

Australian Capital Territory

Road Transport (Public Passenger Services) Accreditation Guidelines 2006 (No 1)

Disallowable instrument DI2006-260

made under the

Road Transport (Public Passenger Services) Regulation 2002, section 19A (Accreditation guidelines - relevant offences)

EXPLANATORY STATEMENT

Section 19A of the *Road Transport (Public Passenger Services) Regulation 2002* allows the Minister to approve guidelines about the exercise of the road transport authority's functions under section 8(2)(b) (Mandatory refusal of accreditation).

A person may apply for accreditation as the operator of a bus service, a taxi service, a taxi network or a hire car service. Accredited operators manage fleets of public vehicles either directly (bus, taxi and hire car operators) or indirectly (taxi networks). Operation of a public passenger service could provide cover for a person engaged in supplying drugs.

Therefore, serious drug offences are relevant to the accreditation of operators of public passenger services. In assessing whether a person with a drug conviction is a suitable person to hold a public vehicle licence, regard must be had to: the period of time since the conviction; the seriousness, nature and circumstances of the offence; and the age of the applicant when the offence was committed.

A conviction for bribery, fraud or dishonesty may be relevant given that there is a need for public passenger operators to complete a large number of financial transactions with passengers (bus operators and hire car operators), taxi drivers (taxi service operators) or taxi service operators (taxi networks).

Serious driving offences such as culpable driving, reckless, menacing or furious driving, or multiple speeding or drink driving offences may be relevant to the role of accredited public passenger service operator as such convictions may indicate that a person is not suitable to manage and discipline drivers of public vehicles. However, the period of time since the

conviction and the age of the applicant when the offence was committed would also be relevant and must be taken into account.

This approval commences on commencement of the *Road Transport Legislation (Accreditation and Licensing) Amendment Regulation 2006*.