

**2003**

**THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY**

**ROAD TRANSPORT (PUBLIC PASSENGER SERVICES)  
AMENDMENT BILL 2003**

**EXPLANATORY STATEMENT**

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# **Road Transport (Public Passenger Services) Amendment Bill 2003**

## **Explanatory Statement**

The Road Transport (Public Passenger Services) Amendment Bill 2003 (the Bill) amends the *Road Transport (Public Passenger Services) Act 2001* (the Act) and the *Road Transport (General) Act 1999* to consolidate legislation for public passenger services in one Act. The Act introduced the concept of ‘public passenger services’ and the accreditation of bus operators, taxi service operators and taxi networks. The purpose of accreditation is to improve the performance and standards of the public passenger services industry as a whole. The Bill mirrors these concepts by introducing ‘hire car services’ as a further category of public passenger services and requiring accreditation of hire car service operators.

The amendments contained in the Bill are designed to strengthen public safety, service quality and consumer protection by increasing the responsibilities of hire car operators. The introduction of accreditation for operators will ensure that operators of hire car services will be required to comply with, and maintain, service standards.

The main elements of the Bill are:

- provisions for the auctioning of taxi and hire car licences;
- provisions on the licensing requirements for hire cars and restricted hire car licences;
- regulation making powers covering the accreditation of hire car service operators and other matters associated with the operation of hire car services including the conduct of hire car drivers and passengers; and
- a range of technical, consequential and other amendments including transitional arrangements for existing hire car licence holders and operators of public passenger vehicles with six to nine seats (currently covered under transitional arrangements in section 83), to allow for their continued operation prior to attaining accreditation.

### **Offences Against Act**

Clause 4A is a new provision alerting readers to the application of the Criminal Code to hire car offences.

### **Provisions for Display of Accreditation Numbers**

Clause 5 inserts a regulation making power for the display of accreditation numbers on advertisements for bus services. This provision rectifies a drafting oversight.

## **Taxis**

Consistent with the Government Response to the Independent Competition and Regulatory Commission's review of the future direction of the taxi and hire car industry, clauses 7 and 8 delete requirements for:

- the Minister to determine the maximum number of taxi licences, and
- the Road Transport Authority not to exceed the maximum number of licences determined by the Minister.

Clause 10 of the Bill provides an additional power for the making of regulations regarding the auctioning of taxi licences.

Clauses 6, 9, 11 and 12 are housekeeping amendments to existing provisions.

## **Licensing of Hire Cars**

New Part 5A of the Bill contains the provisions for the licensing of hire cars. Current provisions within the *Road Transport (General) Act 1999* whereby restricted hire cars may operate as unrestricted hire cars from time to time, have not been included in the Bill. As with taxi licences, the provision for the maximum number of hire car licences to be determined by the Minister has also not been included in the Bill. Similarly, new section 60F(1)(a) provides a regulation-making power for the auctioning of hire car licences.

The Bill provides the power for the making of regulations regarding the system for the licensing of hire cars and restricted hire cars, and action that may be undertaken for breaching the licence conditions. Public passenger service operators using vehicle with 6 to 9 seats will be able to operate as restricted hire cars. This will be achieved by regulation-making powers for defining sub-categories of restricted hire car licences through new sections 60F(1)(c) and 60J.

## **Hire Car Services**

New Part 5B of the Act provides for the concept of accrediting hire car service operators. The amendments have been designed to reflect current public passenger service requirements. Only accredited operators will be able to operate a hire car service within the ACT.

New section 60K sets out the purposes of hire car service operator accreditation. The Bill also allows for regulation making powers (new section 60L) to include the tests that will be used in assessing accreditation applications including the suitability of the applicant and the applicant's capacity to meet standards.

Accreditation of hire car service operators will enhance hire car industry performance and the way hire car services are provided to the ACT community. This will be achieved through the regulation making powers provided for by new section 60P. To maintain accreditation individual operators will be obliged to take a closer day to day management role especially in relation to hire car drivers and compliance with specific hire car licence conditions.

New section 60R provides for regulation making powers regarding hire car drivers. This will encompass such matters as the minimum training requirements, powers, duties, appropriate dress standards and conduct of hire car drivers towards passengers. Regulations may also be made concerning the conduct of passengers thereby enhancing the safety of hire car drivers and operators while performing hire car services (new section 60S). The regulations for passengers may include such matters as prohibition on certain conduct and circumstances that will permit the passenger being removed from hire cars. The new Regulations will replace the *Road Transport (Hire Vehicle Services) Regulations 2000*.

## **Technical Amendments**

### **Transitional Arrangements**

New Part 7 of the Act provides for a number of transitional arrangements for existing hire car licence holders and operators. New section 70 will allow existing operators of restricted and unrestricted hire cars to be deemed to be accredited for an interim period of one year from commencement of the provision. During this period, accreditation under the new legislation must be applied for, and granted, to enable continued operation within the ACT. However, existing operators who held, within three months prior to the commencement of the provision, a licence to operate a restricted hire car service for a special occasion only, will be deemed to be accredited for an interim period of three months. The interim period of accreditation will be extended to one year if, within three months after the commencement of the provision, the operator is issued with a hire car licence (including a restricted hire car licence).

New section 71 allows existing operators, who were taken to be accredited as tour and charter operators until 1 June 2003 under section 83 of the Act, to be deemed to be accredited and licensed to operate a restricted hire car service for an interim period of three months. The interim period of accreditation will be extended to one year if within three months of the commencement of the provision the operator is issued with a hire car licence (including a restricted hire car licence).

Section 72 imposes a sunset clause that will expire one year after the amendments are passed.

### **Consequential Amendments**

A number of consequential amendments are included to reflect the subsuming of hire car matters from the *Road Transport (General) Act 1999* into the *Road Transport (Public Passenger Services) Act 2001*, and definitional changes. The consequential amendments are contained in Parts 3, 4 and 5 and amend the *Domestic Animals Act 2000*, the *Road Transport (Driver Licensing) Act 1999* and the *Road Transport (General) Act 1999*.