



Australian Capital Territory

Road Transport (Public Passenger Services) Amendment Act 2001

2001 No 94

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Australian Capital Territory

Road Transport (Public Passenger Services) Amendment Act 2001

2001 No 94

An Act to amend the *Road Transport (Public Passenger Services) Act 2001*, and for other purposes

*Notified under the Legislation Act 2001 on 27 September 2001
(see www.legislation.act.gov.au)*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

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

2 Commencement

This Act commences on a day fixed by the Minister by notice in the Gazette.

Note 1 The naming and commencement provisions automatically commence on the notification day (see *Legislation Act 2001*, s 75).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see *Legislation Act 2001*, s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see *Legislation Act 2001*, s 79).

3 Act amended

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

4 Section 3

substitute

3 Objects (NSW s 4)

The objects of this Act include—

- (a) to provide for the accreditation of the operators of public passenger services and taxi networks that operate within or partly within the ACT; and
- (b) to provide for the licensing of vehicles used as taxis within or partly within 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.

5 Sections 5 to 8

substitute

5 Notes

- (1) A note included in this Act is explanatory and is not part of this Act.

Note See *Interpretation Act 1967*, s 12 (1), (4) and (5) for the legal status of notes.

- (2) In this Act:

note includes material enclosed in brackets in section headings.

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

- ACT: *Road Transport (General) Act 1999*
- ACT Taxi: *Road Transport (Taxi Services) Regulations 2000*
- NSW: *Passenger Transport Act 1990* (NSW).

- (3) Subsection (2), the notes mentioned in subsection (2) and this subsection expire on 30 June 2002.

6 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

- (c) to keep registers of accreditations given, and licences issued, under this Act; and
- (d) to provide information about accredited and licensed people in accordance with this Act and other laws in force in the Territory; and
- (e) to exercise any other functions given to the authority under this Act.

7 Registers of accredited people and licences

- (1) A register of accreditations given, and licences issued, under this Act may include information given to the road transport authority under this Act and any other information the authority considers appropriate.

Note Section 6 (c) requires registers for the following to be kept:

- accredited bus service operators;
 - accredited taxi service operators;
 - accredited taxi network providers;
 - taxi licences;
 - restricted 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) of the regulations.
 - (4) This section does not limit the functions of the road transport authority in relation to a register.

8 Disclosure of information in registers

The road transport authority must ensure that information in a register of accreditations or licences that is of a personal nature or has commercial sensitivity for a person about whom it is kept is released only in accordance with this Act or another law in force in the Territory.

6 New section 9A

insert

9A Combinations of accreditations and licences

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

**7 Regulations about enforcement
Section 28**

omit

8 Part 3

substitute

Part 3 Taxi networks**Division 3.1 Basic concepts****29 Meaning of *taxi network* (ACT Taxi reg, dict, def of *taxi network*, NSW s 29A, def of *taxi-cab 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.

29A Meaning of *taxi booking service* (ACT Taxi reg, dict, def of *booking service*, NSW s 29A, def of *taxi-cab 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

29B Taxi network providers—purposes of accreditation (NSW s 34 (3))

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.

29C Taxi network providers—regulations about accreditation system (NSW s 34 (4) (a), 34E (6))

- (1) The regulations are to provide a system for the accreditation of people to operate taxi networks, including, for example—
- (a) the kind or kinds of taxi services in relation to which an accredited person is entitled to provide taxi related services; and
- Note* For kinds of taxi services, see s 31B and s 31C.
- (b) the conditions of an accreditation; and
 - (c) matters relating to the giving, refusal or surrender of an accreditation; and
 - (d) the action that may be taken in relation to an accredited person in circumstances prescribed under the regulations, 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) The regulations 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.

Division 3.3 Entitlement to operate taxi networks

29D Entitlement to operate taxi networks

A person is entitled to operate a taxi network, within or partly within the ACT, for a particular kind of taxi service if the person is accredited under the regulations to operate a taxi network for that kind of taxi service.

29E Unaccredited persons not to operate taxi network (NSW s 34 (2))

A person must not operate, within or partly within the ACT, a taxi network for a particular kind of taxi service unless the person is accredited under the regulations to operate a taxi network for that kind of taxi service.

Maximum penalty: 50 penalty units.

29F Pretending to be an accredited taxi network provider

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

Maximum penalty: 30 penalty units.

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

Maximum penalty: 30 penalty units.

Division 3.4 Regulation of taxi networks

29G Regulations about operation of taxi networks by accredited people (NSW s 34 (4) (b), 34E (4)-(5))

The regulations 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.

29H Regulations about operation of taxi networks

The regulations 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;
- (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.

Part 4 Licensing of taxi vehicles

Division 4.1 Basic concepts

30 Meaning of *taxi licence* (ACT s 106 (1))

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

Note References to *taxi licence* include *restricted taxi licence* unless the contrary intention otherwise appears (see *Interpretation Act 1967*, s 11F and s 11G).

30A Meaning of *restricted taxi licence* (ACT s 108 (1))

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

Division 4.2 Taxi licences

30B Maximum numbers of taxi licences (ACT s 102 (3) (b), 107)

- (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 2001*.

30C Issue of taxi licences (ACT s 106 (4), 108 (2))

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.

30D Transferability of taxi licences (ACT s 108 (6), 109 (1)-(2))

- (1) If the holder of a taxi licence (other than a restricted taxi licence) asks the road transport authority to transfer the licence to someone else, the authority must transfer the licence to the person.
- (2) A restricted taxi licence is not transferable (including, for example, by hiring the licence to another person).

30E Use of vehicles as taxis (ACT s 101)

- (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) However, this section does not apply to a person who is using—
 - (a) a vehicle that is licensed as a taxi under the law of another jurisdiction if the vehicle completes in the ACT a hiring begun in another jurisdiction; or
 - (b) a substitute vehicle as a licensed taxi in accordance with the regulations.

30F 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.

30G Regulations about taxi licences

(ACT s 157 (b), NSW s 32 (4), 32F (1) (a))

- (1) The regulations are to 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 of restricted 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 under the regulations, 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.

Example 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.
- (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

31 Meaning of *taxi*
(ACT s 100, def of *taxi*, NSW s 3, def of *taxi-cab*)

A *taxi* is a vehicle (other than a bus) that stands or plies for hire for the transport of passengers along a road or road related area.

Note References to *taxi* includes *restricted taxi* unless the contrary intention otherwise appears (see *Interpretation Act 1967*, s 11F and s 11G).

31A Meaning of *restricted taxi* (ACT s 100, def of *restricted taxi*)

A *restricted taxi* is a vehicle (other than a bus) 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.

31B Meaning of *taxi service* (NSW s 29A, def of *taxi-cab service*)

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

31C 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.

Division 5.2 Accreditation of taxi service operators

31D Taxi service operators—purposes of accreditation (NSW s 31 (2))

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.

31E Taxi service operators—regulations about accreditation system (ACT s 157, NSW s 31 (3) (a), 31E (5))

- (1) The regulations are to 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 under the regulations, 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) 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 31C.

Division 5.3 Entitlement to operate taxi services

31F Entitlement to operate taxi services (NSW s 30 (1))

A person is entitled to operate a particular kind of taxi service, within or partly within 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 who is entitled to provide taxi related services to that kind of taxi service.

31G Unaccredited operators not to operate taxi services (NSW s 30 (1))

- (1) A person must not operate, within or partly within 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) However, subsection (1) does not apply to a person who is authorised to operate a taxi service under the law of another jurisdiction if a taxi operated by the person completes in the ACT a hiring begun in another jurisdiction.

31H 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.

31I Taxi service operators to be affiliated with taxi network

An accredited taxi service operator must not operate a taxi service of a particular kind unless the person is affiliated with an accredited taxi network provider who is entitled to provide taxi related services to that kind of taxi service.

Maximum penalty: 50 penalty units.

31J 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

31K Regulations about operation of taxi services by accredited people

(ACT s 157, NSW s 31 (3) (b), 31E (2), (3))

The regulations 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 operated by an accredited taxi service operator 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, 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) Regulations 2000*, reg 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.

31L Regulations about operation of taxis

The regulations 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.

31M Regulations about taxi drivers

The regulations 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 For the licensing of people to drive taxis, see the *Road Transport (Driver Licensing) Regulations 2000*.

31N Regulations about conduct of taxi passengers

The regulations 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.

31O Power to determine maximum taxi fares (ACT s 115)

- (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 2001*.

- (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 **Miscellaneous**

32 **Regulation-making power (NSW s 63 (1), (4))**

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

Note Regulations must be notified and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may create offences for contraventions of the regulations and prescribe maximum penalties of not more than 20 penalty units for offences against the regulations.

32A **Regulations may apply certain documents etc**

The regulations may apply, adopt or incorporate, entirely or in part and with or without changes, a publication (including an Act or regulation of another jurisdiction), as in force from time to time.

Note 1 A statutory instrument may also apply, adopt or incorporate (with or without change) a law or instrument (or a provision of a law or instrument) as in force at a particular time (see *Legislation Act 2001*, s 47 (1)).

Note 2 If a statutory instrument applies, adopts or incorporates a law or instrument (or a provision of a law or instrument), the law, instrument or provision may be taken to be a notifiable instrument that must be notified under the *Legislation Act 2001* (see s 47 (2)-(6)).

32B **Regulations about enforcement**

The regulations 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.

32C **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 2001*.

32D Regulations may exempt vehicles and people from Act (NSW s 63 (3))

- (1) The regulations may—
- (a) exempt a vehicle or person, or a kind of vehicle or person, prescribed under the regulations 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, prescribed under the regulations 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) The regulations 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 under the regulations; or
 - (b) suspend the operation of an exemption given by the authority to a vehicle or person in the way and circumstances prescribed under the regulations.

9 Part 4

renumber as part 7

10 Section 33, new definitions of *taxi operator's licence* and *restricted taxi operator's licence*

insert

restricted taxi operator's licence—see the General Act, section 108 (1).

taxi operator's licence—see the General Act, section 106 (1).

11 New division 7.7

insert

Division 7.7 Taxis

51A Existing approved taxi networks

- (1) This section applies to a person who, immediately before the commencement, held an authority to operate a taxi network under the *Road Transport (Taxi Services) Regulations 2000*, regulation 57 (Taxi network authorities).
- (2) The person is taken, after the commencement, to be accredited under the regulations to operate a taxi network.
- (3) The accreditation the person is taken to hold under subsection (2) may be varied or ended by the road transport authority in accordance with the regulations.
- (4) If the accreditation the person is taken to hold under subsection (2) has not been ended in accordance with the regulations, the accreditation expires 1 year after this section commences.

51B Existing taxi licences and restricted taxi licences

- (1) This section applies to a person who, immediately before the commencement, was the holder of—
 - (a) a taxi operator's licence; or

- (b) a restricted taxi operator's licence.
- (2) The person is taken, after the commencement—
 - (a) for a person mentioned in subsection (1) (a)—to be the holder of a taxi licence (other than a restricted taxi licence) issued under this Act; or
 - (b) for a person mentioned in subsection (1) (b)—to be the holder of a restricted taxi licence issued under this Act.
- (3) If the licence held by the person was, immediately before the commencement, subject to conditions, the licence the person is taken to hold under subsection (2) is taken to be subject to the conditions.
- (4) The period of a restricted taxi operator's licence that is taken to be a restricted taxi licence issued under this Act is taken to be the unexpired period of the licence before the commencement.

51C Interim accreditation of existing taxi operators

- (1) This section applies to a person who, immediately before the commencement—
 - (a) operated a taxi service (other than a restricted taxi service) within the meaning of this Act; or
 - (b) was the holder of a restricted taxi operator's licence.
- (2) The person is taken, after the commencement—
 - (a) for a person mentioned in subsection (1) (a)—to be accredited under the regulations to operate a taxi service; or
 - (b) for a person mentioned in subsection (1) (b)—to be accredited under the regulations to operate a restricted taxi service.
- (3) The accreditation the person is taken to hold under subsection (2) may be varied or ended by the road transport authority in accordance with the regulations.

- (4) If the accreditation the person is taken to hold under subsection (2) has not been ended in accordance with the regulations, the accreditation expires 1 year after this section commences.

51D Determination about maximum number of taxi licences

- (1) This section applies to a determination in force under the General Act, section 106 (4) immediately before the commencement (including a determination that was taken under the General Act, section 253 to be a determination under section 106 (4)).
- (2) The determination is taken, after the commencement, to be a determination under section 30B (Maximum numbers of taxi licences) of the maximum number of taxi licences (other than restricted taxi licences).

51E Determination about maximum number of restricted taxi licences

- (1) This section applies to a determination in force under the General Act, section 107 immediately before the commencement (including a determination that was taken under the General Act, section 254 to be a determination under section 107).
- (2) The determination is taken, after the commencement, to be a determination under section 30B (Maximum numbers of taxi licences) of the maximum number of restricted taxi licences.

51F Application to transfer taxi licence

An application under the General Act, section 109 (1) in relation to a taxi licence that had not been finally dealt with immediately before the commencement is taken, after the commencement, to be an application made to the road transport authority under section 30E (1) (Transferability of taxi licences).

51G Determination about maximum taxi fares

A determination in force under the General Act, section 115 immediately before the commencement is taken, after the commencement, to be a determination under section 31O (1) (Power to determine maximum taxi fares).

51H Expiry of div 7.7

This division expires 1 year after it commences.

12 Dictionary, definitions of *accredited*, *holder* and *public passenger vehicle*

substitute

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

holder means—

- (a) of a service contract—the person who (apart from the road transport authority) is a party to the contract; or
- (b) of a taxi licence—the person to whom the licence was issued.

public passenger vehicle means a bus or taxi.

13 Dictionary, new definitions

insert

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.

licence, in relation to a taxi, means a licence issued under the regulations to use a vehicle as a taxi.

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

restricted taxi—see section 31A (Meaning of *restricted taxi*).

restricted taxi licence—see section 30A (Meaning of *restricted taxi licence*).

restricted taxi service—see section 31C (Meaning of *restricted taxi service*).

taxi—see section 31 (Meaning of *taxi*).

taxi booking service—see section 29A (Meaning of *taxi booking service*).

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 30 (Meaning of *taxi licence*).

taxi network—see section 29 (Meaning of *taxi network*).

taxi service—see section 31B (Meaning of *taxi service*).

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

14 Dictionary, definition of *accredited bus operators register*

omit

15 *Road Transport (Taxi Services) Regulations 2000*

repeal

16 Schedule 1

Schedule 1 amends the *Road Transport (General) Act 1999*.

17 Renumbering of Act

renumber the sections of the Road Transport (Public Passenger Services) Act 2001 when Act next republished under Legislation Act 2001

Schedule 1 Consequential amendments of Road Transport (General) Act 1999

(see s 15)

[1.1] Section 100, definitions of *defined right*, *restricted taxi*, *restricted taxi operator's licence*, *taxi operator's licence* and *taxi zone*

omit

[1.2] Section 100, definitions of *public vehicle* and *taxi*

substitute

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

taxi—see the *Road Transport (Public Passenger Services) Act 2001*, section 31 (Meaning of *taxi*).

[1.3] Section 100, definitions of *private hire car* and *restricted hire vehicle*

omit

, *restricted taxi* or *taxi*

substitute

or *taxi*

[1.4] Division 9.2

omit

[1.5] Sections 120 (2) (a) and 121 (3) (a)

substitute

- (a) a taxi licence under the *Road Transport (Public Passenger Services) Act 2001*; or

[1.6] Section 128 (2) (d)

omit

(including restricted taxis)

[1.7] Section 129 (7) (d)

omit

, taxis and restricted taxis

substitute

and taxis

[1.8] Section 152 (1) and (2)

omit

taxi, restricted taxi,

[1.9] Section 152 (1)

omit

taxi operator's licence, restricted taxi operator's licence,

[1.10] Section 155 (2)

after

public bus

insert

or taxi

[1.11] Section 156 (1)

omit

taxi operator's licence, restricted taxi operator's licence or

[1.12] Section 156 (2)

omit

taxi operator's licence, restricted taxi operator's licence,

[1.13] Section 158, definition of *public vehicle*

omit

, restricted taxi or taxi

substitute

or taxi

[1.14] Dictionary, definitions of *defined right, restricted taxi, restricted taxi operator's licence, taxi operator's licence and taxi zone*

omit

[1.15] Dictionary, definition *taxi*

substitute

taxi—see the *Road Transport (Public Passenger Services) Act 2001*, section 31 (Meaning of *taxi*).

Endnotes

Penalty units

- 1 The *Legislation Act 2001*, section 133 deals with the meaning of offence penalties that are expressed in penalty units.

Act amended

- 2 See Act 2001 No 62.

[Presentation speech made in Assembly on 9 August 2001]

I certify that the above is a true copy of the Road Transport (Public Passenger Services) Amendment Bill 2001 which was passed by the Legislative Assembly on 30 August 2001.

M J McRae
Clerk of the Legislative Assembly

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