

2001

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Urban Services)

## Road Transport (Public Passenger Services) Amendment Bill 2001

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## **Road Transport (Public Passenger Services) Amendment Bill 2001**

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### **A Bill for**

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

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

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2000 137B

1 **1 Name of Act**

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

4 **2 Commencement**

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

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

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

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

15 **3 Act amended**

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

18 **4 Section 3**

19 *substitute*

20 **3 Objects (NSW s 4)**

21 The objects of this Act include—

22 (a) to provide for the accreditation of the operators of public  
23 passenger services and taxi networks that operate within or  
24 partly within the ACT; and

25 (b) to provide for the licensing of vehicles used as taxis within or  
26 partly within the ACT; and

- 1 (c) to encourage public passenger services that meet the  
2 reasonable expectations of the community for safe, reliable and  
3 efficient public passenger services.

## 4 **5 Sections 5 to 8**

5 *substitute*

### 6 **5 Notes**

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

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

- 10 (2) In this Act:

11 *note* includes material enclosed in brackets in section headings.

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

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

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

### 21 **6 Functions of road transport authority**

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

- 23 (a) to administer the accreditation schemes established under this  
24 Act for the accreditation of the operators of public passenger  
25 services and taxi networks; and
- 26 (b) to administer the licensing schemes established under this Act  
27 for the licensing of taxis; and

## Section 5

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

## 8 **7 Registers of accredited people and licences**

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

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

- 14 • accredited bus service operators;  
15 • accredited taxi service operators;  
16 • accredited taxi network providers;  
17 • taxi licences;  
18 • restricted taxi licences.

- 19 (2) A register may be kept in the form of, or as part of, 1 or more  
20 computer databases or in any other form the road transport authority  
21 considers appropriate.

- 22 (3) The road transport authority may correct any mistake, error or  
23 omission in a register subject to the requirements (if any) of the  
24 regulations.

- 25 (4) This section does not limit the functions of the road transport  
26 authority in relation to a register.

## 27 **8 Disclosure of information in registers**

28 The road transport authority must ensure that information in a  
29 register of accreditations or licences that is of a personal nature or

1 has commercial sensitivity for a person about whom it is kept is  
2 released only in accordance with this Act or another law in force in  
3 the Territory.

#### 4 **6 New section 9A**

5 *insert*

#### 6 **9A Combinations of accreditations and licences**

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

#### 9 **7 Regulation-making power** 10 **Section 28**

11 *omit*

#### 12 **8 Part 3**

13 *substitute*

### 14 **Part 3 Tax networks**

#### 15 **Division 3.1 Basic concepts**

#### 16 **29 Meaning of *taxi network* (ACT Taxi reg, dict, def of *taxi* 17 *network*, NSW s 29A, def of *taxi-cab network*)**

18 A *taxi network* is an entity that provides taxi related services  
19 (including a taxi booking service) to affiliated accredited taxi  
20 service operators.

#### 21 **29A Meaning of *taxi booking service* (ACT Taxi reg, dict, def of 22 *booking service*, NSW s 29A, def of *taxi-cab booking* 23 *service*)**

24 A *taxi booking service* is a service provided by an accredited taxi  
25 network provider that—

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

5 **Division 3.2 Accreditation of taxi network**  
6 **providers**

7 **29B Taxi network providers—purposes of accreditation**  
8 **(NSW s 34 (3))**

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

- 11 (a) the accredited person has the financial capacity to meet the  
12 service standards for the network; and  
13 (b) the accredited person, and each person who is concerned with,  
14 or takes part in, the management of the network, are suitable  
15 people to operate the network; and  
16 (c) the accredited person, and each person who is concerned with,  
17 or takes part in, the management of the network, have  
18 demonstrated the capacity to comply with the relevant  
19 regulations and, in particular, the regulations about—  
20 (i) the operation of the network; and  
21 (ii) the supervision and monitoring of affiliated accredited  
22 taxi service operators and drivers of taxis operated by  
23 affiliated accredited taxi service operators.

24 **29C Taxi network providers—regulations about accreditation**  
25 **system (NSW s 34 (4) (a), 34E (6))**

- 26 (1) The regulations are to provide a system for the accreditation of  
27 people to operate taxi networks, including, for example—



- 1 (a) the kind or kinds of taxi services in relation to which an  
2 accredited person is entitled to provide taxi related services;  
3 and  
4 *Note* For kinds of taxi services, see s 31B and s 31C.  
5 (b) the conditions of an accreditation; and  
6 (c) matters relating to the giving, refusal or surrender of an  
7 accreditation; and  
8 (d) the action that may be taken in relation to an accredited person  
9 in circumstances prescribed under the regulations, including—  
10 (i) the suspension or cancellation of an accreditation; and  
11 (ii) the imposition of a condition on, or the amendment of a  
12 condition of, an accreditation; and  
13 (iii) an order that an accredited person pay to the Territory an  
14 amount of not more than—  
15 (A) for an individual—\$5,000; or  
16 (B) for a corporation—\$25,000; and  
17 (iv) the reprimanding of an accredited person.  
18 (2) The regulations may make provision in relation to the accreditation  
19 of people to operate taxi networks, including, for example—  
20 (a) requirements about the suitability of the applicant and each  
21 person who will be concerned with, or take part in, the  
22 management of the network; and  
23 (b) capacity to meet service standards; and  
24 (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.

**29G    Taxi booking services to be operated by taxi networks**

- (1) A person must not operate a taxi booking service for a particular kind of taxi service that operates within or partly within the ACT unless the person is accredited under the regulations to operate a taxi network for that kind of taxi service.

Maximum penalty: 50 penalty units.

- 1 (2) However, subsection (1) does not apply to a person who is  
2 authorised to operate a taxi booking service under the law of another  
3 jurisdiction if a taxi booked by the person completes in the ACT a  
4 hiring begun in another jurisdiction.

### 5 **Division 3.4 Regulation of taxi networks**

#### 6 **29H Regulations about operation of taxi networks by** 7 **accredited people (NSW s 34 (4) (b), 34E (4)-(5))**

8 The regulations may make provision in relation to the operation of  
9 taxi networks by accredited people, including, for example—

- 10 (a) the affiliation of accredited taxi service operators with  
11 networks; and
- 12 (b) network rules for affiliated accredited taxi service operators  
13 and drivers of taxis operated by affiliated accredited taxi  
14 service operators; and
- 15 (c) the specifications for equipment operated by networks for  
16 sending messages to taxi drivers and for taximeters; and
- 17 (d) the circumstances in which networks must accept applications  
18 for affiliation from, and maintain affiliation with, accredited  
19 taxi service operators; and
- 20 (e) the operation of, and service standards for, network taxi  
21 booking services (including, for example, different standards  
22 for different kinds of taxi services and standards about when a  
23 booking must be transferred to another taxi or taxi network);  
24 and
- 25 (f) the numbers and kinds of taxis, and the numbers of taxis with  
26 particular equipment (including, for example, baby capsules),  
27 operated by affiliated accredited taxi service operators that are  
28 to be available at particular times and places; and

- 1 (g) directions that networks may give to affiliated accredited taxi  
2 service operators and drivers of taxis operated by affiliated  
3 accredited taxi service operators; and
- 4 (h) the supervision and monitoring of affiliated accredited taxi  
5 service operators, and drivers of taxis operated by affiliated  
6 accredited taxi service operators, for compliance with network  
7 service standards and other requirements and the  
8 responsibilities of networks in relation to a failure to comply  
9 with the standards; and
- 10 (i) the management of particular kinds of taxis (including, for  
11 example, taxis with wheelchair access) and taxi services; and
- 12 (j) customer complaints and inquiries; and
- 13 (k) the making and keeping of records and their inspection; and
- 14 (l) the auditing of records and systems; and
- 15 (m) the provision of information and reports to the road transport  
16 authority.

17 **29I Regulations about operation of taxi networks**

18 The regulations may make provision in relation to the obligations  
19 that an accredited taxi network provider must ensure that affiliated  
20 accredited taxi service operators, and drivers of taxis operated by  
21 affiliated accredited taxi service operators, must comply with,  
22 including, for example—

- 23 (a) service standards for booked taxis;
- 24 (b) the safety of drivers and passengers (including, for example,  
25 particular kinds of security devices); and
- 26 (c) the qualifications, training and experience of affiliated  
27 accredited taxi service operators, taxi drivers and other people  
28 providing services on behalf of networks; and
- 29 (d) the operation of equipment for sending messages between a  
30 taxi network and taxi drivers; and

- 1 (e) the maintenance and cleaning of taxis.

## 2 **Part 4 Licensing of taxi vehicles**

### 3 **Division 4.1 Basic concepts**

#### 4 **30 Meaning of *taxi licence* (ACT s 106 (1))**

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

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

#### 10 **30A Meaning of *restricted taxi licence* (ACT s 108 (1))**

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

### 13 **Division 4.2 Taxi licences**

#### 14 **30B Maximum numbers of taxi licences (ACT s 102 (3) (b), 107)**

15 (1) The Minister may, in writing, determine the number of taxi licences  
16 or restricted taxi licences.

17 (2) A determination is a notifiable instrument.

18 *Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

#### 19 **30C Issue of taxi licences (ACT s 106 (4), 108 (2))**

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

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

2       (1) If the holder of a taxi licence (other than a restricted taxi licence)  
3       asks the road transport authority to transfer the licence to someone  
4       else, the authority must transfer the licence to the person.

5       (2) A restricted taxi licence is not transferable (including, for example,  
6       by hiring the licence to another person).

7   **30E   Use of vehicles as taxis (ACT s 101)**

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

10       Maximum penalty: 50 penalty units.

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

13       Maximum penalty: 50 penalty units.

14       (3) However, this section does not apply to a person who is using—

15           (a) a vehicle that is licensed as a taxi under the law of another  
16           jurisdiction if the vehicle completes in the ACT a hiring begun  
17           in another jurisdiction; or

18           (b) a substitute vehicle as a licensed taxi in accordance with the  
19           regulations.

20   **30F   Pretending vehicles are licensed taxis**

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

23       Maximum penalty: 30 penalty units.

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

26       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.

1     **Part 5                      Taxi services**

2     **Division 5.1            Basic concepts**

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

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

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

9     **31A    Meaning of *restricted taxi* (ACT s 100, def of *restricted***  
10           ***taxi*)**

11           A *restricted taxi* is a vehicle (other than a bus) that stands or plies  
12           for hire for the transport of passengers along a road or road related  
13           area and that is licensed under this Act as a restricted taxi.

14     **31B    Meaning of *taxi service* (NSW s 29A, def of *taxi-cab***  
15           ***service*)**

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

18     **31C    Meaning of *restricted taxi service***

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

21           **Examples of kinds of restricted taxi services**

- 22           1     A service that must give priority to the transport of people with disabilities.  
23           2     A service with no requirement to give priority to the transport of people with  
24                   disabilities.  
25           3     A service that can only operate during particular times.



1 **Division 5.2** **Accreditation of taxi service**  
 2 **operators**

3 **31D Taxi service operators—purposes of accreditation**  
 4 **(NSW s 31 (2))**

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

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

18 **31E Taxi service operators—regulations about accreditation**  
 19 **system (ACT s 157, NSW s 31 (3) (a), 31E (5))**

- 20 (1) The regulations are to provide a system for the accreditation of  
 21 people to operate taxi services, including, for example—  
 22 (a) the kinds of accreditations; and  
 23 (b) the kinds of taxis and taxi services that a person who holds a  
 24 particular kind of accreditation is entitled to operate; and  
 25 (c) the conditions of accreditations; and  
 26 (d) matters relating to the giving, refusal or surrender of  
 27 accreditations; and

- 1           (e) the action that may be taken in relation to an accredited person  
2           in circumstances prescribed under the regulations, including—  
3           (i) the suspension or cancellation of an accreditation; and  
4           (ii) the imposition of a condition on, or the amendment of a  
5           condition of, an accreditation; and  
6           (iii) an order that an accredited person pay to the Territory an  
7           amount of not more than—  
8           (A) for an individual—\$5,000; or  
9           (B) for a corporation—\$25,000; and  
10          (iv) the reprimanding of an accredited person.  
11       (2) The regulations may make provision in relation to the accreditation  
12       of people to operate taxi services, including, for example—  
13       (a) requirements about the suitability of the applicant and each  
14       person who will be concerned with, or take part in, the  
15       management of the service; and  
16       (b) capacity to meet service standards; and  
17       (c) financial viability.  
18       (3) For subsection (1) (a), the regulations must provide for the  
19       accreditation of people to operate—  
20       (a) a taxi service (other than a restricted taxi service); and  
21       (b) a restricted taxi service.

22       *Note*       For examples of kinds of restricted taxi services, see s 31C.

23       **Division 5.3                      Entitlement to operate taxi**  
24       **services**

25       **31F   Entitlement to operate taxi services (NSW s 30 (1))**

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

- 1 (a) the person is accredited under the regulations to operate a taxi  
2 service of that kind; and
- 3 (b) the vehicles used to operate the service are licensed under the  
4 regulations as taxis for that kind of taxi service; and
- 5 (c) the person is affiliated with an accredited taxi network provider  
6 who is entitled to provide taxi related services to that kind of  
7 taxi service.

8 **31G Unaccredited operators not to operate taxi services**  
9 (NSW s 30 (1))

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

13 Maximum penalty: 50 penalty units.

- 14 (2) However, subsection (1) does not apply to a person who is  
15 authorised to operate a taxi service under the law of another  
16 jurisdiction if a taxi operated by the person completes in the ACT a  
17 hiring begun in another jurisdiction.

18 **31H Pretending to be an accredited taxi service operator**

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

21 Maximum penalty: 30 penalty units.

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

24 Maximum penalty: 30 penalty units.

25 **31I Taxi service operators to be affiliated with taxi network**

26 An accredited taxi service operator must not operate a taxi service of  
27 a particular kind unless the person is affiliated with an accredited

1 taxi network provider who is entitled to provide taxi related services  
2 to that kind of taxi service.

3 Maximum penalty: 50 penalty units.

4 **31J Pretending to be affiliated with taxi network**

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

7 Maximum penalty: 30 penalty units.

8 **Division 5.4 Regulation of taxi services**

9 **31K Regulations about operation of taxi services by**  
10 **accredited people**  
11 (ACT s 157, NSW s 31 (3) (b), 31E (2), (3))

12 The regulations may make provision in relation to the operation of  
13 taxi services by accredited taxi service operators, including, for  
14 example—

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

19 (b) compliance with the requirements of the accredited taxi  
20 network provider with which an accredited taxi service  
21 operator is affiliated; and

22 (c) the supervision and monitoring of drivers of taxis operated by  
23 an accredited taxi service operator for compliance with the  
24 service standards and other requirements of the operator's  
25 affiliated taxi network provider and the responsibilities of the  
26 operator in relation to a failure to comply with the standards;  
27 and

28 (d) the safety of passengers (including, for example, particular  
29 kinds of security devices) and the public; and

- 1 (e) the qualifications, training and experience of accredited taxi  
2 service operators and taxi drivers (including, for example, in  
3 relation to particular kinds of taxi services); and
- 4 (f) maximum driving times and minimum rest times of taxi  
5 drivers; and
- 6 (g) insurance; and
- 7 (h) customer complaints and inquiries; and
- 8 *Note* For the vehicle age limitations on the registration of a motor  
9 vehicle as a taxi, see the *Road Transport (Vehicle Registration)*  
10 *Regulations 2000*, reg 32.
- 11 (i) lost property; and
- 12 (j) the obligations of accredited taxi network providers and taxi  
13 drivers and other people providing services to or on behalf of  
14 accredited taxi service operators; and
- 15 (k) the operation of particular kinds of taxis (including, for  
16 example, taxis with wheelchair access) and taxi services; and
- 17 (l) the requirements that taxis, and their equipment and fittings  
18 (internal and external) (including, for example, baby capsules),  
19 must comply with; and
- 20 (m) the maintenance and cleaning of taxis; and
- 21 (n) the making and keeping of records and their inspection; and
- 22 (o) the auditing of records and systems; and
- 23 (p) the provision of information and reports to the road transport  
24 authority.

### 25 **31L Regulations about operation of taxis**

26 The regulations may make provision in relation to the operation of  
27 taxis, including, for example—

- 28 (a) the solicitation of passengers or hirings; and

- 1 (b) the hiring of vehicles and the payment of fares; and
- 2 (c) the picking-up and dropping-off of passengers and other
- 3 matters relating to the transport of passengers; and
- 4 (d) the transport of passengers' luggage or other goods, and
- 5 animals; and
- 6 (e) the regulation or prohibition of the use of vehicles on certain
- 7 roads or road related areas; and
- 8 (f) the maximum speed of a vehicle; and
- 9 (g) the design, equipment and fittings (internal or external) of
- 10 vehicles; and
- 11 (h) the regulation or prohibition of notices, signs and
- 12 advertisements inside or on the outside of vehicles; and
- 13 (i) the records to be made and kept by drivers, how they are to be
- 14 made and kept, and their inspection; and
- 15 (j) the provision, use and operation of taxi zones.

16 **31M Regulations about taxi drivers**

17 The regulations may make provision in relation to taxi drivers,

18 including, for example—

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

22 *Note* For the licensing of people to drive taxis, see the *Road Transport*

23 *(Driver Licensing) Regulations 2000*.

24 **31N Regulations about conduct of taxi passengers**

25 The regulations may make provision in relation to the conduct of

26 passengers being carried by taxis, including, for example—

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

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

4 **31O Power to determine maximum taxi fares (ACT s 115)**

- 5 (1) The Minister may, in writing, determine maximum fares, and ways  
6 of calculating maximum fares, relating to hiring or using a taxi.

- 7 (2) A determination is a disallowable instrument.

8 *Note* A disallowable instrument must be notified, and presented to the  
9 Legislative Assembly, under the *Legislation Act 2001*.

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

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

- 15 (4) In this section:

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

17 **Part 6 Miscellaneous**

18 **32 Regulation-making power (NSW s 63 (1), (4))**

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

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

- 22 (2) The regulations may create offences for contraventions of the  
23 regulations and prescribe maximum penalties of not more than  
24 20 penalty units for offences against the regulations.

1   **32A   Regulations may apply certain documents etc**

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

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

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

13   **32B   Regulations about enforcement**

14      The regulations may make provision in relation to the powers and  
15      duties of police officers and authorised officers in relation to public  
16      passenger services, including, for example, in relation to public  
17      passenger vehicles, drivers of public passenger vehicles and  
18      passengers.

19   **32D   Minister may exempt vehicles and people from Act**

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

22      (2) An exemption is a disallowable instrument.

23      *Note*     A disallowable instrument must be notified, and presented to the  
24      Legislative Assembly, under the *Legislation Act 2001*.

25   **32E   Regulations may exempt vehicles and people from Act**  
26    (NSW s 63 (3))

27      (1) The regulations may—

28          (a) exempt a vehicle or person, or a kind of vehicle or person,  
29          prescribed under the regulations from this Act (or a stated  
30          provision of this Act); or



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

## 13 **9 Part 4**

14 *renumber as part 7*

## 15 **10 Section 33, new definitions of taxi operator's licence and**

## 16 **restricted taxi operator's licence**

17 *insert*

18 *restricted taxi operator's licence*—see the General Act, section

19 108 (1).

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

## 21 **11 New division 7.7**

22 *insert*

## 23 **Division 7.7 Taxis**

### 24 **51A Existing approved taxi networks**

- 25 (1) This section applies to a person who, immediately before the
- 26 commencement, held an authority to operate a taxi network under

- 1           the *Road Transport (Taxi Services) Regulations 2000*, regulation 57  
2           (Taxi network authorities).
- 3       (2) The person is taken, after the commencement, to be accredited  
4           under the regulations to operate a taxi network.
- 5       (3) The accreditation the person is taken to hold under  
6           subsection (2) may be varied or ended by the road transport  
7           authority in accordance with the regulations.
- 8       (4) If the accreditation the person is taken to hold under  
9           subsection (2) has not been ended in accordance with the  
10          regulations, the accreditation expires 1 year after this section  
11          commences.
- 12   **51B Existing taxi licences and restricted taxi licences**
- 13       (1) This section applies to a person who, immediately before the  
14          commencement, was the holder of—
- 15           (a) a taxi operator's licence; or
- 16           (b) a restricted taxi operator's licence.
- 17       (2) The person is taken, after the commencement—
- 18           (a) for a person mentioned in subsection (1) (a)—to be the holder  
19              of a taxi licence (other than a restricted taxi licence) issued  
20              under this Act; or
- 21           (b) for a person mentioned in subsection (1) (b)—to be the holder  
22              of a restricted taxi licence issued under this Act.
- 23       (3) If the licence held by the person was, immediately before the  
24          commencement, subject to conditions, the licence the person is  
25          taken to hold under subsection (2) is taken to be subject to the  
26          conditions.
- 27       (4) The period of a restricted taxi operator's licence that is taken to be a  
28          restricted taxi licence issued under this Act is taken to be the  
29          unexpired period of the licence before the commencement.

1 **51C Interim accreditation of existing taxi operators**

- 2 (1) This section applies to a person who, immediately before the  
3 commencement, operated—
- 4 (a) a taxi service (other than a restricted taxi service) (within the  
5 meaning of this Act); or
- 6 (b) the holder of a restricted taxi operator's licence.
- 7 (2) The person is taken, after the commencement—
- 8 (a) for a person mentioned in subsection (1) (a)—to be accredited  
9 under the regulations to operate a taxi service; or
- 10 (b) for a person mentioned in subsection (1) (b)—to be accredited  
11 under the regulations to operate a restricted taxi service.
- 12 (3) The accreditation the person is taken to hold under  
13 subsection (2) may be varied or ended by the road transport  
14 authority in accordance with the regulations.
- 15 (4) If the accreditation the person is taken to hold under  
16 subsection (2) has not been ended in accordance with the  
17 regulations, the accreditation expires 1 year after this section  
18 commences.

19 **51D Determination about maximum number of taxi licences**

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

1 **51E Determination about maximum number of restricted taxi**  
2 **licences**

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

10 **51F Application to transfer taxi licence**

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

16 **51G Determination about maximum taxi fares**

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

21 **51H Expiry of div 7.7**

22 This division expires 1 year after it commences.

23 **12 Dictionary, definitions of *accredited*, *holder* and *public***  
24 ***passenger vehicle***

25 *substitute*

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

29 *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*).

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

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

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

4        **14    Dictionary, definition of accredited bus operators register**

5        *omit*

6        **15    Road Transport (Taxi Services) Regulations 2000**

7        *repeal*

8        **16    Schedule 1**

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

10       **17    Renumbering of Act**

11       *renumber the sections of the Road Transport (Public Passenger*  
12       *Services) Act 2001 when Act next republished under Legislation Act*  
13       *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

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

Amendment [1.6]

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1 **[1.6] Section 128 (2) (d)**

2 *omit*  
3 (including restricted taxis)

4 **[1.7] Section 129 (7) (d)**

5 *omit*  
6 , taxis and restricted taxis  
7 *substitute*  
8 and taxis

9 **[1.8] Section 152 (1) and (2)**

10 *omit*  
11 taxi, restricted taxi,

12 **[1.9] Section 152 (1)**

13 *omit*  
14 taxi operator's licence, restricted taxi operator's licence,

15 **[1.10] Section 155 (2)**

16 *after*  
17 public bus  
18 *insert*  
19 or taxi

20 **[1.11] Section 156 (1)**

21 *omit*  
22 taxi operator's licence, restricted taxi operator's licence or



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1 **[1.12] Section 156 (2)**

2 *omit*

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

4 **[1.13] Section 158, definition of *public vehicle***

5 *omit*

6 , restricted taxi or taxi

7 *substitute*

8 or taxi

9 **[1.14] Dictionary, definitions of *defined right*, *restricted taxi*,  
10 *restricted taxi operator's licence*, *taxi operator's licence*  
11 *and taxi zone***

12 *omit*

13 **[1.15] Dictionary, definition *taxi***

14 *substitute*

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

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## Endnote

### Penalty units

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