



Australian Capital Territory

Road Transport (Public Passenger Services) Act 2001

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Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Road Transport (Public Passenger Services) Act 2001* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 2 July 2006. It also includes any amendment, repeal or expiry affecting the republished law to 2 July 2006.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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Australian Capital Territory

Road Transport (Public Passenger Services) Act 2001

An Act to regulate public transport services, and for other purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Road Transport (Public Passenger Services) Act 2001*.

Note 1 This Act is part of the road transport legislation. See the *Road Transport (General) Act 1999* for various provisions about the administration and enforcement of the road transport legislation generally.

Note 2 Other road transport legislation includes the following:

- *Road Transport (Alcohol and Drugs) Act 1977*
- *Road Transport (Dimensions and Mass) Act 1990*
- *Road Transport (Driver Licensing) Act 1999*
- *Road Transport (Safety and Traffic Management) Act 1999*
- *Road Transport (Vehicle Registration) Act 1999*.

Note 3 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

2 Objects

The objects of this Act include—

- (a) to provide for the accreditation of the operators of public passenger services and taxi networks that operate in or partly in the ACT; and
- (b) to provide for the licensing of vehicles used as taxis and hire cars in or partly in the ACT; and
- (c) to encourage public passenger services that meet the reasonable expectations of the community for safe, reliable and efficient public passenger services.

3 Dictionary

The dictionary at the end of this Act is part of this Act.

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

For example, the signpost definition '*bus service*—see section 11' means that the term 'bus service' is defined in section 11 of this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

4A Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 *Criminal Code*

The Criminal Code, ch 2 applies to the following offences against this Act (see Code, pt 2.1):

- s 33 (Operating taxi network without entitlement)
- s 54 (Taxi service operators to be affiliated with taxi network)
- s 64 (Use of vehicles as hire cars)
- s 65 (Pretending vehicles are licensed hire cars)
- s 74 (Unaccredited operators not to operate hire car services)
- s 75 (Pretending to be an accredited hire car service operator)
- s 85 (Use of vehicles for demand responsive services)
- s 86 (Pretending vehicle is demand responsive service vehicle)
- s 91 (Operating demand responsive service without entitlement)
- s 92 (Pretending to be entitled to operate demand responsive service)

- a provision of pt 9 (Enforcement)
- s 125 (Unauthorised public passenger services).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

5 Functions of road transport authority

The functions of the road transport authority under this Act are—

- (a) to administer the accreditation schemes established under this Act for the accreditation of the operators of public passenger services and taxi networks; and
- (b) to administer the licensing schemes established under this Act for the licensing of taxis and hire cars; and
- (c) to administer demand responsive service authorisations given under this Act; and
- (d) to keep registers of accreditations given, and licences issued, under this Act; and
- (e) to keep a register of demand responsive service authorisations given under this Act; and
- (f) to provide information about accredited and licensed people, and authorised demand responsive service operators, in accordance with this Act and other laws in force in the ACT; and
- (g) to exercise any other functions given to the authority under this Act.

6 Registers of accredited people, demand responsive service authorisations and licences

- (1) A register under this Act may include information given to the road transport authority or the Minister under this Act and any other information the authority considers appropriate.

Note Section 5 (c) and (ca) requires registers for the following to be kept:

- accredited bus service operators
 - accredited demand responsive service operators
 - accredited hire car operators
 - accredited taxi network providers
 - accredited taxi service operators
 - demand responsive service authorisations
 - hire car licences
 - restricted hire car licences
 - restricted taxi licences
 - taxi licences.
- (2) A register may be kept in the form of, or as part of, 1 or more computer databases or in any other form the road transport authority considers appropriate.
- (3) The road transport authority may correct any mistake, error or omission in a register subject to the requirements (if any) prescribed by regulation.
- (4) This section does not limit the functions of the road transport authority in relation to a register.

7 Security and disclosure of information in registers

The road transport authority must ensure that information in a register under this Act is kept securely and disclosed only in accordance with this Act or another law in force in the ACT.

Note 1 The Information Privacy Principles apply to the road transport authority. Principle 4 states requirements about the storage and security

of personal information and principle 11 states when personal information may be disclosed by an agency (see *Privacy Act 1988* (Cwlth), s 14).

Note 2 Access to the register may be sought under the *Freedom of Information Act 1989* (which also provides that certain information is exempt from disclosure).

8 Trade Practices Act authorisation

For the *Trade Practices Act 1974* (Cwlth) and the Competition Code of the Australian Capital Territory, the following are authorised by this Act:

- (a) everything done under this Act;
- (b) all service contracts made under this Act;
- (c) everything done under a service contract, or a provision of a service contract, authorised by this Act.

Note 1 For the Competition Code of the Australian Capital Territory, see the *Competition Policy Reform Act 1996*, s 5 and s 10.

Note 2 A reference to an Act includes a reference to statutory instruments made or in force under the Act, including regulations (see *Legislation Act*, s 104).

9 Combinations of accreditations, authorisations and licences

This Act does not prevent a person from holding any combination of accreditations, authorisations and licences under this Act.

10 What is a *public passenger service*?

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.

Part 2 Bus services

Division 2.1 Basic concepts

10A Meaning of *bus* and *public bus*

In this Act:

bus means a motor vehicle built mainly to carry people that seats over 9 adults (including the driver).

public bus means a bus used to provide a bus service.

11 Meaning of *bus service*

A *bus service* is a public passenger service (other than a demand responsive service) operated using buses.

12 What is a *regular route service*?

A bus service is a *regular route service* if it is conducted according to regular routes and timetables, but does not include—

- (a) a bus service designed mainly to transport tourists; or
- (b) a long-distance service.

13 What is a *tour and charter service*?

A bus service is a *tour and charter service* if the bus service is not a regular route service or a long-distance service.

14 What is a *long-distance service*?

A bus service is a *long-distance service* if—

- (a) it is conducted according to regular routes and timetables; and
- (b) each passenger travels at least 40km.

Division 2.2 Accreditation of bus service operators

15 Bus operators—purposes of accreditation

The purpose of accreditation under the regulations to operate a bus service is to ensure that—

- (a) the accredited person has the financial capacity to meet the service standards for the service; and
- (b) the accredited person, and each person who is concerned with, or takes part in, the management of the service, are suitable people to operate the service; and
- (c) the accredited person, and each person who is concerned with, or takes part in, the management of the service, have demonstrated the capacity to comply with the relevant regulations and, in particular, the regulations about—
 - (i) the safety of passengers and the public; and
 - (ii) the maintenance of public buses.

16 Regulations about accreditation system

- (1) A regulation may provide a system for the accreditation of operators of bus services, including, for example—
 - (a) the kinds of accreditations; and
 - (b) the bus services that a person who holds a kind of accreditation is entitled to operate; and
 - (c) the conditions of accreditations; and
 - (d) matters relating to the giving, refusal or surrender of accreditations; and

- (e) the action that may be taken in relation to accreditations in circumstances prescribed by regulation, including—
 - (i) the suspension or cancellation of an accreditation; and
 - (ii) the imposition of a condition on, or the amendment of a condition of, an accreditation; and
 - (iii) an order that an accredited person pay to the Territory an amount of not more than—
 - (A) for an individual—\$5 000; or
 - (B) for a corporation—\$25 000; and
 - (iv) the reprimanding of an accredited person.

Note An example is part of the Act, 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).

- (2) A regulation may make provision in relation to the accreditation of people to operate bus services, including, for example—
 - (a) requirements about the suitability of the applicant and each person who will be concerned with, or take part in, the management of the services; and
 - (b) capacity to meet service standards; and
 - (c) financial viability.
- (3) For subsection (1) (a), the regulations must provide for the accreditation of people to operate the following kinds of bus services:
 - (a) regular route services;
 - (b) tour and charter services.
- (4) However, this section does not require the regulations to provide an accreditation system for all kinds of bus services.

Division 2.3 Service contracts for regular route services

17 Service contracts—regular route services

- (1) The road transport authority may, on behalf of the Territory, enter into a contract (a *service contract*) for the operation of a regular route service with a person accredited to operate regular route services.
- (2) A service contract must state whether the right given under the contract to operate a route is an exclusive right to operate the route or a stated part of the route.
- (3) A service contract may make provision in relation to the operation of a regular route service and the administration of the contract, including, for example—
 - (a) service requirements under the contract; and
 - (b) the transfer, suspension, cancellation and surrender of the contract; and
 - (c) the fees (if any) payable under the contract; and
 - (d) the adjustment of payments and refunds in relation to any contract fees; and
 - (e) financial or other penalties for breaches of the contract; and
 - (f) the records (including accounts) to be made and kept, how they are to be made and kept, and their inspection; and
 - (g) the provision of information and reports to the road transport authority about the regular route service and the verification of the information and reports; and
 - (h) the publication and the collection of fares payable by passengers; and

- (i) the sale of tickets and the conditions under which tickets must be sold; and
- (j) free or reduced fares for travel; and
- (k) the issue and acceptance of free or concession passes.

Note An example is part of the Act, 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).

- (4) Subsection (3) does not limit the matters about which a service contract may make provision.

Division 2.4 Entitlement to operate certain bus services

18 Entitlement to operate regular route services

- (1) A person is entitled to operate a regular route service, in or partly in the ACT, if—
 - (a) the person is accredited under the regulations to operate regular route services; and
 - (b) the person holds a service contract for the service.
- (2) However, the Territory is entitled to operate a regular route service whether or not the Territory—
 - (a) is accredited under the regulations to operate regular route services; or
 - (b) holds a service contract for the service.
- (3) If the Territory operates a regular route service, part 2 (Bus services) applies in relation to the Territory's operation of the service as if—
 - (a) the Territory were accredited to operate the service; and
 - (b) the Territory held a service contract for the service; and

- (c) all necessary changes, and any changes prescribed by regulation, were made.

19 Entitlement to operate tour and charter services

- (1) A person is entitled to operate a tour and charter service, in or partly in the ACT, if the person is accredited under the regulations to operate tour and charter services.
- (2) However, the Territory is entitled to operate a tour and charter service, whether or not the Territory is accredited under the regulations to operate tour and charter services.
- (3) If the Territory operates a tour and charter service, part 2 (Bus services) applies in relation to the Territory's operation of the service as if—
 - (a) the Territory were accredited to operate the service; and
 - (b) the Territory held a service contract for the service; and
 - (c) all necessary changes, and any changes prescribed by regulation, were made.

19A Territory's entitlement to operate bus service

If the Territory operates a bus service, the territory may operate the service under a name prescribed by regulation.

20 Unaccredited operators not to operate certain bus services

- (1) A person must not operate, in or partly in the ACT, a regular route service unless the person is accredited under the regulations to operate regular route services.

Maximum penalty: 50 penalty units.

- (2) A person must not operate, in or partly in the ACT, a tour and charter service unless the person is accredited under the regulations to operate tour and charter services.

Maximum penalty: 50 penalty units.

- (3) This section does not apply to the operation of a bus service by the Territory.

21 Pretending to be an accredited bus service operator

A person must not pretend to be accredited under the regulations to operate a bus service.

Maximum penalty: 30 penalty units.

22 Operators of regular route services to hold service contracts

- (1) A person must not operate, in or partly in the ACT, a regular route service unless the person holds a service contract for the service.

Maximum penalty: 50 penalty units.

- (2) However, if a regular route service is discontinued because of a variation or termination of a service contract, the road transport authority may make arrangements with an appropriately accredited person to operate a temporary regular route service to replace the discontinued service even though the person does not hold a service contract for the replacement service.

- (3) This section does not apply to the operation of a regular route service by the Territory.

Division 2.5 Regulation of bus services

23 Regular route services—power to determine maximum fares

- (1) The Minister may determine maximum fares, and ways of calculating maximum fares, payable by passengers on regular route services.
- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified and presented to the Legislative Assembly, under the Legislation Act.

24 Regulations about operation of bus services by accredited people

A regulation may make provision in relation to the operation of bus services by accredited bus service operators, including, for example—

- (a) the conduct of bus services, including, for example—
 - (i) the safety of passengers (including, for example, by the use of particular kinds of security devices) and the public; and
 - (ii) the qualifications, training and experience of bus drivers and other people providing services on behalf of accredited bus service operators; and
 - (iii) maximum driving times and minimum rest times of bus drivers; and
 - (iv) insurance; and
 - (v) the issue of tickets; and
 - (vi) customer complaints and inquiries; and
- (b) the preparation and publication of, and compliance with, timetables for regular route services; and

- (c) the obligations of drivers of public buses and other people providing services on behalf of accredited bus service operators; and
- (d) the requirements that public buses, and their equipment and fittings (internal and external), must comply with; and
- (e) the maintenance and cleaning of public buses; and
- (f) maintenance, parking and other facilities for public buses; and
- (g) the making and keeping of records and their inspection; and
- (h) the auditing of records and systems; and
- (i) requirements for display of accreditation numbers on advertisements for the service; and
- (j) the provision of information and reports to the road transport authority.

Note An example is part of the Act, 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).

25 Regulations about operation of public buses

A regulation may make provision in relation to the operation of public buses, including, for example—

- (a) the regulation or prohibition of the use of public buses on certain roads or road related areas; and
- (b) the picking-up and dropping-off of passengers and other matters relating to the transport of passengers; and
- (c) the records to be made and kept by, how they are to be made and kept, and their inspection; and
- (d) the transport of passengers' luggage or other goods, and animals; and

- (e) the regulation or prohibition of the transport of passengers standing in or on any part of a public bus; and
- (f) the maximum speed of public buses; and
- (g) the prohibition of anyone from soliciting for passengers or for a hiring; and
- (h) the design, equipment and fittings (internal or external) of public buses; and
- (i) the sections, terminal points and bus stops on bus routes; and
- (j) the regulation or prohibition of notices, signs and advertisements inside or on the outside of public buses.

Note An example is part of the Act, 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).

26 Regulations about bus drivers

A regulation may make provision in relation to drivers of public buses, including, for example—

- (a) the powers, duties and conduct of drivers; and
- (b) how drivers must dress.

Note An example is part of the Act, 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).

27 Regulations about conduct of passengers

A regulation may make provision in relation to the conduct of passengers on public buses, including, for example—

- (a) the regulation or prohibition of eating and drinking; and

- (b) the authority of public bus drivers, police officers and authorised people to direct people contravening a regulation to leave a bus and to remove them if they fail to leave.

Note An example is part of the Act, 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).

Part 3 Taxi networks

Division 3.1 Basic concepts

28 Meaning of *taxi network*

A *taxi network* is an entity that provides taxi related services to affiliated accredited taxi service operators, including providing (directly or through another entity) a taxi booking service for the network.

29 Meaning of *taxi booking service*

A *taxi booking service* is a service provided by or for an accredited taxi network provider that—

- (a) accepts bookings for taxis from people; and
- (b) sends messages about bookings to taxi drivers by electromagnetic energy to equipment in taxis that can receive such messages.

Division 3.2 Accreditation of taxi network providers

30 Taxi network providers—purposes of accreditation

The purpose of accreditation under the regulations to operate a taxi network is to ensure that—

- (a) the accredited person has the financial capacity to meet the service standards for the network; and
- (b) the accredited person, and each person who is concerned with, or takes part in, the management of the network, are suitable people to operate the network; and

- (c) the accredited person, and each person who is concerned with, or takes part in, the management of the network, have demonstrated the capacity to comply with the relevant regulations and, in particular, the regulations about—
 - (i) the operation of the network; and
 - (ii) the supervision and monitoring of affiliated accredited taxi service operators and drivers of taxis operated by affiliated accredited taxi service operators.

31 Taxi network providers—regulations about accreditation system

- (1) A regulation may provide a system for the accreditation of people to operate taxi networks, including, for example—
 - (a) the conditions of an accreditation; and
 - (b) matters relating to the giving, refusal or surrender of an accreditation; and
 - (c) the action that may be taken in relation to an accredited person in circumstances prescribed by regulation, including—
 - (i) the suspension or cancellation of an accreditation; and
 - (ii) the imposition of a condition on, or the amendment of a condition of, an accreditation; and
 - (iii) an order that an accredited person pay to the Territory an amount of not more than—
 - (A) for an individual—\$5 000; or
 - (B) for a corporation—\$25 000; and
 - (iv) the reprimanding of an accredited person.
- (2) A regulation may make provision in relation to the accreditation of people to operate taxi networks, including, for example—

- (a) requirements about the suitability of the applicant and each person who will be concerned with, or take part in, the management of the network; and
- (b) capacity to meet service standards; and
- (c) financial viability.

Note An example is part of the Act, 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).

Division 3.3 Entitlement to operate taxi networks

32 Entitlement to operate taxi networks

A person is entitled to operate a taxi network, in or partly in the ACT, if the person is accredited under the regulations to operate a taxi network.

33 Operating taxi network without entitlement

- (1) A person commits an offence if—
 - (a) the person operates, in or partly in the ACT, a taxi network; and
 - (b) the person is not accredited under the regulation to operate a taxi network.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.

34 Pretending to be an accredited taxi network provider

A person must not pretend to be accredited under the regulations to operate a taxi network.

Maximum penalty: 30 penalty units.

Division 3.4 Regulation of taxi networks

35 Regulations about operation of taxi networks by accredited people

A regulation may make provision in relation to the operation of taxi networks by accredited people, including, for example—

- (a) the affiliation of accredited taxi service operators with networks; and
- (b) network rules for affiliated accredited taxi service operators and drivers of taxis operated by affiliated accredited taxi service operators; and
- (c) the specifications for equipment operated by or for networks for sending messages (including messages sent through a taxi booking service) to taxi drivers; and
- (d) the specifications for taximeters; and
- (e) the circumstances in which networks must accept applications for affiliation from, and maintain affiliation with, accredited taxi service operators; and
- (f) the operation of, and service standards for, taxi booking services operated by or for networks (including, for example, service standards about when a booking must be transferred to another taxi or a taxi booking service for another taxi network); and
- (g) the numbers and kinds of taxis, and the numbers of taxis with particular equipment (including, for example, baby capsules), operated by affiliated accredited taxi service operators that are to be available at particular times and places; and
- (h) directions that networks may give to affiliated accredited taxi service operators and drivers of taxis operated by affiliated accredited taxi service operators; and

- (i) the supervision and monitoring of affiliated accredited taxi service operators, and drivers of taxis operated by affiliated accredited taxi service operators, for compliance with network service standards and other requirements and the responsibilities of networks in relation to a failure to comply with the standards; and
- (j) the management of particular kinds of taxis (including, for example, taxis with wheelchair access) and taxi services; and
- (k) customer complaints and inquiries; and
- (l) the making and keeping of records and their inspection; and
- (m) the auditing of records and systems; and
- (n) the provision of information and reports to the road transport authority.

Note An example is part of the Act, 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).

36 Regulations about operation of taxi networks

A regulation may make provision in relation to the obligations that an accredited taxi network provider must ensure that affiliated accredited taxi service operators, and drivers of taxis operated by affiliated accredited taxi service operators, must comply with, including, for example—

- (a) service standards for booked taxis; and
- (b) the safety of drivers and passengers (including, for example, particular kinds of security devices); and
- (c) the qualifications, training and experience of affiliated accredited taxi service operators, taxi drivers and other people providing services on behalf of networks; and

- (d) the operation of equipment for sending messages between a network (including messages sent through a taxi booking service) and taxi drivers; and
- (e) the maintenance and cleaning of taxis.

Note An example is part of the Act, 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).

Part 4 Licensing of taxi vehicles

Division 4.1 Basic concepts

37 **Meaning of *taxi licence***

A *taxi licence* is a licence issued under the regulations to use a vehicle as a taxi, and includes a restricted taxi licence.

Note References to *taxi licence* include a *restricted taxi licence* unless the contrary intention otherwise appears (see Legislation Act, s 155).

38 **Meaning of *restricted taxi licence***

A *restricted taxi licence* is a licence issued under the regulations to use a vehicle as a restricted taxi.

Division 4.2 Taxi licences

39 **Maximum numbers of taxi licences**

- (1) The Minister may, in writing, determine the number of taxi licences or restricted taxi licences.
- (2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

40 **Issue of taxi licences**

The road transport authority must not issue a taxi licence or a restricted taxi licence if the number of taxi licences or restricted taxi licences (as appropriate) would exceed the relevant number determined by the Minister.

41 Transferability of taxi licences

- (1) A taxi licence (other than a restricted taxi licence) issued before the commencement of the *Road Transport Legislation Amendment Act 2006* (the **amendment Act**) is transferable.
- (2) A taxi licence (other than a restricted taxi licence) issued after the commencement of the amendment Act may be issued as a transferable or non-transferable taxi licence.
- (3) If the holder of a taxi licence mentioned in subsection (1), or of a taxi licence issued as a transferable taxi licence, asks the road transport authority to transfer the licence to someone else, the authority must transfer the licence to the person.
- (4) The following taxi licences are not transferable:
 - (a) a taxi licence issued as a non-transferable taxi licence;
 - (b) a restricted taxi licence.
- (5) A taxi licence mentioned in subsection (4) that is issued after the commencement of the amendment Act is issued subject to the condition that the licence-holder must not transfer the licence to anyone else.

Example of transfer of licence

The licence-holder hiring the licence to someone else.

Note An example is part of the Act, 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).

42 Use of vehicles as taxis

- (1) A person must not use a vehicle as a taxi (other than a restricted taxi) unless the vehicle is licensed under the regulations as a taxi.

Maximum penalty: 50 penalty units.

- (2) A person must not use a vehicle as a restricted taxi unless the vehicle is licensed under the regulations as a restricted taxi.

Maximum penalty: 50 penalty units.

- (3) This section does not apply to a person in relation to the hiring of a vehicle used by the person if—
- (a) the vehicle is licensed as a taxi under the law of another jurisdiction; and
 - (b) the hiring begins in that jurisdiction and is completed in the ACT.
- (4) This section also does not apply to a person who is using a substitute vehicle as a licensed taxi in accordance with the regulations.

43 Pretending vehicles are licensed taxis

- (1) A person must not pretend that a vehicle is licensed under the regulations as a taxi (other than a restricted taxi).

Maximum penalty: 30 penalty units.

- (2) A person must not pretend that a vehicle is licensed under the regulations as a restricted taxi.

Maximum penalty: 30 penalty units.

44 Regulations about taxi licences

- (1) A regulation may provide a system for the licensing of taxis and restricted taxis, including, for example—

- (a) matters relating to the giving, refusal or surrender of licences; and
- (b) the term (if any) of taxi licences; and
- (c) the conditions of licences; and

- (d) the circumstances in which a substitute vehicle may be used as a licensed taxi; and
- (e) the action that may be taken in relation to licences in circumstances prescribed by regulation, including—
 - (i) the suspension or cancellation of a licence; and
 - (ii) the imposition of a condition on, or the amendment of a condition of, a licence; and
 - (iii) an order that the holder of a licence pay to the Territory an amount of not more than—
 - (A) for an individual—\$5 000; or
 - (B) for a corporation—\$25 000; and
 - (iv) the reprimanding of the holder of a licence.

Examples of conditions for restricted taxi licences—s (1) (c)

- 1 how the vehicle to which the restricted taxi licence relates must be equipped
- 2 the kinds of restricted taxi services that may be operated using the vehicle

Note An example is part of the Act, 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).

- (2) The regulations may place different requirements on the person to whom a taxi licence (other than a restricted taxi licence) is issued and a person to whom the licence is hired.

Part 5 Taxi services

Division 5.1 Basic concepts

45 Meaning of *taxi*

A *taxi* is a vehicle (other than a bus or demand responsive service vehicle) that stands or plies for hire for the transport of passengers along a road or road related area, and includes a restricted taxi.

Note References to *taxi* include a *restricted taxi* unless the contrary intention otherwise appears (see Legislation Act, s 155).

46 Meaning of *restricted taxi*

A *restricted taxi* is a vehicle (other than a bus or demand responsive service vehicle) that stands or plies for hire for the transport of passengers along a road or road related area and that is licensed under the regulations as a restricted taxi.

47 Meaning of *taxi service*

A *taxi service* is a public passenger service operated using 1 or more taxis (including restricted taxis).

48 Meaning of *restricted taxi service*

A *restricted taxi service* is a public passenger service operated using only 1 or more restricted taxis.

Examples of kinds of restricted taxi services

- 1 a service that must give priority to the transport of people with disabilities
- 2 a service with no requirement to give priority to the transport of people with disabilities

Note An example is part of the Act, 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).

Division 5.2 Accreditation of taxi service operators

49 Taxi service operators—purposes of accreditation

The purpose of accreditation under the regulations to operate a taxi service is to ensure that—

- (a) the accredited person has the financial capacity to meet the service standards for the service; and
- (b) the accredited person, and each person who is concerned with, or takes part in, the management of the service, are suitable people to operate the service; and
- (c) the accredited person, and each person who is concerned with, or takes part in, the management of the service, have demonstrated the capacity to comply with the relevant regulations and, in particular, the regulations about—
 - (i) the safety of passengers and the public; and
 - (ii) the maintenance of taxis.

50 Taxi service operators—regulations about accreditation system

- (1) A regulation may provide a system for the accreditation of people to operate taxi services, including, for example—
 - (a) the kinds of accreditations; and
 - (b) the kinds of taxis and taxi services that a person who holds a particular kind of accreditation is entitled to operate; and
 - (c) the conditions of accreditations; and
 - (d) matters relating to the giving, refusal or surrender of accreditations; and
 - (e) the action that may be taken in relation to an accredited person in circumstances prescribed by regulation, including—

- (i) the suspension or cancellation of an accreditation; and
- (ii) the imposition of a condition on, or the amendment of a condition of, an accreditation; and
- (iii) an order that an accredited person pay to the Territory an amount of not more than—
 - (A) for an individual—\$5 000; or
 - (B) for a corporation—\$25 000; and
- (iv) the reprimanding of an accredited person.

Note An example is part of the Act, 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).

- (2) The regulations may make provision in relation to the accreditation of people to operate taxi services, including, for example—
 - (a) requirements about the suitability of the applicant and each person who will be concerned with, or take part in, the management of the service; and
 - (b) capacity to meet service standards; and
 - (c) financial viability.
- (3) For subsection (1) (a), the regulations must provide for the accreditation of people to operate—
 - (a) a taxi service (other than a restricted taxi service); and
 - (b) a restricted taxi service.

Note For examples of kinds of restricted taxi services, see s 48.

Division 5.3 Entitlement to operate taxi services

51 Entitlement to operate taxi services

A person is entitled to operate a particular kind of taxi service, in or partly in the ACT, if—

- (a) the person is accredited under the regulations to operate a taxi service of that kind; and
- (b) the vehicles used to operate the service are licensed under the regulations as taxis for that kind of taxi service; and
- (c) the person is affiliated with an accredited taxi network provider.

52 Unaccredited operators not to operate taxi services

- (1) A person must not operate, in or partly in the ACT, a taxi service of a particular kind unless the person is accredited under the regulations to operate the taxi service of that kind.

Maximum penalty: 50 penalty units.

- (2) This section does not apply to a person in relation to the hiring of a taxi operated by the person if—
 - (a) the person is authorised to operate a taxi service under the law of another jurisdiction; and
 - (b) the hiring begins in that jurisdiction and is completed in the ACT.

53 Pretending to be an accredited taxi service operator

- (1) A person must not pretend to be accredited under the regulations to operate a taxi service.

Maximum penalty: 30 penalty units.

- (2) A person must not pretend to be accredited under the regulations to operate a particular kind of taxi service.

Maximum penalty: 30 penalty units.

54 Taxi service operators to be affiliated with taxi network

- (1) The accredited operator of a taxi service commits an offence if—
- (a) the operator operates a taxi service; and
 - (b) the operator is not affiliated with an accredited taxi network provider.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.

55 Pretending to be affiliated with taxi network

A person must not pretend to be affiliated with an accredited taxi network provider.

Maximum penalty: 30 penalty units.

Division 5.4 Regulation of taxi services

56 Regulations about operation of taxi services by accredited people

A regulation may make provision in relation to the operation of taxi services by accredited taxi service operators, including, for example—

- (a) the specifications for, and operation of, equipment in taxis operated by accredited taxi service operators to receive messages from the accredited taxi network provider with which the operator is affiliated and for taximeters; and

- (b) compliance with the requirements of the accredited taxi network provider with which an accredited taxi service operator is affiliated; and
- (c) the supervision and monitoring of drivers of taxis for compliance with the service standards and other requirements of the operator's affiliated taxi network provider and the responsibilities of the operator in relation to a failure to comply with the standards; and
- (d) the safety of passengers (including, for example, by the use of particular kinds of security devices) and the public; and
- (e) the qualifications, training and experience of accredited taxi service operators and taxi drivers (including, for example, in relation to particular kinds of taxi services); and
- (f) maximum driving times and minimum rest times of taxi drivers; and
- (g) insurance; and
- (h) customer complaints and inquiries; and

Note For the vehicle age limitations on the registration of a motor vehicle as a taxi, see the *Road Transport (Vehicle Registration) Regulation 2000*, s 32.

- (i) lost property; and
- (j) the obligations of accredited taxi network providers and taxi drivers and other people providing services to or on behalf of accredited taxi service operators; and
- (k) the operation of particular kinds of taxis (including, for example, taxis with wheelchair access) and taxi services; and
- (l) the requirements that taxis, and their equipment and fittings (internal and external) (including, for example, baby capsules), must comply with; and
- (m) the maintenance and cleaning of taxis; and

- (n) the making and keeping of records and their inspection; and
- (o) the auditing of records and systems; and
- (p) the provision of information and reports to the road transport authority.

Note An example is part of the Act, 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).

57 Regulations about operation of taxis

A regulation may make provision in relation to the operation of taxis, including, for example—

- (a) the solicitation of passengers or hirings; and
- (b) the hiring of vehicles and the payment of fares; and
- (c) the picking-up and dropping-off of passengers and other matters relating to the transport of passengers; and
- (d) the transport of passengers' luggage or other goods, and animals; and
- (e) the regulation or prohibition of the use of vehicles on certain roads or road related areas; and
- (f) the maximum speed of a vehicle; and
- (g) the design, equipment and fittings (internal or external) of vehicles; and
- (h) the regulation or prohibition of notices, signs and advertisements inside or on the outside of vehicles; and
- (i) the records to be made and kept by drivers, how they are to be made and kept, and their inspection; and

- (j) the provision, use and operation of taxi zones.

Note An example is part of the Act, 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).

58 Regulations about taxi drivers

A regulation may make provision in relation to taxi drivers, including, for example—

- (a) the powers, duties and conduct of taxi drivers; and
- (b) the training of drivers; and
- (c) how taxi drivers must dress.

Note 1 For the licensing of people to drive taxis, see the *Road Transport (Driver Licensing) Regulation 2000*.

Note 2 An example is part of the Act, 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).

59 Regulations about conduct of taxi passengers

A regulation may make provision in relation to the conduct of passengers being carried by taxis, including, for example—

- (a) the regulation or prohibition of eating and drinking; and
- (b) the authority of taxi drivers, police officers and authorised people to direct people contravening a regulation to leave a taxi and to remove them if they fail to leave.

60 Power to determine maximum taxi fares

- (1) The Minister may, in writing, determine maximum fares, and ways of calculating maximum fares, relating to hiring or using a taxi.
- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

- (3) This section does not require the Minister to determine maximum fares for hiring or using a taxi.

Note The Independent Competition and Regulatory Commission may give price directions for regulated industries, see the *Independent Competition and Regulatory Commission Act 1997*, s 20.

- (4) In this section:

fare includes a charge relating to hiring or using a taxi.

Part 6 **Licensing of hire cars**

Division 6.1 **Basic concepts**

61 **Meaning of *hire car licence***

A *hire car licence* is a licence issued under the regulations to use a vehicle as a hire car, and includes a restricted hire car licence.

Note References to *hire car licence* include a *restricted hire car licence* unless the contrary intention otherwise appears (see Legislation Act, s 155).

62 **Meaning of *restricted hire car licence***

A *restricted hire car licence* is a licence issued under the regulations to use a vehicle as a restricted hire car.

Division 6.2 **Hire car licences**

63 **Transferability of hire car licences**

- (1) A hire car licence (other than a restricted hire car licence) issued before the commencement of this section is transferable.

Examples of how licence might be transferred

- 1 hiring the licence to someone else
- 2 selling the licence to someone else

Note An example is part of the Act, 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).

- (2) A hire car licence issued after the commencement of this section is not transferable.
- (3) A restricted hire car licence is not transferable.

- (4) If the holder of a transferable hire car licence asks the road transport authority to transfer the licence to someone else, the authority must transfer the licence to the person.

64 Use of vehicles as hire cars

- (1) A person must not use a vehicle as a hire car (other than a restricted hire car) unless the vehicle is licensed under the regulations as a hire car.

Maximum penalty: 50 penalty units.

- (2) A person must not use a vehicle as a restricted hire car unless the vehicle is licensed under the regulations as a restricted hire car.

Maximum penalty: 50 penalty units.

- (3) This section does not apply to a person in relation to the hiring of a vehicle used by the person if—

- (a) the vehicle is licensed as a hire car under the law of another jurisdiction; and
- (b) the hiring begins in that jurisdiction and is completed in the ACT.

- (4) This section also does not apply to a person who is using a substitute vehicle as a licensed hire car in accordance with the regulations.

- (5) An offence against this section is a strict liability offence.

65 Pretending vehicles are licensed hire cars

- (1) A person must not pretend that a vehicle is licensed under the regulations as a hire car (other than a restricted hire car).

Maximum penalty: 30 penalty units.

- (2) A person must not pretend that a vehicle is licensed under the regulations as a restricted hire car.

Maximum penalty: 30 penalty units.

- (3) An offence against this section is a strict liability offence.

66 Regulations about hire car licences

- (1) A regulation may provide a system for the licensing of hire cars and restricted hire cars, including, for example—
- (a) matters in relation to the giving, refusal or surrender of licences; and
 - (b) the term of restricted hire car licences; and
 - (c) the conditions of licences; and
 - (d) the circumstances in which a substitute vehicle may be used as a licensed hire car; and
 - (e) the action that may be taken in relation to licences in circumstances prescribed by regulation, including, for example—
 - (i) the suspension or cancellation of a licence; and
 - (ii) the imposition of a condition on, or the amendment of a condition of, a licence; and
 - (iii) an order that the holder of a licence pay to the Territory an amount of not more than—
 - (A) for an individual—\$5 000; or
 - (B) for a corporation—\$25 000; and

(iv) the reprimanding of the holder of a licence.

Examples of conditions for restricted hire car licences—s (1) (c)

- 1 how the vehicle to which the restricted hire car licence relates must be equipped
- 2 the kinds of restricted hire car services that may be operated using the vehicle

Note An example is part of the Act, 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).

- (2) The regulations may place different requirements on the person to whom a hire car licence (other than a restricted hire car licence) is issued and a person to whom the licence is hired.

Part 7 **Hire car services**

Division 7.1 **Basic concepts**

67 **Meaning of *hire car***

A *hire car* is a vehicle (other than a bus, taxi or demand responsive service vehicle) that—

- (a) is used, or is intended to be used, for the transport of passengers under a contract; and
- (b) does not stand or ply for hire for the transport of passengers along a road or road related area;

and includes a restricted hire car.

Note References to *hire car* include a *restricted hire car* unless the contrary intention otherwise appears (see Legislation Act, s 155).

68 **Meaning of *restricted hire car***

A *restricted hire car* is a vehicle (other than a bus, taxi or demand responsive service vehicle) that—

- (a) is used, or is intended to be used, for the transport of passengers under a contract; and
- (b) does not stand or ply for hire for the transport of passengers along a road or road related area; and
- (c) is licensed under the regulations as a restricted hire car.

69 **Meaning of *hire car service***

A *hire car service* is a public passenger service operated using 1 or more hire cars (including restricted hire cars).

70 Meaning of *restricted hire car service*

A *restricted hire car service* is a public passenger service operated using only 1 or more restricted hire cars.

Example of a restricted hire car service

a pre-booked public passenger service that provides transport to weddings and school formals

Note An example is part of the Act, 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).

Division 7.2 Accreditation of hire car service operators

71 Hire car service operators—purposes of accreditation

The purpose of accreditation under the regulations to operate a hire car service is to ensure that—

- (a) each person, including the accredited person, who is concerned with, or takes part in, the management of the service, is a suitable person to operate the service; and
- (b) each person, including the accredited person, who is concerned with, or takes part in, the management of the service, has demonstrated the capacity to comply with the relevant regulations and, in particular, the regulations about—
 - (i) the safety of passengers and the public; and
 - (ii) the maintenance of hire cars.

72 Hire car service operators—regulations about accreditation system

- (1) A regulation may provide a system for the accreditation of people to operate hire car services, including, for example—

- (a) the kinds of accreditations; and
- (b) the kinds of hire cars and hire car services that a person who holds a particular kind of accreditation is entitled to operate; and
- (c) the conditions of accreditations; and
- (d) matters in relation to the giving, refusal or surrender of accreditations; and
- (e) the action that may be taken in relation to an accredited person in circumstances prescribed by regulation, including, for example—
 - (i) the suspension or cancellation of an accreditation; and
 - (ii) the imposition of a condition on, or the amendment of a condition of, an accreditation; and
 - (iii) an order that an accredited person pay to the Territory an amount of not more than—
 - (A) for an individual—\$5 000; or
 - (B) for a corporation—\$25 000; and
 - (iv) the reprimanding of an accredited person.

Note An example is part of the Act, 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).

- (2) The regulations may make provision in relation to the accreditation of people to operate hire car services, including, for example—
 - (a) requirements about the suitability of the applicant and each person who will be concerned with, or take part in, the management of the service; and
 - (b) capacity to meet service standards.

- (3) For subsection (1) (a), the regulations must provide for the accreditation of people to operate—
- (a) a hire car service (other than a restricted hire car service); and
 - (b) a restricted hire car service.

Note For examples of kinds of restricted hire car services, see s 70.

Division 7.3 Entitlement to operate hire car services

73 Entitlement to operate hire car services

A person is entitled to operate a particular kind of hire car service, in or partly in the ACT, if—

- (a) the person is accredited under the regulations to operate a hire car service of that kind; and
- (b) the vehicles used to operate the service are licensed under the regulations as hire cars for that kind of hire car service.

74 Unaccredited operators not to operate hire car services

- (1) A person must not operate, in or partly in the ACT, a hire car service of a particular kind unless the person is accredited under the regulations to operate a hire car service of that kind.

Maximum penalty: 50 penalty units.

- (2) This section does not apply to a person in relation to the hiring of a hire car operated by the person if—
- (a) the person is authorised to operate a hire car service under the law of another jurisdiction; and
 - (b) the hiring begins in that jurisdiction and is completed in the ACT; and

(c) the hiring is of a kind that the person is authorised to operate under the law of that jurisdiction.

(3) An offence against this section is a strict liability offence.

75 Pretending to be an accredited hire car service operator

(1) A person must not pretend to be accredited under the regulations to operate a hire car service.

Maximum penalty: 30 penalty units.

(2) A person must not pretend to be accredited under the regulations to operate a particular kind of hire car service.

Maximum penalty: 30 penalty units.

(3) An offence against this section is a strict liability offence.

Division 7.4 Regulation of hire car services

76 Regulations about operation of hire car services by accredited people

A regulation may make provision in relation to the operation of hire car services by accredited hire car service operators, including, for example—

(a) the supervision and monitoring of drivers of hire cars for compliance with the service standards and the responsibilities of the operator in relation to a failure to comply with the standards; and

(b) the safety of passengers (including, for example, by the use of particular kinds of security devices) and the public; and

(c) the qualifications, training and experience of accredited hire car service operators and hire car drivers (including, for example, in relation to particular kinds of hire car services); and

- (d) maximum driving times and minimum rest times of hire car drivers; and
- (e) insurance; and
- (f) customer complaints and inquiries; and
- (g) lost property; and
- (h) the operation of particular kinds of hire cars and hire car services; and
- (i) the requirements that hire cars, and their equipment and fittings (internal and external) (including, for example, baby capsules), must comply with; and
- (j) the maintenance and cleaning of hire cars; and
- (k) the making and keeping of records and their inspection; and
- (l) the auditing of records and systems; and
- (m) the display of licences; and
- (n) requirements for display of accreditation numbers on advertisements for the service; and
- (o) the provision of information and reports to the road transport authority.

Note An example is part of the Act, 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).

77 Regulations about operation of hire cars

A regulation may make provision in relation to the operation of hire cars, including, for example—

- (a) the solicitation of passengers or hirings; and
- (b) the hiring of vehicles; and

- (c) the picking-up and dropping-off of passengers and other matters relating to the transport of passengers; and
- (d) the transport of passengers' luggage or other goods, and animals; and
- (e) the regulation or prohibition of the use of vehicles on certain roads or road related areas; and
- (f) the maximum speed of a vehicle; and
- (g) the design, equipment and fittings (internal or external) of vehicles; and
- (h) the regulation or prohibition of notices, signs and advertisements inside or on the outside of vehicles; and
- (i) the records to be made and kept, how they are to be made and kept, and their inspection; and
- (j) approval of uniforms or industry codes of practice for dress standards.

Note An example is part of the Act, 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).

78 Regulations about hire car drivers

A regulation may make provision in relation to hire car drivers, including, for example—

- (a) the powers, duties and conduct of hire car drivers; and
- (b) the training of drivers; and
- (c) how hire car drivers must dress.

Note 1 For the licensing of people to drive hire cars, see the *Road Transport (Driver Licensing) Regulation 2000*.

Note 2 An example is part of the Act, 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).

79 Regulations about conduct of hire car passengers

A regulation may make provision in relation to the conduct of passengers being carried by hire cars, including, for example the authority of hire car drivers, police officers and authorised people to direct people contravening a regulation to leave a hire car and to remove them if they fail to leave.

Note An example is part of the Act, 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).

Part 8 **Demand responsive services**

Division 8.1 **Basic concepts**

80 **Meaning of *demand responsive service***

A *demand responsive service* is a public passenger service that a person may operate under an authorisation given for this part.

81 **Meaning of *demand responsive service vehicle***

A *demand responsive service vehicle* is a motor vehicle used, in accordance with a demand responsive service authorisation, to operate the demand responsive service.

Division 8.2 **Authorisations to operate demand responsive services**

82 **Demand responsive service authorisations**

- (1) The Minister must have regard to the guidelines approved under section 83 in deciding whether to give a person an authorisation to operate a demand responsive service.
- (2) A demand responsive service authorisation may exempt a person or vehicle from this Act (or a stated provision of this Act).

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

- (3) An authorisation is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

82A Territory's entitlement to operate demand responsive service

If the Territory operates a demand responsive service, the Territory may operate the service under a name prescribed by regulation.

83 Demand responsive services—guidelines for giving authorisations

- (1) The Minister may approve guidelines for the giving of authorisations to operate demand responsive services.
- (2) The guidelines may make provision in relation to—
 - (a) the kinds of public passenger services that may be operated under demand responsive service authorisations, including, for example, matters in relation to—
 - (i) hours of operation; and
 - (ii) routes and areas of operation; and
 - (iii) kinds of passengers that may be transported; and
 - (iv) accessing of services by passengers; and
 - (b) the kinds of vehicles that may be used to operate demand responsive services.

Note An example is part of the Act, 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) The guidelines must provide that the Minister must not give a person an authorisation for a demand responsive service if the operation of the service will have an adverse impact on the viability of an existing regular route service.
- (4) Approved guidelines are a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

84 Demand responsive services—regulations about authorisations

A regulation may make provision in relation to authorisations to operate demand responsive services, including, for example—

- (a) the term of authorisations; and
- (b) the conditions of authorisations; and
- (c) matters relating to the giving, refusal or surrender of an authorisation; and
- (d) the action that may be taken in relation to an authorised demand responsive service operator in circumstances prescribed by regulation, including—
 - (i) the suspension or cancellation of an authorisation; and
 - (ii) the imposition of a condition on, or the amendment of a condition of, an authorisation; and
 - (iii) an order that an authorised demand responsive service operator pay to the Territory an amount of not more than—
 - (A) for an individual—\$5 000; or
 - (B) for a corporation—\$25 000; and
 - (iv) the reprimanding of an authorised demand responsive service operator.

Note An example is part of the Act, 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).

85 Use of vehicles for demand responsive services

- (1) An authorised demand responsive service operator commits an offence if—

- (a) the operator uses a vehicle to operate a demand responsive service; and
- (b) the operator is not authorised by the demand responsive service authorisation for the service to use the vehicle to operate the service.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.

86 Representing vehicle as demand responsive service vehicle

- (1) A person commits an offence if—
 - (a) the person represents a vehicle to be a demand responsive service vehicle; and
 - (b) the person is reckless about whether the person's conduct represents the vehicle to be a demand responsive service vehicle; and
 - (c) the vehicle is not a demand responsive service vehicle.

Maximum penalty: 30 penalty units.

- (2) Strict liability applies to subsection (1) (c).

Division 8.3 Accreditation of demand responsive service operators

87 Demand responsive service operators—purposes of accreditation

The purpose of accreditation under the regulations to operate a demand responsive service is to ensure that—

- (a) the accredited person has the financial capacity to meet the service standards for the service; and

- (b) the accredited person, and each person who is concerned with, or takes part in, the management of the service, are suitable people to operate the service; and
- (c) the accredited person, and each person who is concerned with, or takes part in, the management of the service, have demonstrated the capacity to comply with the relevant regulations and, in particular, regulations about—
 - (i) the safety of passengers and the public; and
 - (ii) the maintenance of demand responsive service vehicles.

88 Demand responsive service operators—regulations about accreditation system

- (1) The regulations may provide a system for the accreditation of people to operate demand responsive services, including, for example—
 - (a) the kinds of accreditations; and
 - (b) the conditions of accreditations; and
 - (c) matters relating to the giving, refusal or surrender of accreditations; and
 - (d) the action that may be taken in relation to an accredited person in circumstances prescribed by regulation, including—
 - (i) the suspension or cancellation of an accreditation; and
 - (ii) the imposition of a condition on, or the amendment of a condition of, an accreditation; and
 - (iii) an order that an accredited person pay to the Territory an amount of not more than—
 - (A) for an individual—\$5 000; or
 - (B) for a corporation—\$25 000; and

(iv) the reprimanding of an accredited person.

Note An example is part of the Act, 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).

- (2) The regulations may make provision in relation to the accreditation of people to operate demand responsive services, including, for example—
- (a) requirements about the suitability of the applicant and each person who will be concerned with, or take part in, the management of the service; and
 - (b) capacity to meet service standards; and
 - (c) financial viability.

Division 8.4 Service contracts for demand responsive services

89 Service contracts—demand responsive services

- (1) The road transport authority may, on behalf of the Territory, enter into a contract (a *service contract*) for the operation of a demand responsive service with an authorised demand responsive service operator.
- (2) A service contract must state whether the right given under the contract to operate a demand responsive service is an exclusive right to operate a demand responsive service, or a demand responsive service operated in a particular way, along a particular route or in a particular area.
- (3) A service contract may make provision in relation to the operation of a demand responsive service and the administration of the contract, including, for example—
- (a) service requirements under the contract; and
 - (b) the availability and use of booking services for the service; and

- (c) the transfer, suspension, cancellation and surrender of the contract; and
- (d) the fees (if any) payable under the contract; and
- (e) the adjustment of payments and refunds in relation to any contract fees; and
- (f) financial or other penalties for breaches of the contract; and
- (g) the records (including accounts) to be made and kept, how they are to be made and kept, and their inspection; and
- (h) the provision of information and reports to the road transport authority about the demand responsive service and the verification of the information and reports; and
- (i) the publication and the collection of fares payable by passengers; and
- (j) the sale of tickets and the conditions under which tickets must be sold.
- (k) free or reduced fares for travel; and
- (l) the issue and acceptance of free or concession passes.

Note An example is part of the Act, 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).

- (4) Subsection (3) does not limit the matters about which a service contract may make provision.

Division 8.5 Entitlement to operate demand responsive services

U 90 Entitlement to operate demand responsive services

A person is entitled to operate a demand responsive service, in or partly in the ACT, if the person—

- (a) holds an authorisation to operate the service; and
- (b) holds a service contract for the service; and
- (c) is an accredited demand responsive service operator.

91 Operating demand responsive service without entitlement

- (1) A person commits an offence if—
 - (a) the person operates, in or partly in the ACT, a demand responsive service; and
 - (b) the person is not entitled under section 90 to operate the service.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) However, section 90 (b) does not apply in relation to the person if—
 - (a) a demand responsive service is discontinued because of a variation or termination of a service contract; and
 - (b) the road transport authority has made arrangements with the person, to operate a temporary demand responsive service without a service contract, to replace the discontinued service.
- (4) Also, this section does not apply to the operation of a demand responsive service by the Territory.

92 Representing entitlement to operate demand responsive service

- (1) A person commits an offence if—
 - (a) the person represents that the person is entitled to operate a demand responsive service; and

- (b) the person is reckless about whether the person's conduct represents that the person is entitled to operate a demand responsive service; and
- (c) the person is not entitled to operate a demand responsive service.

Maximum penalty: 30 penalty units.

- (2) Strict liability applies to subsection (1) (c).

Note For the entitlement of a person to operate a demand responsive service, see s 90.

Division 8.6 Regulation of demand responsive services

93 Demand responsive services—minimum fares

- (1) The Minister must determine minimum fares, or ways of calculating minimum fares, payable by passengers for a demand responsive service.
- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

94 Regulations about operation of demand responsive services

A regulation may make provision in relation to the operation of demand responsive services by authorised demand responsive service operators, including, for example—

- (a) the conduct of demand responsive services, including, for example—
 - (i) the supervision and monitoring of drivers of demand responsive service vehicles for compliance with the

- service standards and the responsibilities of the operator in relation to a failure to comply with the standards; and
- (ii) the safety of passengers (including, for example, by the use of particular kinds of security devices) and the public; and
 - (iii) the qualifications, training and experience of demand responsive service vehicle drivers and other people providing services on behalf of authorised demand responsive service operators; and
 - (iv) maximum driving times and minimum rest times of demand responsive service vehicle drivers; and
 - (v) insurance; and
 - (vi) if appropriate, the issue of tickets; and
 - (vii) customer complaints and inquiries; and
 - (viii) lost property; and
- (b) the preparation and publication of service information for demand responsive services, including timetables (if any) and compliance with any timetables; and
 - (c) the obligations of drivers of demand responsive service vehicles and other people providing services on behalf of authorised demand responsive service operators; and
 - (d) the requirements that demand responsive service vehicles, and their equipment and fittings (internal and external), must comply with; and
 - (e) the maintenance and cleaning of demand responsive service vehicles; and
 - (f) maintenance, parking and other facilities for demand responsive service vehicles; and
 - (g) the making and keeping of records and their inspection; and

- (h) the auditing of records and systems; and
- (i) requirements for display of authorisation numbers on advertisements for the service; and
- (j) the provision of information and reports to the road transport authority.

Note An example is part of the Act, 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).

95 Regulations about operation of demand responsive service vehicles

A regulation may make provision in relation to the operation of demand responsive service vehicles, including, for example—

- (a) the use of demand responsive services by people, including the payment of fares; and
- (b) the regulation or prohibition of the use of demand responsive service vehicles on certain roads or road related areas; and
- (c) the picking-up and dropping-off of passengers and other matters relating to the transport of passengers; and
- (d) the records to be made and kept, how they are to be made and kept, and their inspection; and
- (e) the transport of passengers' luggage or other goods, and animals; and
- (f) if the demand responsive service vehicle is a bus—the regulation or prohibition of the transport of passengers standing in or on any part of the vehicle; and
- (g) the maximum speed of demand responsive service vehicles; and
- (h) the solicitation of passengers; and

- (i) the payment of fares; and
- (j) the design, equipment and fittings (internal or external) of demand responsive service vehicles; and
- (k) the use of bus, minibus, loading and taxi zones; and
- (l) the regulation or prohibition of notices, signs, and advertisements inside or on the outside of demand responsive service vehicles; and
- (m) the use of decal signs and livery for demand responsive service vehicles; and
- (n) approval of uniforms or industry codes of practice for dress standards.

Note An example is part of the Act, 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).

96 Regulations about demand responsive service vehicle drivers

A regulation may make provision in relation to drivers of demand responsive service vehicles, including, for example—

- (a) the powers, duties and conduct of drivers; and
- (b) the training of drivers; and
- (c) how drivers must dress.

Note An example is part of the Act, 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).

97 Regulations about conduct of demand responsive vehicle passengers

A regulation may make provision in relation to the conduct of passengers being carried by demand responsive service vehicles, including, for example—

- (a) the regulation or prohibition of eating and drinking; and
- (b) the authority of demand responsive service vehicle drivers, police officers and authorised people to direct people contravening a regulation to leave a demand responsive service vehicle and to remove them if they fail to leave.

Note An example is part of the Act, 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).

Part 9 Enforcement

115 Purpose of powers under pt 9

The powers under this part may be exercised by the road transport authority, a police officer or an authorised person to decide whether—

- (a) there has been compliance with, or a contravention of, this Act (including, for example, the conditions of an accreditation, taxi licence or hire car licence); or
- (b) a public passenger vehicle complies with the *Road Transport (Vehicle Registration) Act 1999*.

Note 1 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

Note 2 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).

116 Power to require records or information

- (1) The road transport authority, a police officer or an 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 control.
- (3) The road transport authority, 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 except as provided by the notice.

- (5) A person commits an offence if the person fails to comply with a notice given to the person under this section.

Maximum penalty: 20 penalty units.

- (6) An offence against this section is a strict liability offence.

117 Power to inspect maintenance facilities

- (1) For this part, a police officer or authorised person may, at any reasonable time, enter any premises used for or in relation to the maintenance of a public passenger vehicle (other than any part of premises being used solely for residential purposes).
- (2) The police officer or authorised person may—
- (a) inspect records in the premises relating to the maintenance of public passenger vehicles carried out at the premises; and
 - (b) inspect the premises; and
 - (c) inspect or test any equipment in the premises used or proposed to be used for or in relation to the maintenance of a public passenger vehicle.

Note The dictionary definition of *inspect* a vehicle includes observe the performance of the vehicle or any of its equipment, with or without the use of instruments.

- (3) For subsection (2) (a), the police officer or authorised person may—
- (a) require the person apparently in charge of the premises, or anyone else who has the custody or control of the records, to produce them to the police officer or authorised person for inspection; and
 - (b) make copies of, or take extracts from, a record and, for that purpose, may take possession of the record and, if necessary, keep it for not longer than 7 days.

- (4) For subsection (2) (c), the police officer or authorised person may do any 1 or more of the following:
- (a) operate any equipment in the premises;
 - (b) require the person apparently in charge of the premises to give the police officer or authorised person any information the police officer or authorised person reasonably needs to inspect or test any equipment in the premises;
 - (c) require the person apparently in charge of the premises to do anything else the police officer or authorised person reasonably needs to inspect or test any equipment in the premises.
- (5) A person commits an offence if the person fails to comply with a requirement made by a police officer or authorised person under this section.
- Maximum penalty: 20 penalty units.
- (6) An offence against this section is a strict liability offence.
- (7) An authorised person who enters premises under this section is not authorised to remain in the premises if, when asked by the person in charge of the premises, the authorised person does not produce his or her identity card for inspection.

118 Power to inspect and test vehicles

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

Note The dictionary definition of *inspect* a vehicle includes observe the performance of the vehicle or any of its equipment, with or without the use of instruments.

- (2) Without limiting subsection (1), the police officer or authorised person may, for that subsection, do any 1 or more of the following:
- (a) if the vehicle is being driven—ask or signal the driver of the vehicle to stop the vehicle;
 - (b) get into or onto the vehicle and remain in or on the vehicle;
 - (c) operate the vehicle and any of its equipment;
 - (d) ask the driver or anyone else apparently in charge of the vehicle to—
 - (i) give the police officer or authorised person any information the police officer or authorised person reasonably requires to inspect or test the vehicle; or
 - (ii) 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 subsection (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 commits an offence if the person fails to comply with a request or signal made or given by a police officer or authorised person under this section.
- Maximum penalty: 20 penalty units.
- (5) An offence against this section is a strict liability offence.

119 Power to require vehicles or equipment to be inspected and tested

- (1) A police officer or authorised person may, by written notice given to the operator of a public passenger vehicle, or any other vehicle that the police officer or authorised person believes, on reasonable grounds, is operating, or has operated, as a public passenger 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, an authorised person or the road transport authority within a stated reasonable time;
 - (e) anything else reasonably necessary or convenient for the inspection and testing.
- (3) A person commits an offence if the person fails to comply with a notice given to the person under subsection (1).

Maximum penalty: 20 penalty units.

- (4) An offence against this section is a strict liability offence.
- (5) In subsection (1):

operator, of a vehicle, includes the responsible person for the vehicle within the meaning of the *Road Transport (General) Act 1999*, section 10 and section 11.

120 Attachment and removal of noncompliance notices

- (1) A police officer or authorised person, or a person inspecting a vehicle under this part, may attach a notice (a ***noncompliance notice***) to the vehicle if the officer or person suspects, on reasonable grounds, that—
- (a) the vehicle or its equipment or fittings, or its servicing or maintenance, do not comply with this Act; or
 - (b) the vehicle (including its equipment and fittings) does not comply with the *Road Transport (Vehicle Registration) Act 1999*.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

- (2) The notice must state—
- (a) the action necessary for the vehicle, equipment or fittings, or its servicing or maintenance, to comply with this Act or the *Road Transport (Vehicle Registration) Act 1999*; and
 - (b) a date and time (the ***time of effect***) after which the vehicle must not be operated as a public passenger vehicle if the notice has not been removed by a police officer or authorised person.
- (3) A police officer or authorised person may remove the noncompliance notice from the vehicle, or direct in writing that it be taken to have been removed, if satisfied on inspection or 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 commits an offence if the person removes a noncompliance notice from a public passenger vehicle.

Maximum penalty: 20 penalty units.

- (5) An offence against this section is a strict liability offence.

- (6) A police officer's or authorised person's power to issue a noncompliance notice for a public passenger vehicle under this section is additional to the power of the police officer or authorised person to issue a defect notice under the *Road Transport (Vehicle Registration) Regulation 2000* for a public passenger vehicle.

121 Police officer or authorised person—power to require name and address etc

- (1) A police officer or authorised person may require a person to state the person's name and home address if the police officer or authorised person believes, on reasonable grounds, that the person is committing or has committed an offence against this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

- (2) The police officer or authorised person must tell the person the reason for the requirement and, as soon as practicable, record the reason.
- (3) The person may ask the police officer or authorised person to produce his or her identity card for inspection by the person.
- (4) A person must comply with a requirement made of the person under subsection (1) if—
- (a) the police officer or authorised person tells the person the reason for the requirement; and
 - (b) for a request made by an authorised person—the authorised person has complied with the *Road Transport (General) Act 1999*, section 21 (Power not to be exercised before identity card shown).

Maximum penalty: 10 penalty units.

- (5) An offence against this section is a strict liability offence.

(6) In this section:

home address, of a person, means the address of the place where the person usually lives.

Part 10 Miscellaneous

125 Unauthorised public passenger services

- (1) A person must not use a vehicle for the transport of passengers for a fare or other consideration along a road or road related area.

Maximum penalty: 50 penalty units.

- (2) This section does not apply to the person if—
- (a) the monetary or other consideration receivable by the person is not more than the cost of operating the vehicle to transport the passengers; or
 - (b) the person is entitled under this Act to operate the public passenger service being operated by the person.

Examples for par (a)

- 1 A car pool in which participants share the costs of operating the vehicle for the car pool.
- 2 Helen is a member of Bush Hikers Anonymous. She carries 2 other members in her car to a club walk. The 2 other members pay Helen part of the costs of operating her car for the club walk.

Note 1 For the entitlement of a person to operate a public passenger service, see the following provisions:

- s 18 and s 19 (bus services)
- s 51 (taxi services)
- s 73 (hire car services)
- s 90 (demand responsive services).

Note 2 This section also does not apply if the person is exempted from the operation of this section under s 127 or s 128.

Note 3 An example is part of the Act, 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 offence against this section is a strict liability offence.

126 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified and presented to the Legislative Assembly, under the Legislation Act.

- (2) A regulation may apply, adopt or incorporate a law of another jurisdiction or an instrument, or a provision of a law of another jurisdiction or instrument, as in force from time to time.

Note 1 The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or as at a particular time, is taken to be a notifiable instrument if the operation of the Legislation Act, s 47 (5) or (6) is not disapplied (see s 47 (7)).

Note 2 A notifiable instrument must be notified under the Legislation Act.

- (3) A regulation may make provision in relation to the powers and duties of police officers and authorised officers in relation to public passenger services, including, for example, in relation to public passenger vehicles, drivers of public passenger vehicles and passengers.

Note An example is part of the Act, 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).

- (4) A regulation may create offences and fix maximum penalties of not more than 20 penalty units for the offences.
- (5) In this section:

law of another jurisdiction—see the Legislation Act, section 47 (10).

127 Minister may exempt vehicles and people from Act

- (1) The Minister may exempt a vehicle or person from this Act (or a stated provision of this Act).

- (2) An exemption is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

128 Regulations may exempt vehicles and people from Act

- (1) A regulation may—
- (a) exempt a vehicle or person, or a kind of vehicle or person, prescribed by regulation from this Act (or a stated provision of this Act); or
 - (b) authorise the road transport authority to exempt a vehicle or person, or a kind of vehicle or person, by regulation from this Act (or a stated provision of this Act).
- (2) An exemption given under a regulation mentioned in subsection (1) may be conditional.
- (3) A regulation may provide for the road transport authority to—
- (a) suspend the operation of a regulation mentioned in subsection (1) (a) in the way and circumstances prescribed by regulation; or
 - (b) suspend the operation of an exemption given by the authority to a vehicle or person in the way and circumstances prescribed by regulation.

129 References to Motor Traffic Act, Traffic Act etc

- (1) In any Act, instrument made under an Act or document, a reference to an earlier law is, in relation to anything to which this Act applies, a reference to this Act.

(2) In this section:

earlier law means any of the following:

- (a) *Motor Traffic Act 1936*;
- (b) *Motor Traffic Regulations 1934*;
- (c) *Road Transport (Bus Services) Regulations 2000*;
- (d) *Road Transport (General) Act 1999*;
- (e) *Road Transport (Hire Vehicle Services) Regulations 2000*;
- (f) *Road Transport (Taxi Services) Regulations 2000*.

U Dictionary

(see s 4)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 In particular, the Legislation Act, dict, pt 1, defines the following terms:

- ACT
- exercise
- function
- the Territory.

accredited, in relation to a kind of public passenger service, means accredited under the regulations to operate that kind of public passenger service.

accredited demand responsive service operator means accredited under a regulation to operate a demand responsive service.

accredited hire car service operator means accredited under the regulations to operate a hire car service.

accredited taxi network provider means accredited under the regulations to operate a taxi network.

accredited taxi service operator means accredited under the regulations to operate a taxi service.

affiliated, in relation to an accredited taxi service operator, means affiliated with an accredited taxi network provider.

another jurisdiction means a jurisdiction other than the ACT.

authorisation, in relation to a demand responsive service, means an authorisation under this Act to operate a demand responsive service.

authorised demand responsive service operator means a person who is authorised under this Act to operate a demand responsive service.

authority—see *road transport authority*.

bus—see section 10A.

bus service—see section 11.

demand responsive service—see section 80.

demand responsive service vehicle—see section 81.

fare means the amount payable by passengers for transport, or for the transport of passengers' luggage or other goods, on public passenger vehicles.

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

hire car—see section 67.

hire car licence—see section 61.

hire car service—see section 69.

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

jurisdiction means a State, the Commonwealth or an internal territory, including the ACT.

long-distance service—see section 14.

motor vehicle means a vehicle built to be propelled by a motor that forms part of the vehicle.

noncompliance notice—see section 120 (1).

public bus—see section 10A.

public passenger service—see section 10.

public passenger vehicle means a public bus, taxi, hire car or demand responsive service vehicle.

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

regular route service—see section 12.

restricted hire car—see section 68.

restricted hire car licence—see section 62.

restricted hire car service—see section 70.

restricted taxi—see section 46.

restricted taxi licence—see section 38.

restricted taxi service—see section 48.

road means an area that is open to or used by the public and is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles, but does not include an area that would otherwise be a road so far as a declaration under the *Road Transport (General) Act 1999*, section 12 (Power to include or exclude areas in road transport legislation) declares that this Act does not apply to the area.

road related area means—

- (a) an area that divides a road; or
- (b) a footpath or nature strip adjacent to a road; or
- (c) an area that is open to the public and is designated for use by cyclists or animals; or
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles; or
- (e) a shoulder of a road; or
- (f) any other area that is open to or used by the public so far as a declaration under the *Road Transport (General) Act 1999*, section 12 (Power to include or exclude areas in road transport legislation) declares that this Act applies to the area;

but does not include an area that would otherwise be a road related area so far as a declaration under that section declares that this Act does not apply to the area.

road transport authority (or **authority**) means the Australian Capital Territory Road Transport Authority.

Note The chief executive of the department responsible for the *Road Transport (General) Act 1999* is the road transport authority (see *Road Transport (General) Act 1999*, s 16).

service contract—

- (a) for part 2 (Bus services)—see section 17; and
- (b) for part 8 (Demand responsive services)—see section 89.

taxi—see section 45.

taxi booking service—see section 29.

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

taxi licence—see section 37.

taxi network—see section 28.

taxi service—see section 47.

taxi zone—see the Australian Road Rules, rule 182.

time of effect, for a noncompliance notice—see section 120 (2) (b).

tour and charter service—see section 13.

vehicle means—

- (a) any description of vehicle on wheels, other than a vehicle used on railways or tramways; or
- (b) any other vehicle prescribed by regulation;

and includes anything else that, under the regulations, is to be treated as a vehicle.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Road Transport (Public Passenger Services) Act 2001 No 62

notified 10 September 2001 (Gaz 2001 No S66)

s 1, s 2 commenced 10 September 2001 (IA s 10B)

remainder commenced 1 December 2001 (s 2 and CN 2001 No 2)

as amended by

Road Transport (Public Passenger Services) Amendment Act 2001 No 94

notified LR 27 September 2001

s 1, s 2 commenced 27 September 2001 (LA s 75)

remainder commenced 1 March 2002 (s 2 and CN 2002 No 2)

Statute Law Amendment Act 2002 No 30 pt 3.70

notified LR 16 September 2002

s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))

pt 3.70 commenced 17 September 2002 (s 2 (1))

Statute Law Amendment Act 2002 (No 2) No 49 pt 3.23

notified LR 20 December 2002

s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))

pt 3.23 commenced 17 January 2003 (s 2 (1))

Road Transport (Public Passenger Services) (Hire Cars) Amendment Act 2004 A2004-69 pt 2

notified LR 9 September 2004

s 1, s 2 commenced 9 September 2004 (LA s 75 (1))

pt 2 commenced 9 March 2005 (s 2 and LA s 79)

as modified by

Road Transport (Public Passenger Services) Regulation 2002 SL2002-3 (as am by SL2005-4 s 12)

notified LR 27 February 2002

s 1, s 2 commenced 27 February 2002 (LA s 75 (1))

s 132 (4) commenced 1 March 2003 (s 2 (2))

remainder commenced 1 March 2002 (s 2 (1) and see CN2002-2)

Endnotes

4 Amendment history

Road Transport Legislation (Hire Cars) Amendment Regulation 2005 (No 1) SL2005-4 s 12

notified LR 7 March 2005

s 1, s 2 commenced 7 March 2005 (LA s 75 (1))

s 12 commenced 9 March 2005 (s 2 and see Road Transport (Public Passenger Services) (Hire Cars) Amendment Act 2004 A2004-69, s 2 and LA s 79)

Note This regulation only amends the Road Transport (Public Passenger Services) Regulation 2002 SL2002-3.

as amended by

Statute Law Amendment Act 2005 A2005-20 sch 3 pt 3.57

notified LR 12 May 2005

s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))

amdt 3.372, amdt 3.374 commenced 2 June 2005 (s 2 (2))

sch 3 pt 3.57 remainder commenced 2 June 2005 (s 2 (1))

Road Transport (Public Passenger Services) Amendment Act 2006 A2006-9

notified LR 15 March 2006

s 1, s 2 commenced 15 March 2006 (LA s 75 (1))

remainder commenced 1 July 2006 (s 2 and CN2006-13)

Road Transport Legislation Amendment Act 2006 A2006-26 pt 2, s 31

notified LR 14 June 2006

s 1, s 2 commenced 14 June 2006 (LA s 75 (1))

pt 2, s 31 commenced 2 July 2006 (s 2 and CN2006-12)

Administrative (Miscellaneous Amendments) Act 2006 A2006-30 sch 1 pt 1.10

notified LR 16 June 2006

s 1, s 2 commenced 16 June 2006 (LA s 75 (1))

amdt 1.84 commences 3 July 2006 (s 2 (2))

sch 1 pt 1.10 remainder commenced 1 July 2006 (s 2 (1))

4 Amendment history

Preliminary

pt 1 hdg note om A2005-20 amdt 3.369

Name of Act	
s 1	am A2005-20 amdt 3.370
Objects	
s 2 hdg	bracketed note exp 30 June 2002 (s 4 (3))
s 2	orig s 2 om R1 LA (s 89 (4)) (prev s 3) sub 2001 No 94 s 4 renum as s 2 R1 LA (see 2001 No 94 s 17) am A2004-69 s 4
Dictionary	
s 3	(prev s 4) renum as s 3 R1 LA (see 2001 No 94 s 17)
Notes	
s 4	(prev s 5) sub 2001 No 94 s 5 renum as s 4 R1 LA (see 2001 No 94 s 17) ss (2), (3) exp 30 June 2002 (s 4 (3))
Offences against Act—application of Criminal Code etc	
s 4A	ins A2004-69 s 5 am A2006-9 s 4; A2006-26 s 4
Functions of road transport authority	
s 5	(prev s 6) sub 2001 No 94 s 5 renum as s 5 R1 LA (see 2001 No 94 s 17) am A2004-69 s 6; A2006-9 ss 5-7
Registers of accredited people, demand responsive service authorisations and licences	
s 6 hdg	sub A2006-9 s 8
s 6	(prev s 7) sub 2001 No 94 s 5 renum as s 6 R1 LA (see 2001 No 94 s 17) am A2004-69 s 7; A2006-9 s 9
Security and disclosure of information in registers	
s 7	(prev s 8) sub 2001 No 94 s 5 renum as s 7 R1 LA (see 2001 No 94 s 17) sub 2002 No 49 amdt 3.229 am A2006-9 s 10
Trade Practices Act authorisation	
s 8	(prev s 9) renum as s 8 R1 LA (see 2001 No 94 s 17)
Combinations of accreditations, authorisations and licences	
s 9	(prev s 9A) ins 2001 No 94 s 6 renum as s 9 R1 LA (see 2001 No 94 s 17) sub A2006-9 s 11
Combinations of accreditations and licences	
s 9A	renum as s 9

Endnotes

4 Amendment history

Meaning of *bus* and *public bus*

s 10A ins A2005-20 amdt 3.371

Meaning of *bus service*

s 11 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 11 sub A2006-9 s 12

What is a *regular route service*?

s 12 hdg bracketed note exp 30 June 2002 (s 4 (3))

What is a *long-distance service*?

s 14 hdg bracketed note exp 30 June 2002 (s 4 (3))

Bus operators—purposes of accreditation

s 15 hdg bracketed note exp 30 June 2002 (s 4 (3))

Regulations about accreditation system

s 16 am 2002 No 30 amdt 3.748; A2006-9 amdt 1.9

Service contracts—regular route services

s 17 hdg bracketed note exp 30 June 2002 (s 4 (3))
sub A2006-9 s 13
s 17 am 2002 No 49 amdt 3.230; A2005-20 amdt 3.372

Entitlement to operate regular route services

s 18 am A2006-30 amdt 1.78

Entitlement to operate tour and charter services

s 19 am A2006-30 amdt 1.79

Territory's entitlement to operate bus service

s 19A ins A2006-30 amdt 1.80

Unaccredited operators not to operate certain bus services

s 20 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 20 am A2006-30 amdt 1.81

Pretending to be an accredited bus service operator

s 21 sub 2002 No 30 amdt 3.749

Operators of regular route services to hold service contracts

s 22 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 22 am A2006-30 amdt 1.82

Regulations about operation of bus services by accredited people

s 24 am A2004-69 s 8; A2006-9 amdt 1.1

Regulations about operation of public buses

s 25 am A2006-9 amdt 1.2, amdt 1.3

Regulations about bus drivers

s 26 am 2002 No 49 amdt 3.230

Regulations about conduct of passengers

s 27 am 2002 No 49 amdt 3.230

Taxi networks

pt 3 hdg sub 2001 No 94 s 8

Basic concepts

div 3.1 hdg ins 2001 No 94 s 8

Meaning of taxi network

s 28 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 28 orig s 28 om 2001 No 94 s 7
(prev s 29) sub 2001 No 94 s 8
renum as s 28 R1 LA (see 2001 No 94 s 17)

Meaning of taxi booking service

s 29 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 29 (prev s 29A) ins 2001 No 94 s 8
renum as s 29 R1 LA (see 2001 No 94 s 17)

Meaning of taxi booking service

s 29A renum as s 29

Taxi network providers—purposes of accreditation

s 29B renum as s 30

Taxi network providers—regulations about accreditation system

s 29C renum as s 31

Entitlement to operate taxi networks

s 29D renum as s 32

Unaccredited persons not to operate taxi network

s 29E renum as s 33

Pretending to be an accredited taxi network provider

s 29F renum as s 34

Regulations about operation of taxi networks by accredited people

s 29G renum as s 35

Regulations about operation of taxi networks

s 29H renum as s 36

Accreditation of taxi network providers

div 3.2 hdg ins 2001 No 94 s 8

Taxi network providers—purposes of accreditation

s 30 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 30 (prev s 29B) ins 2001 No 94 s 8
renum as s 30 R1 LA (see 2001 No 94 s 17)

Meaning of restricted taxi licence

s 30A renum as s 38

Endnotes

4 Amendment history

Maximum numbers of taxi licences

s 30B renum as s 39

Issue of taxi licences

s 30C renum as s 40

Transferability of taxi licences

s 30D renum as s 41

Use of vehicles as taxis

s 30E renum as s 42

Pretending vehicles are licensed taxis

s 30F renum as s 43

Regulations about taxi licences

s 30G renum as s 44

Taxi network providers—regulations about accreditation system

s 31 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 31 (prev s 29C) ins 2001 No 94 s 8
renum as s 31 R1 LA (see 2001 No 94 s 17)
am A2006-9 amdt 1.9; A2006-26 s 5; pars renum A2006-26
s 6

Meaning of *restricted taxi*

s 31A renum as s 46

Meaning of *taxi service*

s 31B renum as s 47

Meaning of *restricted taxi service*

s 31C renum as s 48

Taxi service operators—purposes of accreditation

s 31D renum as s 49

Taxi service operators—regulations about accreditation system

s 31E renum as s 50

Entitlement to operate taxi services

s 31F renum as s 51

Unaccredited operators not to operate taxi services

s 31G renum as s 52

Pretending to be an accredited taxi service operator

s 31H renum as s 53

Taxi service operators to be affiliated with taxi network

s 31I renum as s 54

Pretending to be affiliated with taxi network

s 31J renum as s 55

Regulations about operation of taxi services by accredited people

s 31K renum as s 56

Regulations about operation of taxis

s 31L renum as s 57

Regulations about taxi drivers

s 31M renum as s 58

Regulations about conduct of taxi passengers

s 31N renum as s 59

Power to determine maximum taxi fares

s 31O renum as s 60

Entitlement to operate taxi networks

div 3.3 hdg ins 2001 No 94 s 8

Entitlement to operate taxi networkss 32 (prev s 29D) ins 2001 No 94 s 8
renum as s 32 R1 LA (see 2001 No 94 s 17)
sub A2006-26 s 7**Regulations may apply certain laws and instruments**

s 32A renum as s 62 and then s 82

Regulations about enforcement

s 32B renum as s 63 and then s 83

Minister may exempt vehicles and people from Act

s 32C renum as s 64 and then s 84

Regulations may exempt vehicles and people from Act

s 32D renum as s 65 and then s 85

Operating taxi network without entitlements 33 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 33 orig s 33 renum as s 66 and then s 87
(prev s 29E) ins 2001 No 94 s 8
renum as s 33 R1 LA (see 2001 No 94 s 17)
sub A2006-26 s 7**Pretending to be an accredited taxi network provider**s 34 orig s 34 renum as s 67 and then s 88
(prev s 29F) ins 2001 No 94 s 8
renum as s 34 R1 LA (see 2001 No 94 s 17)
am A2006-26 s 8**Regulation of taxi networks**

div 3.4 hdg ins 2001 No 94 s 8

Endnotes

4 Amendment history

Regulations about operation of taxi networks by accredited people

s 35 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 35 orig s 35 renum as s 68 and then s 89
(prev s 29G) ins 2001 No 94 s 8
renum as s 35 R1 LA (see 2001 No 94 s 17)

Regulations about operation of taxi networks

s 36 orig s 36 renum as s 69 and then s 90
(prev s 29H) ins 2001 No 94 s 8
renum as s 36 R1 LA (see 2001 No 94 s 17)

Licensing of taxi vehicles

pt 4 hdg orig pt 4 hdg renum as pt 7 hdg (see 2001 No 94 s 9)
ins 2001 No 94 s 8

Basic concepts

div 4.1 hdg orig div 4.1 hdg renum as div 7.1 hdg
ins 2001 No 94 s 8

Meaning of *taxi licence*

s 37 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 37 orig s 37 renum as s 70 and then s 91
(prev s 30) sub 2001 No 94 s 8
renum as s 37 R1 LA (see 2001 No 94 s 17)
sub A2004-69 s 37

Meaning of *restricted taxi licence*

s 38 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 38 orig s 38 renum as s 71 and then s 92
(prev s 30A) ins 2001 No 94 s 8
renum as s 38 R1 LA (see 2001 No 94 s 17)

Taxi licences

div 4.2 hdg orig div 4.2 hdg renum as div 7.2 hdg
ins 2001 No 94 s 8

Maximum numbers of taxi licences

s 39 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 39 orig s 39 renum as s 72 and then s 93
(prev s 30B) ins 2001 No 94 s 8
renum as s 39 R1 LA (see 2001 No 94 s 17)

Issue of taxi licences

s 40 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 40 orig s 40 renum as s 73
(prev s 30C) ins 2001 No 94 s 8
renum as s 40 R1 LA (see 2001 No 94 s 17)

Transferability of taxi licences

s 41 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 41 orig s 41 renum as s 74
(prev s 30D) ins 2001 No 94 s 8
renum as s 41 R1 LA (see 2001 No 94 s 17)
sub A2006-26 s 9

Use of vehicles as taxis

s 42 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 42 orig s 42 renum as s 75
(prev s 30E) ins 2001 No 94 s 8
renum as s 42 R1 LA (see 2001 No 94 s 17)
am A2004-69 s 10

Pretending vehicles are licensed taxis

s 43 orig s 43 renum as s 76
(prev s 30F) ins 2001 No 94 s 8
renum as s 43 R1 LA (see 2001 No 94 s 17)

Regulations about taxi licences

s 44 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 44 orig s 44 renum as s 77
(prev s 30G) ins 2001 No 94 s 8
renum as s 44 R1 LA (see 2001 No 94 s 17)
am A2006-9 amdt 1.9; A2006-26 s 10

Taxi services

pt 5 hdg orig pt 5 hdg om R1 LA (s 89 (3)) but see s 54)
prev pt 5 hdg exp 31 December 2001 (s 54)
ins 2001 No 94 s 8

Basic concepts

div 5.1 hdg ins 2001 No 94 s 8

Meaning of taxi

s 45 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 45 orig s 45 renum as s 78
(prev s 31) sub 2001 No 94 s 8
renum as s 45 R1 LA (see 2001 No 94 s 17)
sub A2004-69 s 11

Meaning of restricted taxi

s 46 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 46 orig s 46 renum as s 79
(prev s 31A) ins 2001 No 94 s 8
renum as s 46 R1 LA (see 2001 No 94 s 17)
am A2006-9 s 15

Endnotes

4 Amendment history

Meaning of *taxi service*

s 47 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 47 orig s 47 renum as s 80
(prev s 31B) ins 2001 No 94 s 8
renum as s 47 R1 LA (see 2001 No 94 s 17)

Meaning of *restricted taxi service*

s 48 orig s 48 renum as s 81
(prev s 31C) ins 2001 No 94 s 8
renum as s 48 R1 LA (see 2001 No 94 s 17)

Accreditation of taxi service operators

div 5.2 hdg ins 2001 No 94 s 8

Taxi service operators—purposes of accreditation

s 49 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 49 orig s 49 renum as s 82
(prev s 31D) ins 2001 No 94 s 8
renum as s 49 R1 LA (see 2001 No 94 s 17)

Taxi service operators—regulations about accreditation system

s 50 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 50 orig s 50 renum as s 83
(prev s 31E) ins 2001 No 94 s 8
renum as s 50 R1 LA (see 2001 No 94 s 17)
am A2006-9 amdt 1.9

Entitlement to operate taxi services

div 5.3 hdg ins 2001 No 94 s 8

Entitlement to operate taxi services

s 51 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 51 orig s 51 renum as s 84
(prev s 31F) ins 2001 No 94 s 8
renum as s 51 R1 LA (see 2001 No 94 s 17)
am A2006-26 s 11

Existing approved taxi networks

s 51A renum as s 85

Existing taxi licences and restricted taxi licences

s 51B renum as s 86

Interim accreditation of existing taxi operators

s 51C renum as s 87

Determination about maximum number of taxi licences

s 51D renum as s 88

Determination about maximum number of restricted taxi licences

s 51E renum as s 89

Application to transfer taxi licence

s 51F renum as s 90

Determination about maximum taxi fares

s 51G renum as s 91

Expiry of div 7.7

s 51H renum as s 92

Unaccredited operators not to operate taxi services

s 52 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 52 orig s 52 exp 31 December 2001 (s 54)
(prev s 31G) ins 2001 No 94 s 8
renum as s 52 R1 LA (see 2001 No 94 s 17)
am A2004-69 s 12

Pretending to be an accredited taxi service operator

s 53 orig s 53 exp 31 December 2001 (s 54)
(prev s 31H) ins 2001 No 94 s 8
renum as s 53 R1 LA (see 2001 No 94 s 17)

Taxi service operators to be affiliated with taxi network

s 54 orig s 54 exp 31 December 2001 (s 54)
(prev s 31I) ins 2001 No 94 s 8
renum as s 54 R1 LA (see 2001 No 94 s 17)
sub A2006-26 s 12

Pretending to be affiliated with taxi network

s 55 (prev s 31J) ins 2001 No 94 s 8
renum as s 55 R1 LA (see 2001 No 94 s 17)

Regulation of taxi services

div 5.4 hdg ins 2001 No 94 s 8

Regulations about operation of taxi services by accredited people

s 56 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 56 (prev s 31K) ins 2001 No 94 s 8
renum as s 56 R1 LA (see 2001 No 94 s 17)
am A2006-9 amdt 1.4, amdt 1.5

Regulations about operation of taxis

s 57 (prev s 31L) ins 2001 No 94 s 8
renum as s 57 R1 LA (see 2001 No 94 s 17)

Regulations about taxi drivers

s 58 (prev s 31M) ins 2001 No 94 s 8
renum as s 58 R1 LA (see 2001 No 94 s 17)

Regulations about conduct of taxi passengers

s 59 (prev s 31N) ins 2001 No 94 s 8
renum as s 59 R1 LA (see 2001 No 94 s 17)

Endnotes

4 Amendment history

Power to determine maximum taxi fares

s 60 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 60 (prev s 31O) ins 2001 No 94 s 8
renum as s 60 R1 LA (see 2001 No 94 s 17)

Licensing of hire cars

pt 5A hdg renum as pt 6 hdg

Basic concepts

div 5A.1 hdg renum as div 6.1 hdg

Hire car licences

div 5A.2 hdg renum as div 6.2 hdg

Hire car services

pt 5B hdg renum as pt 7 hdg

Basic concepts

div 5B.1 hdg renum as div 7.1 hdg

Accreditation of hire car service operators

div 5B.2 hdg renum as div 7.2 hdg

Entitlement to operate hire car services

div 5B.3 hdg renum as div 7.3 hdg

Regulation of hire car services

div 5B.4 hdg renum as div 7.4 hdg

Licensing of hire cars

pt 6 hdg orig pt 6 hdg renum as pt 8 hdg
(prev pt 5A hdg) ins A2004-69 s 13
renum as pt 6 hdg R10 LA (see A2004-69 s 17)

Basic concepts

div 6.1 hdg (prev div 5A.1 hdg) ins A2004-69 s 13
renum as div 6.1 hdg R10 LA (see A2004-69 s 17)

Meaning of *hire car licence*

s 60A renum as s 61

Meaning of *restricted hire car licence*

s 60B renum as s 62

Transferability of hire car licences

s 60C renum as s 63

Use of vehicles as hire cars

s 60D renum as s 64

Pretending vehicles are licensed hire cars

s 60E renum as s 65

Regulations about hire car licences

s 60F renum as s 66

Meaning of *hire car*

s 60G renum as s 67

Meaning of *restricted hire car*

s 60H renum as s 68

Meaning of *hire car service*

s 60I renum as s 69

Meaning of *restricted hire car service*

s 60J renum as s 70

Hire car service operators—purposes of accreditation

s 60K renum as s 71

Hire car service operators—regulations about accreditation system

s 60L renum as s 72

Entitlement to operate hire car services

s 60M renum as s 73

Unaccredited operators not to operate hire car services

s 60N renum as s 74

Pretending to be an accredited hire car service operator

s 60O renum as s 75

Regulations about operation of hire car services by accredited people

s 60P renum as s 76

Regulations about operation of hire cars

s 60Q renum as s 77

Regulations about hire car drivers

s 60R renum as s 78

Regulations about conduct of hire car passengers

s 60S renum as s 79

Unauthorised public passenger services

s 60T renum as s 80

Meaning of *hire car licence*

s 61 (prev s 32) renum as s 61 and then s 81
(prev s 60A) ins A2004-69 s 13
renum as s 61 R10 LA (see A2004-69 s 17)

Meaning of *restricted hire car licence*

s 62 (prev s 32A) renum as s 62 and then s 82
(prev s 60B) ins A2004-69 s 13
renum as s 62 R10 LA (see A2004-69 s 17)

Endnotes

4 Amendment history

Hire car licences

div 6.2 hdg (prev div 5A.2 hdg) ins A2004-69 s 13
renum as div 6.2 hdg R10 LA (see A2004-69 s 17)

Transferability of hire car licences

s 63 (prev s 32B) renum as s 63 and then s 83
(prev s 60C) ins A2004-69 s 13
renum as s 63 R10 LA (see A2004-69 s 17)

Use of vehicles as hire cars

s 64 (prev s 32C) renum as s 64 and then s 84
(prev s 60D) ins A2004-69 s 13
renum as s 64 R10 LA (see A2004-69 s 17)

Pretending vehicles are licensed hire cars

s 65 (prev s 32D) renum as s 65 and then s 85
(prev s 60E) ins A2004-69 s 13
renum as s 65 R10 LA (see A2004-69 s 17)

References to Motor Traffic Act, Traffic Act etc

s 65A renum as s 86

Regulations about hire car licences

s 66 orig s 66 (prev s 33) def *restricted taxi operator's licence* ins
2001 No 94 s 10
def *taxi operator's licence* ins 2001 No 94 s 10
renum as s 66 R1 LA (see 2001 No 94 s 17)
exp 1 June 2003 (s 69)
prev s 66 renum as s 87
pres s 66 (prev s 60F) ins A2004-69 s 13
renum as s 66 R10 LA (see A2004-69 s 17)
am A2006-9 amdt 1.9

Hire car services

pt 7 hdg **orig pt 7 hdg**
(prev pt 4 hdg) renum as pt 7 hdg 2001 No 94 s 9
om R9 LA
prev pt 7 hdg
renum as pt 9 hdg
pres pt 7 hdg
(prev pt 5B hdg) ins A2004-69 s 13
renum as pt 7 hdg R10 LA (see A2004-69 s 17)

Basic concepts

div 7.1 hdg (prev div 4.1 hdg) renum 2001 No 94 s 9
exp 1 June 2003 (s 69)
(prev div 5B.1 hdg) ins A2004-69 s 13
renum as div 7.1 hdg R10 LA (see A2004-69 s 17)

Meaning of hire car

s 67 orig s 67 (prev s 34) renum as s 67 R1 LA (see 2001 No 94 s 17)
exp 1 June 2003 (s 69)
prev s 67 renum as s 88
pres s 67 (prev s 60G) ins A2004-69 s 13
renum as s 67 R10 LA (see A2004-69 s 17)
am A2006-9 s 16

Meaning of restricted hire car

s 68 orig s 68 (prev s 35) renum as s 68 R1 LA (see 2001 No 94 s 17)
am 2002 No 49 amdt 3.231
exp 1 June 2003 (s 69)
prev s 68 renum as s 89
pres s 68 (prev s 60H) ins A2004-69 s 13
renum as s 68 R10 LA (see A2004-69 s 17)
am A2006-9 s 17

Meaning of hire car service

s 69 orig s 69 (prev s 36) renum as s 69 R1 LA (see 2001 No 94 s 17)
sub 2002 No 30 amdt 3.751
exp 1 June 2003 (s 69)
prev s 69 renum as s 90
pres s 69 (prev s 60I) ins A2004-69 s 13
renum as s 69 R10 LA (see A2004-69 s 17)

Meaning of restricted hire car service

s 70 orig s 70 (prev s 37) renum as s 70 R1 LA (see 2001 No 94 s 17)
exp 1 December 2002 (s 72)
prev s 70 renum as s 91
pres s 70 (prev s 60J) ins A2004-69 s 13
renum as s 70 R10 LA (see A2004-69 s 17)

Accreditation of hire car service operators

div 7.2 hdg (prev div 4.2 hdg) renum 2001 No 94 s 9
exp 1 December 2002 (s 72)
(prev div 5B.2 hdg) ins A2004-69 s 13
renum as div 7.2 hdg R10 LA (see A2004-69 s 17)

Hire car service operators—purposes of accreditation

s 71 orig s 71 (prev s 38) renum as s 71 R1 LA (see 2001 No 94 s 17)
exp 1 December 2002 (s 72)
prev s 71 renum as s 92
pres s 71 (prev s 60K) ins A2004-69 s 13
renum as s 71 R10 LA (see A2004-69 s 17)

Endnotes

4 Amendment history

Hire car service operators—regulations about accreditation system

s 72 orig s 72 (prev s 39) renum as s 72 R1 LA (see 2001 No 94 s 17)
exp 1 December 2002 (s 72)
prev s 72 renum as s 93
pres s 72 (prev s 60L) ins A2004-69 s 13
renum as s 72 R10 LA (see A2004-69 s 17)
am A2006-9 amdt 1.9

Entitlement to operate hire car services

div 7.3 hdg (prev div 4.3 hdg) renum 2001 No 94 s 9
exp 1 June 2002 (s 78)
(prev div 5B.3 hdg) ins A2004-69 s 13
renum as div 7.3 hdg R10 LA (see A2004-69 s 17)

Entitlement to operate hire car services

s 73 (prev s 40) renum R1 LA (see 2001 No 94 s 17)
exp 1 June 2002 (s 78)
(prev s 60M) ins A2004-69 s 13
renum as s 73 R10 LA (see A2004-69 s 17)

Unaccredited operators not to operate hire car services

s 74 (prev s 41) renum R1 LA (see 2001 No 94 s 17)
exp 1 June 2002 (s 78)
(prev s 60N) ins A2004-69 s 13
renum as s 74 R10 LA (see A2004-69 s 17)

Pretending to be an accredited hire car service operator

s 75 (prev s 42) renum R1 LA (see 2001 No 94 s 17)
exp 1 June 2002 (s 78)
(prev s 60O) ins A2004-69 s 13
renum as s 75 R10 LA (see A2004-69 s 17)

Regulation of hire car services

div 7.4 hdg (prev div 4.4 hdg) renum 2001 No 94 s 9
exp 1 December 2002 (s 80)
(prev div 5B.4 hdg) ins A2004-69 s 13
renum as div 7.4 hdg R10 LA (see A2004-69 s 17)

Regulations about operation of hire car services by accredited people

s 76 (prev s 43) renum R1 LA (see 2001 No 94 s 17)
exp 1 June 2002 (s 78)
(prev s 60P) ins A2004-69 s 13
renum as s 76 R10 LA (see A2004-69 s 17)
am A2006-9 amdt 1.6, amdt 1.7

Regulations about operation of hire cars

s 77 (prev s 44) renum R1 LA (see 2001 No 94 s 17)
exp 1 June 2002 (s 78)
(prev s 60Q) ins A2004-69 s 13
renum as s 77 R10 LA (see A2004-69 s 17)
am A2006-9 amdt 1.8

Regulations about hire car drivers

s 78 (prev s 45) renum R1 LA (see 2001 No 94 s 17)
exp 1 June 2002 (s 78)
(prev s 60R) ins A2004-69 s 13
renum as s 78 R10 LA (see A2004-69 s 17)

Regulations about conduct of hire car passengers

s 79 (prev s 46) renum R1 LA (see 2001 No 94 s 17)
exp 1 December 2002 (s 80)
(prev s 60S) ins A2004-69 s 13
renum as s 79 R10 LA (see A2004-69 s 17)

Bus service licences

div 7.5 hdg (prev div 4.5 hdg) renum R1 LA (see 2001 No 94 s 17)
exp 1 December 2002 (s 82)

Small buses

div 7.6 hdg (prev div 4.6 hdg) renum R1 LA (see 2001 No 94 s 17)
exp 1 June 2003 (s 84)

Taxis

div 7.7 hdg ins 2001 No 94 s 11
exp 2 March 2003 (s 92)

Demand responsive services

pt 8 hdg (prev pt 6 hdg) ins 2001 No 94 s 8
renum as pt 8 hdg R10 LA (see A2004-69 s 17)
sub A2006-9 s 18

Basic concepts

div 8.1 hdg ins A2006-9 s 18

Meaning of demand responsive service

s 80 (prev s 47) renum R1 LA (see 2001 No 94 s 17)
sub 2002 No 30 amdt 3.753
exp 1 December 2002 (s 80)
(prev s 60T) ins A2004-69 s 14
renum as s 80 R10 LA (see A2004-69 s 17)
sub A2006-9 s 18

Endnotes

4 Amendment history

Meaning of *demand responsive service vehicle*

s 81 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 81 (prev s 48) renum R1 LA (see 2001 No 94 s 17)
exp 1 December 2002 (s 82)
(prev s 32) sub 2001 No 94 s 8
renum as s 61 R1 LA (see 2001 No 94 s 17)
renum as s 81 R10 LA (see A2004-69 s 17)
sub A2006-9 s 18

Authorisations to operate demand responsive services

div 8.2 hdg ins A2006-9 s 18

Demand responsive service authorisations

s 82 (prev s 32A) ins 2001 No 94 s 8
renum as s 62 R1 LA (see 2001 No 94 s 17)
sub 2002 No 30 amdt 3.750
renum as s 82 R10 LA (see A2004-69 s 17)
sub A2006-9 s 18

Territory's entitlement to operate demand responsive service

s 82A ins A2006-30 amdt 1.83
om A2006-9 s 18

Demand responsive services—guidelines for giving authorisations

s 83 (prev s 50) renum R1 LA (see 2001 No 94 s 17)
exp 1 June 2003 (s 84)
(prev s 32B) ins 2001 No 94 s 8
renum as s 63 R1 LA (see 2001 No 94 s 17)
renum as s 83 R10 LA (see A2004-69 s 17)
sub A2006-9 s 18

Demand responsive services—regulations about authorisations

s 84 (prev s 51) renum R1 LA (see 2001 No 94 s 17)
sub 2002 No 30 amdt 3.755
exp 1 June 2003 (s 84)
(prev s 32C) ins 2001 No 94 s 8
renum as s 64 R1 LA (see 2001 No 94 s 17)
renum as s 84 R10 LA (see A2004-69 s 17)
sub A2006-9 s 18

Use of vehicles for demand responsive services

s 85 hdg bracketed note exp 30 June 2002 (s 4 (3))
s 85 (prev s 51A) ins 2001 No 94 s 11
renum R1 LA (see 2001 No 94 s 17)
exp 2 March 2003 (s 92)
(prev s 32D) ins 2001 No 94 s 8
renum as s 65 R1 LA (see 2001 No 94 s 17)
renum as s 85 R10 LA (see A2004-69 s 17)
sub A2006-9 s 18

Representing vehicle as demand responsive service vehicle

s 86 (prev s 51B) ins 2001 No 94 s 11
renum R1 LA (see 2001 No 94 s 17)
exp 2 March 2003 (s 92)
(prev s 65A) ins A2004-69 s 15
renum as s 86 R10 LA (see A2004-69 s 17)
sub A2006-9 s 18

Accreditation of demand responsive service operators

div 8.3 hdg ins A2006-9 s 18

Demand responsive service operators—purposes of accreditation

s 87 (prev s 51C) ins 2001 No 94 s 11
renum R1 LA (see 2001 No 94 s 17)
exp 2 March 2003 (s 92)
(prev s 66) ins A2004-69 s 16
def *annual weddings and school formals licence* ins
A2004-69 s 16
def *commencement* ins A2004-69 s 16
def *General Act* ins A2004-69 s 16
renum as s 87 R10 LA (see A2004-69 s 17)
exp 9 March 2006 (s 93)
ins A2006-9 s 18

Demand responsive service operators—regulations about accreditation system

s 88 (prev s 51D) ins 2001 No 94 s 11
renum R1 LA (see 2001 No 94 s 17)
exp 2 March 2003 (s 92)
(prev s 67) ins A2004-69 s 16
renum as s 88 R10 LA (see A2004-69 s 17)
exp 9 March 2006 (s 93)
ins A2006-9 s 18

Service contracts for demand responsive services

div 8.4 hdg ins A2006-9 s 18

Service contracts—demand responsive services

s 89 (prev s 51E) ins 2001 No 94 s 11
renum R1 LA (see 2001 No 94 s 17)
exp 2 March 2003 (s 92)
(prev s 68) ins A2004-69 s 16
renum as s 89 R10 LA (see A2004-69 s 17)
exp 9 March 2006 (s 93)
ins A2006-9 s 18

Entitlement to operate demand responsive services

div 8.5 hdg ins A2006-9 s 18

Endnotes

4 Amendment history

Entitlement to operate demand responsive services

s 90 (prev s 51F) ins 2001 No 94 s 11
renum R1 LA (see 2001 No 94 s 17)
exp 2 March 2003 (s 92)
(prev s 69) ins A2004-69 s 16
renum as s 90 R10 LA (see A2004-69 s 17)
mod SL2002-3 s 246 (as am by SL2005-4 s 12)
exp 9 March 2006 (s 93)
ins A2006-9 s 18
am A2006-30 amdt 1.84

Operating demand responsive service without entitlement

s 91 (prev s 51G) ins 2001 No 94 s 11
renum R1 LA (see 2001 No 94 s 17)
exp 2 March 2003 (s 92)
(prev s 70) ins A2004-69 s 16
renum as s 91 R10 LA (see A2004-69 s 17)
exp 9 March 2006 (s 93)
ins A2006-9 s 18
am A2006-30 amdt 1.85

Representing entitlement to operate demand responsive service

s 92 (prev s 51H) ins 2001 No 94 s 11
renum R1 LA (see 2001 No 94 s 17)
sub 2002 No 30 amdt 3.756
exp 2 March 2003 (s 92)
(prev s 71) ins A2004-69 s 16
renum as s 92 R10 LA (see A2004-69 s 17)
exp 9 March 2006 (s 93)
ins A2006-9 s 18

Regulation of demand responsive services

div 8.6 hdg ins A2006-9 s 18

Demand responsive services—minimum fares

s 93 (prev s 72) ins A2004-69 s 16
renum as s 93 R10 LA (see A2004-69 s 17)
exp 9 March 2006 (s 93)
ins A2006-9 s 18

Regulations about operation of demand responsive services

s 94 ins A2006-9 s 18

Regulations about operation of demand responsive service vehicles

s 95 ins A2006-9 s 18

Regulations about demand responsive service vehicle drivers

s 96 ins A2006-9 s 18

Regulations about conduct of demand responsive vehicle passengers

s 97 ins A2006-9 s 18

Enforcement

pt 9 hdg

orig pt 9 hdg

(prev pt 7 hdg) ins A2004-69 s 16
renum as pt 9 hdg R10 LA (see A2004-69 s 17)
exp 9 March 2006 (s 93)

prev pt 9 hdg

ins A2006-9 s 18
renum as pt 10 hdg

pres pt 9 hdg

ins A2006-26 s 14

Purpose of powers under pt 9

s 115 reloc from Road Transport (Public Passenger Services)
Regulation 2002 s 229 by A2006-26 s 31

Power to require records or information

s 116 reloc from Road Transport (Public Passenger Services)
Regulation 2002 s 230 by A2006-26 s 31

Power to inspect maintenance facilities

s 117 reloc from Road Transport (Public Passenger Services)
Regulation 2002 s 231 by A2006-26 s 31

Power to inspect and test vehicles

s 118 reloc from Road Transport (Public Passenger Services)
Regulation 2002 s 232 by A2006-26 s 31

Power to require vehicles or equipment to be inspected and tested

s 119 reloc from Road Transport (Public Passenger Services)
Regulation 2002 s 233 by A2006-26 s 31

Attachment and removal of noncompliance notices

s 120 reloc from Road Transport (Public Passenger Services)
Regulation 2002 s 234 by A2006-26 s 31

Police officer or authorised person—power to require name and address etc

s 121 reloc from Road Transport (Public Passenger Services)
Regulation 2002 s 235 by A2006-26 s 31

Miscellaneous

pt 10 hdg (prev pt 9 hdg) ins A2006-9 s 18
renum as pt 10 hdg A2006-26 s 13

Unauthorised public passenger services

s 125 ins A2006-9 s 18

Regulation-making power

s 126 ins A2006-9 s 18

Minister may exempt vehicles and people from Act

s 127 ins A2006-9 s 18

Endnotes

4 Amendment history

Regulations may exempt vehicles and people from Act

s 128 ins A2006-9 s 18

References to Motor Traffic Act, Traffic Act etc

s 129 ins A2006-9 s 18

Dictionary

dict

am 2002 No 30 amdt 3.757

def **accredited** sub 2001 No 94 s 12

def **accredited bus operators register** om 2001 No 94 s 14

def **accredited demand responsive service operator** ins
A2006-9 s 19

def **accredited hire car service operator** ins A2004-69 s 18

def **accredited taxi network provider** ins 2001 No 94 s 13

def **accredited taxi service operator** ins 2001 No 94 s 13

def **affiliated** ins 2001 No 94 s 13

def **authorisation** ins A2006-9 s 19

def **authorised demand responsive service operator** ins
A2006-9 s 19

def **bus** sub A2005-20 amdt 3.373

def **demand responsive service** ins A2006-9 s 19

def **demand responsive service vehicle** ins A2006-9 s 19

def **fittings** ins A2006-26 s 15

def **function** om 2002 No 30 amdt 3.758

def **hire car** ins A2004-69 s 18

def **hire car licence** ins A2004-69 s 18

def **hire car service** ins A2004-69 s 18

def **holder** sub 2001 No 94 s 12; A2004-69 s 19
om A2005-20 amdt 3.374

def **inspect** ins A2006-26 s 15

def **licence** ins 2001 No 94 s 13

om A2004-69 s 20

def **noncompliance notice** ins A2006-26 s 15

def **public bus** sub A2005-20 amdt 3.375

def **public passenger vehicle** sub 2001 No 94 s 12;
A2004-69 s 21

am A2006-9 s 20

def **public vehicle licence** ins 2001 No 94 s 13

def **restricted hire car** ins A2004-69 s 22

def **restricted hire car licence** ins A2004-69 s 22

def **restricted hire car service** ins A2004-69 s 22

def **restricted taxi** ins 2001 No 94 s 13

def **restricted taxi licence** ins 2001 No 94 s 13

def **restricted taxi service** ins 2001 No 94 s 13

def **road** am 2002 No 30 amdt 3.759, amdt 3.760

def **road related area** am 2002 No 30 amdt 3.759, amdt 3.760

def **service contract** sub A2006-9 s 21
 def **taxi** ins 2001 No 94 s 13
 def **taxi booking service** ins 2001 No 94 s 13
 def **taxi driver** ins 2001 No 94 s 13
 def **taxi licence** ins 2001 No 94 s 13
 def **taxi network** ins 2001 No 94 s 13
 def **taxi service** ins 2001 No 94 s 13
 def **taxi zone** ins 2001 No 94 s 13
 def **time of effect** ins A2006-26 s 15

Consequential amendments

sch 1 om R1 LA (s 89 (3)) but see s 54

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	<u>Act 2001 No 94</u>	1 December 2001
2	Act 2001 No 94	1 March 2002
3	Act 2001 No 94	3 June 2002
4	Act 2001 No 94	1 July 2002
5	Act 2002 No 30	3 October 2002
6	Act 2002 No 30	2 December 2002
7	Act 2002 No 49	17 January 2003
8	Act 2002 No 49	3 March 2003
9	A2002-49	2 June 2003
10*	A2004-69	9 March 2005
11	A2005-20	2 June 2005
12	A2005-20	10 March 2006
13	<u>A2006-30</u>	1 July 2006

Endnotes

6 Renumbered provisions

6 Renumbered provisions

This Act was renumbered under the *Legislation Act 2001*, in R2 (see A2001-94 s 17). Details of renumbered provisions are shown in endnote 4 (Amendment history). For a table showing the renumbered provisions, see R2.

7 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

Administrative (Miscellaneous Amendments) Act 2006 A2006-30 amdt 1.84
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[1.84] New section 90 (2) and (3)

insert

- (2) However, the Territory is entitled to operate a demand responsive service, whether or not the Territory—
 - (a) holds an authorisation to operate the service; or
 - (b) holds a service contract for the service; or
 - (c) is an accredited demand responsive service operator.
- (3) If the Territory operates a demand responsive service, part 8 (Demand responsive services) applies in relation to the Territory's operation of the service as if—
 - (a) the Territory held an authorisation to operate the service; and
 - (b) the Territory held a service contract for the service; and
 - (c) the Territory were accredited to operate the service; and
 - (d) all necessary changes, and any changes prescribed by regulation, were made.

(commencement: the later of 3 July 2006 or the commencement of the *Road Transport (Public Passenger Services) Amendment Regulation 2006 (No 1)*)

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