driver**, for an interim rideshare booking service, for chapter 4A (Ridesharing)—see section 164B.

**authorised examiner**, for chapter 4A (Ridesharing)—see the [Road Transport \(Vehicle Registration\) Regulation 2000](#), section 115.

**certificate of inspection**, for chapter 4A (Ridesharing)—see section 164B.

**declared state of alert**, for chapter 4A (Ridesharing)—see section 164B.

**declared state of emergency**, for chapter 4A (Ridesharing)—see section 164B.

**driver licence**—see the [Road Transport \(Driver Licensing\) Act 1999](#), dictionary.

**independent taxi booking service**—see section 81.

**interim rideshare booking service**, for chapter 4A (Ridesharing)—see section 164E.

**interim rideshare booking service agreement**, for chapter 4A (Ridesharing)—see section 164F.

**interim rideshare driver**, for chapter 4A (Ridesharing)—see section 164G.

***interim rideshare driver agreement***, for chapter 4A (Ridesharing)—see section 164H.

***interim rideshare vehicle***—see section 164H.

***jump-the-queue fee***, for a rideshare, for chapter 4A (Ridesharing)—see section 164B.

***medical fitness certificate***, for chapter 4A (Ridesharing)—see section 164B.

***member***, of an emergency service—see the [Emergencies Act 2004](#), dictionary.

***operating***, a rideshare service, for chapter 4A (Ridesharing)—see section 164I.

***passenger number***, for a passenger for a rideshare booking service, for chapter 4A (Ridesharing)—see section 164B.

***registered vehicle***—see the [Road Transport \(Vehicle Registration\) Regulation 2000](#), dictionary.

***required medical standards***, for a person—see the [Road Transport \(Driver Licensing\) Regulation 2000](#), section 15.

***rideshare***, for chapter 4A (Ridesharing)—see section 164C.

***rideshare booking service***, for chapter 4A (Ridesharing)—see section 164D.

***rideshare driver***, for chapter 4A (Ridesharing)—see section 164C.

***rideshare service***, for chapter 4A (Ridesharing)—see section 164C.

***rideshare vehicle***, for chapter 4A (Ridesharing)—see section 164C.

***rideshare vehicle suitability certificate***, for chapter 4A (Ridesharing)—see section 164B.

***surge pricing***, for ridesharing, for chapter 4A (Ridesharing)—see section 164B.

*third-party property insurance policy*, for chapter 4A (Ridesharing)—see section 164B.

*vehicle inspection station*, for chapter 4A (Ridesharing)—see the [Road Transport \(Vehicle Registration\) Regulation 2000](#), dictionary.

## Schedule 1 Road Transport (Third-Party Insurance) Regulation 2008—Consequential amendments

(see s 3)

### [1.1] New section 13

*in part 3, insert*

#### 13 Transitional arrangements for ridesharing

- (1) The Minister may declare a date as the effective date for the rideshare vehicle CTP premium class.
- (2) A declaration is a notifiable instrument.  
*Note* A notifiable instrument must be notified under the [Legislation Act](#).
- (3) Before the effective date, a rideshare vehicle is to be treated, for CTP premium purposes, as being in the passenger vehicle CTP premium class.
- (4) However, section 10 (2) applies to the vehicle if it is also a drive-yourself hire vehicle, general hire car or taxi.

### [1.2] Schedule 1, part 1.1, section 1.1, definition of *bus*, new paragraph (e)

*insert*

- (e) a rideshare vehicle.

### [1.3] Schedule 1, part 1.1, section 1.1, definition of *passenger vehicle*, new paragraph (ga)

*insert*

- (ga) a rideshare vehicle;

**[1.4] Schedule 1, part 1.1, section 1.1, new definition of *rideshare vehicle***

*insert*

*rideshare vehicle* means an interim rideshare vehicle under the [Road Transport \(Public Passenger Services\) Regulation 2002](#), chapter 4A.

**[1.5] Schedule 1, part 1.2, new items 14A.1 and 14A.2**

*insert*

14A.1	rideshare vehicle		private
14A.2	rideshare vehicle		business

**[1.6] Dictionary, new definition of *rideshare vehicle***

*insert*

*rideshare vehicle*, for schedule 1 (CTP premium classes)—see schedule 1, section 1.1

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**Endnotes**

**1 Notification**

Notified under the [Legislation Act](#) on 29 October 2015.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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