

2003

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

**ROAD TRANSPORT LEGISLATION (TAXI SERVICES)
AMENDMENT REGULATIONS 2003 (No 1)**

EXPLANATORY STATEMENT

SL2003-32

Circulated by authority of

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Minister for Urban Services

AUSTRALIAN CAPITAL TERRITORY

ROAD TRANSPORT LEGISLATION (TAXI SERVICES) AMENDMENT REGULATIONS 2003 (No 1)

SUBORDINATE LAW 2003-32

EXPLANATORY STATEMENT

Overview

The Road Transport Legislation (Taxi Services) Amendment Regulations 2003 amend the Road Transport (Public Passenger Services) Regulations 2002, Road Transport (Driver Licensing) Regulations 2002, Road Transport (General) Regulations 2000, Road Transport (Offences) Regulations 2001 and Road Transport (Vehicle Registration) Regulations 2000.

Details

PART 1 cites the name and commencement provisions of the amendments

PART 2 amends the Road Transport (Public Passenger Services) Regulations 2002

New regulation 30A provides the requirement that accredited operators of bus services must display accreditation details when advertising. A transitional period of 12 months has been applied to this regulation.

Regulation 88 is an existing provision that has been reworded to provide a clearer and more detailed description of the requirements. Regulation 95 has been redrafted as two regulations. New regulation 95A will ensure that, while a person may be exempt from the requirement to comply with the taximeter standards, there is no exemption from complying with the requirement to have a taximeter fitted to a taxi. Queanbeyan taxis operating in the ACT are not required to comply with the ACT taximeter standards but are required to have taximeters.

Regulation 127 has also been split into two regulations – one for when a hiring begins and one for when a hiring ends. Regulation 127 now sets out when a hiring begins in each of a number of situations (eg taxi arriving before, on or after the booked time).

Formal revisions are made to Regulations 134, 136 (2) and 140(2A).

Existing Regulation 143, about taxi fare deposits, is now Regulation 142. New Regulations 142A and 142B provide for situations when a taximeter should not be used and when a fare that is higher than the maximum fare may be charged. The concept of ‘authorised fixed-fare hiring’ is introduced, formalising existing arrangements for hirings ending outside the ACT taxi region, hirings involving the transport of goods without a passenger and hirings that are approved by the Road Transport Authority (an example would be those performed under contract between the taxi network and a Government department for the transport of children to school).

Existing Regulation 142, about the operation of a taximeter, is incorporated in new regulations 143, 143A, 143B and 143C. These new regulations now closely reflect the sequence of the usual operation of a taximeter. New Regulation 143A also includes the arrangements for the operation of the meter when the hiring is by a taxi subsidy scheme member who uses a wheelchair. The provision makes it clear that a driver of a wheelchair accessible taxi can’t start the taximeter until after the wheelchair has been lifted into and secured within the taxi. Regulation 143A provides that, if a driver is told after the hiring begins that a Taxi Subsidy Scheme voucher will be used, the driver must stop the taximeter while lifting and/or securing the wheelchair. (Drivers affected under these provisions are instead entitled to be paid a “lift fee” through the Taxi Subsidy Scheme.)

Regulation 143C expands on existing Regulations 142(1)(d) & (e) and 142(4) for the operation of a taximeter at the end of a hiring, more closely reflecting the sequence of the usual operation of a taximeter.

Regulation 144 has been amended to provide for additional examples of asking for payment of more than the fare for hiring. Existing Regulations 144(4)(a)&(b), (5), and (6) have been incorporated into new regulation 144A.

New Regulation 144B provides offences in relation to the use of Taxi Subsidy Scheme Vouchers if the person using the voucher is not the person to whom the voucher was issued, and if a person makes a false or misleading statement on the voucher.

Regulations 143A to 144B are drafted so they are compliant with the Criminal Code.

The amendment to the definition of “fare” now provides for the applicable fare for cross border taxis when operating in the ACT and when the hiring is an “authorised fixed fare” hiring.

New definitions, “authorised fixed fare hiring” and “wheelchair dependant person”, are included in the Dictionary definitions.

PART 3 amends the Road Transport (Vehicle Registration) Regulations 2000

Regulations 32, 32B and 68 amend the Road Transport (Vehicle Registration) Regulations 2000 to reflect that the previously discretionary refusal of registration for a taxi based on vehicle age is now a mandatory decision.

Amendments to Regulations 117 and 128 are consequential to the amendments effected under the *Road Transport (Driver Licensing) Regulations 2000* (see Part 2.1 of Schedule 2).

Vehicle Standards Schedule 1 is amended to include that all public passenger vehicles (other than a motorbike) must be equipped with a fire extinguisher.

PART 4 amends other regulations

Schedule 1 amends the Road Transport (Public Passenger Services) Regulations 2002

Road Transport offences have generally been construed as strict liability offences. The inclusion of the offences listed in regulation 4A does not represent a change in policy but compliance with the Criminal Code.

The Definitions for part 2.2 are amended particularly in relation to 'relevant person' to make it clear that each executive officer of a corporation is a relevant person.

Changes to regulation 7(1)(c) are consequential to the amendments effected under the Road Transport (Driver Licensing) Regulations 2000 and make it clear that it is the responsibility of the applicant to provide a criminal history statement to the Road Transport Authority.

Regulations 34, 45, 112 and 126 are amended to make it clear that a bus or taxi to which a non-compliance notice has been attached may not be used to operate under any bus or taxi (as appropriate) service.

Regulations 74, 114, 133 and Schedule 1 part 1.2 of the Regulations are amended as a consequence of the new definition of 'wheelchair dependant person'.

Regulation 167 has been amended to clarify when an immediate suspension notice ends.

Amendments to the dictionary are consequential or technical in nature.

Schedule 2 amends other Road Transport Regulations

Part 2.1 amends the Road Transport (Driver Licensing) Regulations 2000. Sub-regulations 69(4), 85(3) and 105(1)(c) are amended to reflect that it is the responsibility of the driver licence applicant/holder to provide a criminal history statement to the Road Transport Authority. Regulation 70(3) is amended to clarify that a decision on an application for a public vehicle licence is a decision under regulation 70(1) and is therefore a reviewable decision.

Part 2.2 amends the Road Transport (General) Regulations 2000 to include a reviewable decision for the refusal to exempt a taxi from compliance with

Taximeter Standards, under the Public Passenger Services legislation. Item 15 is also amended as the word 'accreditation' should have been 'licence'.

Part 2.3 amends the Road Transport (Offences) Regulations 2001 to provide the offence short descriptions and infringement penalty amounts for the new amended regulations concerning taximeters, taxi hirings and charging of fares under the Public Passenger Services legislation.