

2015

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Chief Minister)

Road Transport (Public Passenger Services) (Taxi Industry Innovation) Amendment Bill 2015

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(As presented)

(Chief Minister)

Road Transport (Public Passenger Services) (Taxi Industry Innovation) Amendment Bill 2015

A Bill for

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

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

J2015-458

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 **1 Name of Act**

2 This Act is the *Road Transport (Public Passenger Services) (Taxi*
3 *Industry Innovation) Amendment Act 2015*.

4 **2 Commencement**

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

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

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](#), 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](#), s 79).

15 **3 Legislation amended**

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

18 *Note* This Act also amends other legislation (see sch 1).

19 **4 Section 2**

20 *substitute*

21 **2 Objects of Act**

22 The objects of this Act are to—

23 (a) provide for the accreditation of the operators of public
24 passenger services and transport booking services that operate
25 in or partly in the ACT; and

26 (b) provide for the licensing of vehicles used as taxis, rideshare
27 vehicles and hire cars in or partly in the ACT; and

- 1 (c) provide for an innovative, competitive and reliable public
2 passenger services industry; and
- 3 (d) provide a legislative framework that is adaptable to changes in
4 technology and business models; and
- 5 (e) encourage public passenger services that meet the reasonable
6 expectations of the community for safe, responsive, reliable
7 and efficient public passenger services.

8 **5 Offences against Act—application of Criminal Code etc** 9 **Section 4A, note 1**

10 *omit*

- 11 • s 33 (Operating taxi network without entitlement)
- 12 • s 54 (Taxi service operators to be affiliated with taxi network)

13 *substitute*

- 14 • s 32 (Transport booking service must be accredited)
- 15 • s 33 (Transport booking service must comply with accreditation
16 conditions)
- 17 • s 34 (Pretend to be accredited transport booking service)
- 18 • s 36A (Pretend to be affiliated driver)
- 19 • s 36D (Pretend to be affiliated operator)
- 20 • s 36E (Taxi driver or taxi service operator must be affiliated with
21 transport booking service)
- 22 • s 36F (Rideshare driver must be affiliated with transport booking
23 service)
- 24 • s 36G (Transport booking service—responsibilities)
- 25 • s 60E (Rideshare driver must be accredited)
- 26 • s 60F (Pretend to be accredited rideshare driver)
- 27 • s 60G (Rideshare driver must not use unlicensed rideshare vehicle)
- 28 • s 60L (Pretend vehicle is licensed rideshare vehicle)
- 29 • s 60M (Licensed rideshare vehicle not to be used by unlicensed or
30 unaccredited driver)
- 31 • s 60N (Licensed rideshare vehicle not to be used unless insured)

- 1 **6 Functions of road transport authority**
2 **Section 5 (a) and (b)**
- 3 *substitute*
- 4 (a) to administer the accreditation schemes established under this
5 Act for the accreditation of—
- 6 (i) transport booking services; and
7 (ii) operators of public passenger services; and
- 8 (b) to administer the licensing schemes established under this Act
9 for the licensing of taxis, rideshare vehicles and hire cars; and
- 10 **7 Section 6 heading**
- 11 *substitute*
- 12 **6 Registers under this Act**
- 13 **8 Section 6 (1), note**
- 14 *substitute*
- 15 *Note 1* Section 5 (d) and (e) requires registers for the following to be kept:
- 16 • accredited bus service operators
 - 17 • accredited demand responsive service operators
 - 18 • accredited hire car service operators
 - 19 • accredited rideshare drivers
 - 20 • accredited taxi service operators
 - 21 • accredited transport booking services
 - 22 • demand responsive service authorisations
 - 23 • hire car licences
 - 24 • restricted hire car licences
 - 25 • restricted taxi licences

- rideshare vehicle licences
 - taxi licences.
- Other registers may be required under the Act.

Note 2 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).

9 **Meaning of *bus* and *public bus*** **Section 10A, definition of *bus***

substitute

bus—

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

(b) does not include a limousine.

10 **Part 3**

substitute

Part 3 **Transport booking services**

Division 3.1 **Basic concepts**

28 **Meaning of *transport booking service***

In this Act:

transport booking service—

(a) means a person who—

(i) accepts bookings from people for bookable vehicles; and

(ii) communicates the bookings to bookable vehicle drivers;
but

- 1 (b) does not include—
- 2 (i) a person who is a bookable vehicle driver if the booking
- 3 is for the driver; or
- 4 (ii) a person prescribed by regulation to not be a transport
- 5 booking service.
- 6 *Note* **Person** includes a corporation as well as an individual (see [Legislation](#)
- 7 [Act](#), s 160).

8 **29 Meaning of *bookable vehicle* and *bookable vehicle driver***

9 In this Act:

10 ***bookable vehicle*** means—

- 11 (a) a taxi; or
- 12 (b) a rideshare vehicle; or
- 13 (c) a hire car.

14 *Note* **Taxi**—see s 45. **Rideshare vehicle**—see s 60A. **Hire car**—see s 67.

15 ***bookable vehicle driver*** means—

- 16 (a) a taxi driver; or
- 17 (b) a rideshare driver; or
- 18 (c) a hire car driver.

19 *Note* **Rideshare driver**—see s 60A. **Taxi driver**—see the dictionary.

1 **Division 3.2** **Transport booking service—**
2 **accreditation**

3 **30** **Transport booking service—purpose of accreditation**

4 The purpose of accrediting a transport booking service is to ensure
5 that the transport booking service, and each person who is
6 concerned with, or takes part in, the management of the transport
7 booking service—

- 8 (a) is suitable to operate the transport booking service; and
9 (b) has demonstrated capacity to comply with this Act.

10 *Note* A reference to an Act includes a reference to the statutory instruments
11 made or in force under the Act, including any regulation (see
12 [Legislation Act](#), s 104).

13 **31** **Transport booking service—regulations about**
14 **accreditation**

- 15 (1) A regulation may provide a system for the accreditation of transport
16 booking services, including, for example—

- 17 (a) the conditions of an accreditation; and
18 (b) matters relating to the issuing, refusal or surrender of an
19 accreditation; and
20 (c) the action that may be taken in relation to an accredited
21 transport booking service in circumstances prescribed by
22 regulation, including—
23 (i) the suspension or cancellation of an accreditation; and
24 (ii) the imposition of a condition on, or the amendment of a
25 condition of, an accreditation; and

- 1 (iii) an order that an accredited transport booking service pay
2 to the Territory an amount of not more than—
3 (A) for an individual—\$5 000; or
4 (B) for a corporation—\$25 000; and
5 (iv) the reprimanding of an accredited transport booking
6 service.

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

- 10 (2) A regulation may make provision about the accreditation of
11 transport booking services, including, for example—
12 (a) requirements about the suitability of the applicant and each
13 person who is to be concerned with, or take part in, the
14 management of the transport booking service; and
15 (b) capacity to meet service standards.

16 **32 Transport booking service must be accredited**

- 17 (1) A person commits an offence if the person—
18 (a) operates a transport booking service; and
19 (b) is not an accredited transport booking service.
20 Maximum penalty: 50 penalty units.
21 (2) An offence against this section is a strict liability offence.

1 **33** **Transport booking service must comply with**
2 **accreditation conditions**

- 3 (1) A person commits an offence if the person—
4 (a) is an accredited transport booking service; and
5 (b) fails to comply with a condition of the accreditation.

6 Maximum penalty: 50 penalty units.

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

8 **34** **Pretend to be accredited transport booking service**

9 A person commits an offence if the person pretends to be an
10 accredited transport booking service.

11 Maximum penalty: 30 penalty units.

12 **Division 3.3** **Transport booking service—affiliated**
13 **drivers and affiliated operators**

14 **35** **Meaning of *affiliated driver***

15 In this Act:

16 ***affiliated driver***, for a transport booking service, means a bookable
17 vehicle driver who has an affiliated driver agreement with the
18 booking service.

19 *Note* A rideshare driver must be an affiliated driver (see s 36F).

1 **36 Meaning of *affiliated driver agreement***

2 In this Act:

3 *affiliated driver agreement* means an agreement between a
4 bookable vehicle driver and a transport booking service for—

- 5 (a) the transport booking service to provide a booking service for
6 the driver; and
- 7 (b) the driver to provide a taxi service, rideshare service or hire car
8 service using a stated bookable vehicle via the booking service.

9 **36A Pretend to be affiliated driver**

- 10 (1) A person commits an offence if the person pretends to be an
11 affiliated driver for a transport booking service.

12 Maximum penalty: 30 penalty units.

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

14 **36B Meaning of *affiliated operator***

15 In this Act:

16 *affiliated operator*, for a transport booking service, means a taxi
17 service operator, or hire care service operator, who has an affiliated
18 operator agreement with the booking service.

19 **36C Meaning of *affiliated operator agreement***

20 In this Act:

21 *affiliated operator agreement* means an agreement between a taxi
22 service operator, or hire care service operator, and a transport
23 booking service for—

- 24 (a) the transport booking service to provide a booking service for
25 drivers for the operator's service; and

- 1 (b) the taxi service operator, or hire care service operator, to
2 operate the taxi service, or hire car service, using stated drivers
3 and stated vehicles, via the booking service.

4 **36D Pretend to be affiliated operator**

- 5 (1) A person commits an offence if the person pretends to be an
6 affiliated operator for a transport booking service.

7 Maximum penalty: 30 penalty units.

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

9 **36E Taxi driver or taxi service operator must be affiliated with**
10 **transport booking service**

- 11 (1) A person commits an offence if—

12 (a) the person is a taxi driver for a taxi service; and

13 (b) the person is not an affiliated driver for a transport booking
14 service; and

15 (c) the taxi service operator is not—

16 (i) an affiliated operator for a transport booking service; or

17 (ii) an independent taxi service operator.

18 Maximum penalty: 50 penalty units.

- 19 (2) A person commits an offence if the person—

20 (a) operates a taxi service; and

21 (b) is not either—

22 (i) an affiliated operator for a transport booking service; or

23 (ii) an independent taxi service operator.

24 Maximum penalty: 50 penalty units.

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

2 **36F Rideshare driver must be affiliated with transport booking**
3 **service**

4 (1) A person commits an offence if the person—

5 (a) is a rideshare driver, and

6 (b) is not an affiliated driver for a transport booking service.

7 Maximum penalty: 50 penalty units.

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

9 **Division 3.4 Transport booking service—operation**

10 **36G Transport booking service—responsibilities**

11 (1) A person commits an offence if the person—

12 (a) is a transport booking service; and

13 (b) does not take reasonable steps to ensure that an affiliated driver
14 either—

15 (i) holds a public vehicle licence that authorises the driver to
16 drive the bookable vehicle; or

17 (ii) is exempted by the *Road Transport (Driver Licensing)*
18 *Regulation 2000* from holding an Australian driver
19 licence.

20 Maximum penalty: 20 penalty units.

- 1 (2) A person commits an offence if the person—
2 (a) is a transport booking service; and
3 (b) does not take reasonable steps to ensure that—
4 (i) each affiliated taxi service operator is an accredited taxi
5 service operator; and
6 (ii) each affiliated hire car service operator is an accredited
7 hire car service operator.

8 Maximum penalty: 20 penalty units.

- 9 (3) A person commits an offence if the person—
10 (a) is a transport booking service; and
11 (b) does not take reasonable steps to ensure that—
12 (i) each affiliated rideshare driver is an accredited rideshare
13 driver; and
14 (ii) each vehicle to be used by a rideshare driver for a
15 rideshare is—
16 (A) a licensed rideshare vehicle; and
17 (B) insured in the way prescribed by regulation under
18 section 60N (d) (Licensed rideshare vehicle not to
19 be used unless insured).

20 Maximum penalty: 20 penalty units.

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

- 1 **36H Transport booking services—regulations about operation**
- 2 A regulation may make provision about the operation of transport
- 3 booking services, including, for example—
- 4 (a) the agreements and other arrangements that transport booking
- 5 services may make with bookable vehicle drivers, taxi service
- 6 operators and hire car service operators; and
- 7 (b) service standards for transport booking services; and
- 8 (c) the safety of drivers and passengers (including, for example,
- 9 particular kinds of security devices); and
- 10 (d) the operation of equipment for sending messages between
- 11 transport booking services and bookable vehicle drivers; and
- 12 (e) management of bookings for particular kinds of bookable
- 13 vehicles including, for example, wheelchair-accessible taxis;
- 14 and
- 15 (f) the accessibility of booking services for different kinds of
- 16 passengers; and
- 17 (g) the payment by passengers of gratuities and other amounts in
- 18 addition to fares; and
- 19 (h) directions that transport booking services may give to bookable
- 20 vehicle drivers; and
- 21 (i) customer inquiries and complaints; and
- 22 (j) the making and keeping of records and their inspection; and
- 23 (k) the auditing of records and systems; and
- 24 (l) the provision of information and reports to the road transport
- 25 authority.

26 *Note* An example is part of the Act, is not exhaustive and may extend, but

27 does not limit, the meaning of the provision in which it appears

28 (see [Legislation Act](#), s 126 and s 132).

- 1 **36I** **Court may order transport booking service to take certain**
2 **actions**
- 3 (1) This section applies if a court finds a corporation guilty of an
4 offence against 1 of more of the following sections:
- 5 (a) section 32 (Transport booking service must be accredited);
6 (b) section 33 (Transport booking service must comply with
7 accreditation conditions);
8 (c) section 36G (Transport booking service—responsibilities).
- 9 (2) In addition to, or instead of, any other penalty the court may impose
10 on the corporation, the court may order the corporation to do 1 or
11 more of the following:
- 12 (a) take any action stated by the court to publicise—
13 (i) the offence; and
14 (ii) the consequences resulting from or related to the conduct
15 from which the offence arose; and
16 (iii) any penalties imposed, or other orders made, because of
17 the offence;
- 18 (b) take any action stated by the court to notify 1 or more stated
19 people of the matters mentioned in paragraph (a);
20 (c) do stated things or establish or carry out a stated project for the
21 public benefit even if the project is unrelated to the offence.
- 22 **Example—par (a)**
23 advertise on television or in a daily newspaper
- 24 **Example—par (b)**
25 publish a notice in an annual report or distribute a notice to shareholders of the
26 corporation

- 1 **Example—par (c)**
2 develop and operate a community service
- 3 *Note* An example is part of the Act, is not exhaustive and may extend, but
4 does not limit, the meaning of the provision in which it appears (see
5 [Legislation Act](#), s 126 and s 132).
- 6 (3) In making the order, the court may state a period within which the
7 action must be taken, the thing must be done or the project must be
8 established or carried out, and may also impose any other
9 requirement that it considers necessary or desirable for enforcement
10 of the order or to make the order effective.
- 11 (4) The total cost to the corporation of compliance with an order or
12 orders under subsection (2) in relation to a single offence must not
13 be more than 6 500 penalty units (including any fine imposed for the
14 offence).
- 15 (5) If the court decides to make an order under subsection (2), it must,
16 in deciding the kind of order, take into account, as far as
17 practicable—
- 18 (a) the severity and extent of the consequences resulting from or
19 related to the conduct from which the offence arose; and
- 20 (b) any actions taken by the corporation to rectify damage
21 resulting from or related to the conduct from which the offence
22 arose; and
- 23 (c) the financial circumstances of the corporation; and
- 24 (d) the nature of the burden that compliance with the order will
25 impose on the corporation.
- 26 (6) The court is not prevented from making an order under
27 subsection (2) only because it has been unable to find out the
28 financial circumstances of the corporation.

- 1 (7) If a corporation fails, without reasonable excuse, to comply with an
2 order under subsection (2) (a) or (b) within the stated period (if any)
3 the court may, on application by the road transport authority, by
4 order authorise the director-general—
- 5 (a) to do anything that is necessary or convenient to carry out any
6 action that remains to be done under the order and that it is still
7 practicable to do; and
- 8 (b) to publicise the failure of the corporation to comply with the
9 order.
- 10 (8) If the court makes an order under subsection (7), the
11 director-general must comply with the order.
- 12 (9) Subsection (7) does not prevent contempt of court proceedings from
13 being started or continued against a corporation that has failed to
14 comply with an order under this section.
- 15 (10) The reasonable cost of complying with an order under
16 subsection (7) is a debt owing to the Territory by the corporation
17 against which the order was made.

18 **11 Entitlement to operate taxi services**
19 **Section 51 (c)**

20 *substitute*

- 21 (c) the person is either—
- 22 (i) affiliated with an accredited transport booking service; or
- 23 (ii) an independent taxi service operator.

24 **12 Sections 54 and 55**

25 *omit*

1 **13 Regulations about operation of taxi services by**
2 **accredited people**
3 **Section 56 (a) to (c)**

4 *substitute*

5 (a) the specifications for, and operation of—

6 (i) equipment in taxis to receive messages from transport
7 booking services; and

8 (ii) taximeters; and

9 (b) the operation of a taxi service by an independent taxi service
10 operator; and

11 (c) the supervision and monitoring of taxi drivers for compliance
12 with the service standards and the responsibilities of the
13 operator in relation to a failure to comply with the standards;
14 and

15 **14 Section 56 (j)**

16 *substitute*

17 (j) the obligations of taxi drivers and other people providing
18 services to or on behalf of accredited taxi service operators;
19 and

20 **15 Section 56 (m)**

21 *substitute*

22 (m) the maintenance and condition of taxis; and

1 **16 Regulations about operation of taxis**
2 **Section 57 (f)**

3 *omit*

4 **17 Regulations about conduct of taxi passengers**
5 **Section 59 (b)**

6 *substitute*

7 (b) the authority of taxi drivers, police officers and authorised
8 people to direct people contravening a regulation to leave a
9 taxi; and

10 (c) the authority of police officers and authorised people to
11 remove people from a taxi if they fail to leave when directed.

12 **18 Section 60**

13 *substitute*

14 **60 Power to determine taxi fares**

15 (1) The Minister may determine fares, and ways of calculating fares, for
16 hiring or using a taxi.

17 *Note* Power to make a statutory instrument includes power to make different
18 provision in relation to different matters or different classes of matters,
19 and to make an instrument that applies differently by reference to stated
20 exceptions or factors (see [Legislation Act](#), s 48).

21 (2) A determination is a disallowable instrument.

22 *Note* A disallowable instrument must be notified, and presented to the
23 Legislative Assembly, under the [Legislation Act](#).

24 (3) In this section:

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

1 **19 New part 5A**

2 *insert*

3 **Part 5A Ridesharing**

4 **Division 5A.1 Basic concepts**

5 **60A Meaning of *rideshare service*, *rideshare driver*, *rideshare***
6 ***and rideshare vehicle***

7 In this Act:

8 ***rideshare service***—

9 (a) means a public passenger service where—

10 (i) a passenger books the transport through a transport
11 booking service; and

12 (ii) the transport booking service communicates the
13 passenger's booking to a driver (the ***rideshare driver***);
14 and

15 (iii) the driver carries out the transport booked (the ***rideshare***)
16 using a vehicle (the ***rideshare vehicle***); but

17 (b) does not include a public passenger service provided by a taxi
18 service or hire car service.

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

22 *Note 2* ***Transport booking service***—see s 28.

23 *Note 3* A rideshare driver must be accredited (see s 60E).
24 A rideshare vehicle must be licensed (see s 60G).

1 **Division 5A.2 Rideshare drivers**

2 *Note 1* A rideshare driver for a rideshare must hold a public vehicle licence to
3 drive the rideshare vehicle (see *Road Transport (Driver Licensing)*
4 *Act 1999*, s 31).

5 *Note 2* Rideshare drivers' insurance is dealt with in pt 8A.

6 **Subdivision 5A.2.1 Rideshare drivers—accreditation**

7 **60B Rideshare driver—purposes of accreditation**

8 The purpose of accreditation under the regulation to operate a
9 rideshare service is to ensure that the accredited person—

- 10 (a) is a suitable person to operate a rideshare service; and
11 (b) has demonstrated the capacity to comply with relevant
12 regulations and, in particular, regulations about the safety of
13 passengers and the public.

14 **60C Rideshare driver—regulations about accreditation system**

15 (1) A regulation may provide a system for the accreditation of people to
16 operate rideshare services, including, for example—

- 17 (a) the conditions of accreditations; and
18 (b) matters in relation to the giving, refusal or surrender of
19 accreditations; and
20 (c) the action that may be taken in relation to an accredited person
21 in circumstances prescribed by regulation, including, for
22 example—
23 (i) the suspension or cancellation of an accreditation; and
24 (ii) the imposition of a condition on, or the amendment of a
25 condition of, an accreditation; and

- 1 (iii) an order that an accredited person pay to the Territory an
2 amount of not more than—
3 (A) for an individual—\$5 000; or
4 (B) for a corporation—\$25 000; and
5 (iv) the reprimanding of an accredited person.

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

- 9 (2) A regulation may make provision in relation to the accreditation of
10 people to operate rideshare services, including, for example—
11 (a) requirements about the suitability of the applicant; and
12 (b) capacity to meet service standards.

13 **60D Entitlement to operate rideshare services**

14 A person is entitled to operate a rideshare service in, or partly in, the
15 ACT if the person is—

- 16 (a) an accredited rideshare driver; and
17 (b) an affiliated driver for a transport booking service.

18 **60E Rideshare driver must be accredited**

- 19 (1) A person commits an offence if the person—
20 (a) is a rideshare driver for a rideshare carried out in, or partly in,
21 the ACT; and
22 (b) is not an accredited rideshare driver.

23 Maximum penalty: 50 penalty units.

- 1 (2) This section does not apply to a person in relation to a rideshare if—
2 (a) the person is authorised to operate a rideshare service under the
3 law of another jurisdiction; and
4 (b) the rideshare starts in that jurisdiction and is completed in the
5 ACT; and
6 (c) the rideshare is of a kind that the person is authorised to
7 operate under the law of that jurisdiction.
8 (3) An offence against this section is a strict liability offence.

9 **60F Pretend to be accredited rideshare driver**

- 10 (1) A person commits an offence if the person pretends to be an
11 accredited rideshare driver.
12 Maximum penalty: 30 penalty units.
13 (2) An offence against this section is a strict liability offence.

14 **Subdivision 5A.2.2 Rideshare drivers—regulation**

15 **60G Rideshare driver must not use unlicensed rideshare**
16 **vehicle**

- 17 (1) A person commits an offence if—
18 (a) the person is a rideshare driver for a rideshare; and
19 (b) the rideshare vehicle used by the person for the rideshare is not
20 a licensed rideshare vehicle.
21 Maximum penalty: 50 penalty units.
22 (2) This section does not apply if—
23 (a) the vehicle is licensed as a rideshare vehicle under the law of
24 another jurisdiction; and

- 1 (b) the rideshare begins in that jurisdiction and is completed in the
2 ACT.

3 **60H Regulations about operation of rideshare service**

4 A regulation may make provision about the operation of rideshare
5 services by rideshare drivers, including, for example—

- 6 (a) compliance with service standards; and
7 (b) insurance; and
8 (c) the solicitation of passengers or rideshare bookings; and
9 (d) the booking of rideshare vehicles; and
10 (e) customer complaints and inquiries; and
11 (f) lost property; and
12 (g) the making and keeping of records and their inspection; and
13 (h) the auditing of records and systems; and
14 (i) requirements for advertising for the service; and
15 (j) the provision of information and reports to the road transport
16 authority.

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

20 **60I Regulations about rideshare drivers**

21 A regulation may make provision about rideshare drivers, including,
22 for example—

- 23 (a) the powers, duties and conduct of rideshare drivers; and
24 (b) the safety of rideshare drivers and passengers (including, for
25 example, particular kinds of security devices); and

- 1 (c) the qualifications, training and experience required for
2 rideshare drivers; and
- 3 (d) maximum driving times and minimum rest times of rideshare
4 drivers; and
- 5 (e) the picking up and dropping off of passengers and other
6 matters relating to the transport of passengers; and
- 7 (f) the transport of passengers' luggage or other goods, and
8 animals; and
- 9 (g) the payment by passengers of gratuities and other amounts in
10 addition to fares; and
- 11 (h) the display of licences.
- 12 *Note* An example is part of the Act, is not exhaustive and may extend, but
13 does not limit, the meaning of the provision in which it appears (see
14 [Legislation Act](#), s 126 and s 132).

15 **Division 5A.3 Rideshare vehicles**

16 **60J Meaning of *rideshare vehicle licence***

17 In this Act:

18 *rideshare vehicle licence* means a licence that—

- 19 (a) is issued under the regulation to the registered operator of a
20 vehicle; and
- 21 (b) authorises the vehicle to be used as a rideshare vehicle.

22 *Note* A rideshare driver must not use an unlicensed rideshare vehicle for a
23 rideshare (see s 60G).

24 **60K Rideshare vehicle licence not transferable**

25 A rideshare vehicle licence is not transferable.

1 **60L Pretend vehicle is licensed rideshare vehicle**

2 A person commits an offence if the person pretends that a vehicle is
3 a licensed rideshare vehicle.

4 Maximum penalty: 30 penalty units.

5 **60M Licensed rideshare vehicle not to be used by unlicensed
6 or unaccredited driver**

7 A person commits an offence if—

- 8 (a) the person is a rideshare vehicle licensee; and
9 (b) the vehicle is used as a rideshare vehicle for a rideshare; and
10 (c) the person is not the rideshare driver for the rideshare; and
11 (d) the person does not take reasonable steps to ensure that the
12 rideshare driver—
- 13 (i) either—
- 14 (A) holds a public vehicle licence to drive the rideshare
15 vehicle; or
- 16 (B) is exempted by the *Road Transport (Driver
17 Licensing) Regulation 2000* from holding an
18 Australian driver licence; and
- 19 (ii) is an accredited rideshare driver.

20 Maximum penalty: 20 penalty units.

21 *Note 1* A rideshare driver must hold a public vehicle licence to drive the
22 rideshare vehicle (see *Road Transport (Driver Licensing) Act 1999*,
23 s 31).

24 *Note 2* Rideshare drivers' insurance is dealt with in pt 8A.

1 **60N Licensed rideshare vehicle not to be used unless insured**

2 A person commits an offence if—

- 3 (a) the person is a rideshare vehicle licensee; and
- 4 (b) the vehicle is used as a rideshare vehicle for a rideshare; and
- 5 (c) the person is not the rideshare driver for the rideshare; and
- 6 (d) the person does not take reasonable steps to ensure that the
- 7 vehicle is insured in the way prescribed by regulation.

8 Maximum penalty: 50 penalty units.

9 *Note* Additional public passenger vehicle insurance is dealt with in pt 8A.

10 **60O Regulations about rideshare vehicles**

11 (1) A regulation may provide a system for the licensing of rideshare

12 vehicles, including, for example—

- 13 (a) matters in relation to the giving, refusal or surrender of
- 14 rideshare vehicle licences; and
- 15 (b) the term of rideshare vehicle licences; and
- 16 (c) the conditions of rideshare vehicle licences; and
- 17 (d) the action that may be taken in relation to rideshare vehicle
- 18 licences in circumstances prescribed by regulation, including,
- 19 for example—
- 20 (i) the suspension or cancellation of a licence; and
- 21 (ii) the imposition of a condition on, or the amendment of a
- 22 condition of, a licence; and

- 1 (iii) an order that the licensee pay to the Territory an amount
2 of not more than—
3 (A) for an individual—\$5 000; or
4 (B) for a corporation—\$25 000; and
5 (iv) the reprimanding of the licensee.

6 **Example—par (c)**

7 how the licensed vehicle is to be equipped

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

- 11 (2) A regulation may make provision about the operation of rideshare
12 vehicles, including, for example—
13 (a) service standards for rideshare vehicles; and
14 (b) the regulation or prohibition of the use of rideshare vehicles on
15 certain roads or road related areas; and
16 (c) the design, equipment and fittings (internal or external) of
17 rideshare vehicles; and
18 (d) the regulation or prohibition of notices, signs and
19 advertisements inside or on the outside of rideshare vehicles;
20 and
21 (e) the records to be made and kept, how they are to be made and
22 kept, and their inspection; and
23 (f) the maintenance and condition of rideshare vehicles.

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

1 Division 5A.4 Rideshare passengers and fares

2 60P Regulations about conduct of rideshare vehicle 3 passengers

4 A regulation may make provision in relation to the conduct of
5 rideshare passengers, including, for example—

- 6 (a) the authority of rideshare drivers, police officers and
7 authorised people to direct people contravening a regulation to
8 leave a rideshare vehicle; and
- 9 (b) the authority of police officers and authorised people to
10 remove people from a rideshare vehicle if they fail to leave
11 when directed.

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

15 60Q Power to determine rideshare fares

- 16 (1) The Minister may determine fares, and ways of calculating fares, for
17 ridesharing.

18 *Note* Power to make a statutory instrument includes power to make different
19 provision in relation to different matters or different classes of matters,
20 and to make an instrument that applies differently by reference to stated
21 exceptions or factors (see [Legislation Act](#), s 48).

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

23 *Note* A disallowable instrument must be notified, and presented to the
24 Legislative Assembly, under the [Legislation Act](#).

- 25 (3) In this section:

26 *fare* includes a charge relating to ridesharing.

1 **20** **Meaning of *hire car***
2 **Section 67**

3 *after*
4 taxi
5 *insert*
6 , rideshare vehicle

7 **21** **Meaning of *restricted hire car***
8 **Section 68**

9 *after*
10 taxi
11 *insert*
12 , rideshare vehicle

13 **22** **Regulations about operation of hire cars**
14 **Section 77 (f)**

15 *omit*

16 **23** **Section 79**

17 *substitute*

18 **79** **Regulations about conduct of hire car passengers**

19 A regulation may make provision in relation to the conduct of hire
20 car passengers, including, for example—

- 21 (a) the authority of hire car drivers, police officers and authorised
22 people to direct people contravening a regulation to leave a
23 hire car; and

1 (b) the authority of police officers and authorised people to
2 remove people from a hire car if they fail to leave when
3 directed.

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

7 **24 New section 79A**

8 *in division 7.4, insert*

9 **79A Power to determine hire car fares**

10 (1) The Minister may determine fares, and ways of calculating fares, for
11 hiring or using a hire car.

12 *Note* Power to make a statutory instrument includes power to make different
13 provision in relation to different matters or different classes of matters,
14 and to make an instrument that applies differently by reference to stated
15 exceptions or factors (see [Legislation Act](#), s 48).

16 (2) A determination is a disallowable instrument.

17 *Note* A disallowable instrument must be notified, and presented to the
18 Legislative Assembly, under the [Legislation Act](#).

19 (3) In this section:

20 *fare* includes a charge relating to hiring or using a hire car.

21 **25 Section 110 heading**

22 *substitute*

23 **110 Definitions—Act**

1 **26 Section 110**

2 *omit*

3 In this part:

4 *substitute*

5 In this Act:

6 **27 Purpose of powers under pt 9**
7 **Section 115 (a)**

8 *after*

9 taxi licence

10 *insert*

11 , rideshare vehicle licence

12 **28 Power to require vehicles or equipment to be inspected**
13 **and tested**
14 **Section 119 (5), new definition of *equipment***

15 *insert*

16 *equipment*, for a vehicle that is a bookable vehicle, includes any
17 device used by the driver of the vehicle to communicate with a
18 transport booking service.

19 **Examples—device used to communicate with a transport booking service**

- 20 • the driver's mobile phone
21 • the driver's iPad

22 *Note 1* **Bookable vehicle** means a taxi, a rideshare vehicle or a hire car
23 (see s 29).

24 *Note 2* An example is part of the Act, is not exhaustive and may extend, but
25 does not limit, the meaning of the provision in which it appears (see
26 [Legislation Act](#), s 126 and s 132).

1 **29** **Unauthorised public passenger services**
2 **Section 125 (2), note 1**

3 *substitute*

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

- 6 • s 18 (Entitlement to regular route services)
- 7 • s 19 (Entitlement to operate tour and charter services)
- 8 • s 51 (Entitlement to operate taxi services)
- 9 • s 60D (Entitlement to operate rideshare services)
- 10 • s 73 (Entitlement to operate hire car services)
- 11 • s 90 (Entitlement to operate demand responsive services).

12 **30** **New section 130**

13 *insert*

14 **130** **Transitional regulations**

- 15 (1) A regulation may prescribe transitional matters necessary or
16 convenient to be prescribed because of the enactment of the *Road*
17 *Transport (Public Passenger Services) (Taxi Industry Innovation)*
18 *Amendment Act 2015*.
- 19 (2) A regulation may modify this part (including in relation to another
20 territory law) to make provision in relation to anything that, in the
21 Executive's opinion, is not, or is not adequately or appropriately,
22 dealt with in this part.
- 23 (3) A regulation under subsection (2) has effect despite anything
24 elsewhere in this Act or another territory law.
- 25 (4) This section expires 1 year after the day it commences.

26 *Note* Transitional provisions are kept in the Act for a limited time.
27 A transitional provision is repealed on its expiry but continues to have
28 effect after its repeal (see [Legislation Act](#), s 88).

1 **31 Dictionary, new definitions**

2 *insert*

3 *accredited operator*, of a public passenger vehicle—see section 110.

4 *accredited rideshare driver* means a person accredited under
5 regulation to operate a rideshare service.

6 **32 Dictionary, definition of *accredited taxi network provider***

7 *omit*

8 **33 Dictionary, new definition of *accredited transport booking*
9 *service***

10 *insert*

11 *accredited transport booking service* means a transport booking
12 service accredited under regulation to operate a transport booking
13 service.

14 **34 Dictionary, definition of *affiliated***

15 *omit*

16 **35 Dictionary, new definitions**

17 *insert*

18 *affiliated driver*, for a transport booking service—see section 35.

19 *affiliated driver agreement*—see section 36.

20 *affiliated operator*, for a transport booking service—see
21 section 36B.

22 *affiliated operator agreement*—see section 36C.

23 *bookable vehicle*—see section 29.

24 *bookable vehicle driver*—see section 29.

1 *independent taxi service operator* means a taxi service operator
2 approved under regulation as an independent taxi service operator.

3 *licensed rideshare vehicle* means a vehicle that is the subject of a
4 rideshare vehicle licence.

5 **36 Dictionary, definition of *public passenger vehicle***

6 *substitute*

7 *public passenger vehicle* means a public bus, taxi, rideshare vehicle,
8 hire car or demand responsive service vehicle.

9 **37 Dictionary, new definitions**

10 *insert*

11 *public passenger vehicle policy*—see section 110.

12 *rideshare*—see section 60A.

13 *rideshare driver*—see section 60A.

14 *rideshare service*—see section 60A.

15 *rideshare vehicle*—see section 60A.

16 *rideshare vehicle licence*—see section 60J.

17 **38 Dictionary, definitions of *taxi booking service* and *taxi*
18 *network***

19 *omit*

20 **39 Dictionary, new definition of *transport booking service***

21 *insert*

22 *transport booking service*—see section 28.

1 **Schedule 1 Consequential Amendments**

2 (see s 3)

3 **Part 1.1 Domestic Animals Act 2000**

4 **[1.1] Dictionary, definition of *public place*, note**

5 *substitute*

6 *Note* A *public passenger vehicle* is a public bus, taxi, rideshare vehicle, hire
7 car or demand responsive service vehicle.

8 **Part 1.2 Road Transport (Driver
9 Licensing) Act 1999**

10 **[1.2] Dictionary, definition of *public vehicle*, note**

11 *substitute*

12 *Note* A *public passenger vehicle* is a public bus, taxi, rideshare vehicle, hire
13 car or demand responsive service vehicle.

14 **Part 1.3 Workers Compensation Act 1951**

15 **[1.3] New section 11 (2) (c)**

16 *insert*

17 (c) the engagement of the individual is under a contract or similar
18 contracts prescribed by regulation, even if the engagement has
19 not been on a regular or systematic basis.

20 **[1.4] Section 11, examples 4 and 10**

21 *omit*

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 29 October 2015.

2 Notification

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

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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