

2016

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

**ROAD TRANSPORT (PUBLIC PASSENGER SERVICES)
AMENDMENT REGULATION 2016 (No 1)**

SL2016-26

EXPLANATORY STATEMENT

**Circulated by authority of
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Minister for Road Safety

ROAD TRANSPORT (PUBLIC PASSENGER SERVICES) AMENDMENT REGULATION 2016 (NO 1)

Introduction

This explanatory statement relates to the *Road Transport (Public Passenger Services) Amendment Regulation 2016 (No 1)* (the regulation) as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the regulations and to help inform debate on it. It does not form part of the regulation and has not been endorsed by the Assembly.

The Statement must be read in conjunction with the regulation. It is not, and is not meant to be, a comprehensive description of the regulation. What is said about a provision is not taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Outline

This regulation amends the *Road Transport (Public Passenger Services) Regulation 2002* (the Public Passenger Services Regulation).

It amends section 307 the Public Passenger Services Regulation. That section obliges the driver of a public passenger vehicle, while driving their vehicle for hire or reward, to display their driver authority card so that the card can reasonably be read by a passenger. This obligation ensures that a passenger is able to identify the driver of the vehicle to be satisfied that the driver is authorised to drive a public passenger vehicle or should there be a need to report the conduct of the driver to a police officer or the Road Transport Authority.

The obligation is imposed on drivers of all public passenger vehicles (other than a restricted hire car). Public passenger vehicles are public buses, taxis, rideshare vehicles, hire cars or demand responsive service vehicles.

This amendment removes the obligation for the driver to display their driver authority card where the driver is an affiliated driver for a transport booking service, and the transport booking service gives the hirer sufficient information, including photo identification, for the hirer to identify the driver before the hiring begins.

The amendment recognises that a transport booking service may provide the name and photo of the driver to the passenger via the booking process, for example through a mobile phone application. In those circumstances where the passenger already has access to identification information there is no additional safety benefit from requiring the driver to verify their identity using a card. This amendment removes the unnecessary requirement to display a driver authority card in those circumstances.

It is not considered that there are any human rights implications associated with this amendment.

There are no climate change implications associated with this amendment.

Notes on clauses

Clause 1 Name of regulation

This is a formal provision that sets out the name of the regulation.

Clause 2 Commencement

This is a formal provision that provides for the commencement of the regulation.

Clause 3 Legislation amended

This clause lists the legislation to be amended by the regulation. This regulation will amend the *Road Transport (Public Passenger Services) Regulation 2002*.

Clause 4 New section 307 (1A)

Currently section 307 obliges a person who drives a public passenger vehicle for hire or reward to display their driver authority card so that the information on the card can reasonably be read by a passenger.

This clause inserts a new section 307 (1A). It provides that a driver of a public passenger vehicle does not have to comply with section 307 if the person is an affiliated driver for a transport booking service, and the transport booking service gives the passenger sufficient information (including photo identification) for the hirer to identify the driver before the hirer begins.

This amendment means that if the transport booking service provides information about the driver's identity to the passenger before the journey commences, there is no need for the driver to separately display that information to the passenger by displaying a driver authority card.

There is no change to the existing requirement that a person who drives a public passenger vehicle will need to be accredited and be issued a driver authority card, or to the obligation upon that driver to display that card to a police officer or authorised person when required to do so.