



Australian Capital Territory

# Road Transport Legislation (Taxi Services) Amendment Regulations 2003 (No 1)

**Subordinate Law SL2003-32**

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The Australian Capital Territory Executive makes the following regulations under the *Road Transport (Driver Licensing) Act 1999*, the *Road Transport (General) Act 1999*, the *Road Transport (Public Passenger Services) Act 2001* and the *Road Transport (Vehicle Registration) Act 1999*.

Dated 4 September 2003.

BILL WOOD  
Minister

SIMON CORBELL  
Minister





Australian Capital Territory

# Road Transport Legislation (Taxi Services) Amendment Regulations 2003 (No 1)

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*Road Transport (Driver Licensing) Act 1999, Road Transport (General) Act 1999, Road Transport (Public Passenger Services) Act 2001 and Road Transport (Vehicle Registration) Act 1999*

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## Part 1 Preliminary

### 1 Name of regulations

These regulations are the *Road Transport Legislation (Taxi Services) Amendment Regulations 2003 (No 1)*.

### 2 Commencement

These regulations commence on the day after their notification day.

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

## Part 2

# Road Transport (Public Passenger Services) Regulations 2002

### 3 Regulations amended—pt 2 and sch 1

This part and schedule 1 amend the *Road Transport (Public Passenger Service) Regulations 2002*.

### 4 New regulation 30A

*insert*

#### 30A Advertisements for bus services to display accreditation number

- (1) The accredited operator of a bus used to operate a bus service must ensure that an advertisement for the bus service identifies the service by its accreditation number.

Maximum penalty: 10 penalty units.

*Note* A person who pretends to be accredited to operate a bus service, or a bus service of a particular kind, commits an offence against the Act, s 21.

- (2) This regulation does not apply to an advertisement appearing in a vehicle used to operate the bus service.

*Note* **In** a vehicle includes on the vehicle (see dict, def **in** a vehicle).

- (3) An offence against this regulation is a strict liability offence.
- (4) This regulation applies only to something done or not done on or after 1 July 2004.
- (5) This subregulation and subregulation (4) expire on 1 July 2004.



**5 Regulation 88***substitute***88 Taxi licensees to notify change of name or address**

- (1) A person commits an offence if—
  - (a) the person is the holder of a taxi licence; and
  - (b) the person's name or residential address changes; and
  - (c) the person does not give the road transport authority written notice of the change as soon as practicable (but within 14 days) after the day the change happens and return the licence to the authority.

Maximum penalty: 20 penalty units.

- (2) If the licence is returned to the road transport authority, the authority must amend the licence or issue another licence for the remainder of the period of the licence that it replaces.
- (3) An offence against this regulation is a strict liability offence.

**6 Regulation 95***substitute***95 Taxis to be fitted with complying taximeters**

- (1) The accredited operator of a taxi must ensure—
  - (a) the taxi is fitted with a taximeter; and
  - (b) the taximeter complies with the standards approved under regulation 158 (1) (Standards for taximeters).

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- (2) An accredited operator of a taxi commits an offence if the operator fails to comply with subregulation (1).

Maximum penalty: 20 penalty units.

*Note* It is also an offence to interfere with a taximeter in certain circumstances, see reg 159.

- (3) Subregulation (1) (b) does not apply to a taxi if an exemption under regulation 95A is in force for the taxi.
- (4) An offence against this regulation is a strict liability offence.

### **95A Exemption from requirement to comply with taximeter standards**

- (1) The road transport authority may, in writing, exempt a taxi from regulation 95 (1) (b).
- (2) If the road transport authority exempts a taxi under subregulation (1), the authority must endorse the licence for the taxi accordingly.
- (3) An exemption under subregulation (1) commences on the later of the date (if any) stated in the exemption and the endorsement by the road transport authority of the exemption on the taxi's licence.
- (4) An exemption under subregulation (1) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.

## **7 Regulation 127**

*substitute*

### **127 When a taxi hiring begins**

- (1) If a person asks for a taxi to be at a place (the *pick-up point*) at a particular time (the *booked time*) to carry a person or the person's goods from the pick-up point to another place, the hiring of the taxi *begins*—

- (a) for a taxi that arrives at the pick-up point before the booked time—at the earlier of the following:
    - (i) the booked time;
    - (ii) the time when the person or the person's goods are in the taxi;
  - (b) for a taxi that arrives at the pick-up point on or after the booked time—at the time when the person is notified of the taxi's arrival at the pick-up point.
- (2) If a person asks for a taxi that does not require the taxi to be at the pick-up point at a particular time, the hiring *begins* at the time when the person is notified of the taxi's arrival at the pick-up point.
- (3) If subregulations (1) or (2) do not apply to a hiring, the hiring *begins*—
- (a) on the acceptance of the hiring by the taxi driver; or
  - (b) if the intending passenger and the taxi driver agree that the hiring is to begin at a particular time—at that time.

### **127A When a taxi hiring ends**

- (1) The hiring of a taxi *ends* when—
- (a) if the hiring is ended under regulation 137 (Ending of taxi hiring by hirer)—the hirer ends the hiring; or
  - (b) if the hiring is ended under regulation 138 (Ending of taxi hiring by driver)—the driver ends the hiring; or
  - (c) if the driver of a wheelchair-accessible taxi accepts a hiring in accordance with regulation 129 (3) (Requirements about acceptance of taxi hirings) from a person using a wheelchair—the driver accepts the hiring offered by the person using a wheelchair; or

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- (d) if the hirer leaves the taxi in accordance with a direction under regulation 152 (Offender to get out of taxi when directed)—the hirer leaves the taxi; or
  - (e) if the hirer is removed under regulation 153 (Removal of people from taxis)—the hirer is removed from the taxi; or
  - (f) in any other case—the taxi stops at the destination of the hire.
- (2) To remove any doubt, the hiring of a taxi does not include any period during which—
- (a) a hirer is paying the fare and getting out of the taxi; and
  - (b) the driver is unloading goods from the taxi or is carrying goods to a door or entrance of a house, station or other place where the hiring of the taxi ends; and
  - (c) for a wheelchair-accessible taxi—a wheelchair is being released from its attachment to the taxi, unloaded from the taxi or moved (with or without the assistance of the driver) away from the taxi.

**8 Regulation 134**

*substitute*

**134 Operation of taxi roof sign by drivers**

- (1) The driver of a taxi commits an offence if the taxi's roof sign is lit when the taxi is not available for hire.

Maximum penalty: 5 penalty units.

**Example of when a taxi is not available for hire**

when the taxi is travelling to a pick-up point within the meaning of reg 127

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

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

(3) In this regulation:

*roof sign* means the roof sign mentioned in regulation 106 (2) (Taxi roof sign indicating hiring availability).

## **9 Regulation 136 (2)**

*substitute*

(2) However, the driver may refuse to wait if the hirer does not pay the driver the fare to the place where the hirer asked the driver to wait and the fare for the relevant waiting period.

## **10 New regulation 140 (2A)**

*insert*

(2A) However, if the requirement is made during a hiring, the taxi driver need not comply with the requirement if—

- (a) when asked by the driver, the hirer does not pay a fare deposit for the estimated fare for the hiring; or
- (b) the destination of the hirer's guests is outside the ACT taxi region.

*Note* A hiring may be refused if an intending passenger's destination is outside the ACT taxi region, see reg 129 (4) (c) (Requirements about acceptance of taxi hirings).

## **11 Regulation 140**

*renumber subregulations when regulations next republished under Legislation Act*

**12 Regulations 142, 143 and 144**

*substitute*

**142 Taxi fare deposits**

- (1) Before accepting an offer of a hiring from a person, a taxi driver may ask the person to give the driver a fare deposit if the driver believes, on reasonable grounds, that the person may not be able to, or will not, pay the estimated fare for the hiring.

*Note* The fare for a waiting period mentioned in reg 136 (2) (Taxi driver waiting or instructed to return) is also a fare deposit (see dict, def *fare deposit*).

- (2) The driver of a taxi may ask a hirer to pay a fare deposit if, during the hire, the hirer asks to be taken to a destination other than the destination originally stated and the driver believes, on reasonable grounds, that the hirer may not be able to pay, or will not pay, the estimated fare to the new destination.
- (3) If the person or hirer gives the taxi driver the fare deposit, the driver cannot refuse to accept the hiring or end the hiring on the ground that the person or hirer cannot satisfy the driver that the person or hirer can pay the estimated fare for the proposed hiring.

**142A Exemption from operation of taximeter and metered fares for certain hirings—Act, s 65 (1)**

- (1) This regulation applies to the driver of a taxi in relation to the following kinds of hirings (an *authorised fixed-fare hiring*):
  - (a) a hiring to a destination outside the ACT taxi region if, before the hiring is begun—
    - (i) the driver tells the intending passenger that the destination is outside the ACT taxi region; and

- (ii) the driver and the intending passenger agree on the amount payable as the fare for the hiring;
  - (b) a hiring for the delivery of an item (including goods) if no passengers are carried in the taxi during the hiring;
  - (c) a hiring approved by the road transport authority under subregulation (2).
- (2) The road transport authority may, in writing, approve a hiring to which this regulation applies.
- (3) An approval under subregulation (2) is a disallowable instrument.
- Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.
- (4) The driver of a taxi is exempt from the following provisions in relation to an authorised fixed-fare hiring:
- regulation 143A (When driver must start taximeter)
  - regulation 143B (Operation of taximeter during hiring)
  - regulation 143C (Operation of taximeter at end of hiring)
  - regulation 144 (2) (Driver to ask for correct fare).

### **143 Driver not to start taximeter before hiring begins**

- (1) The driver of a taxi commits an offence if the driver starts the taxi's taximeter recording a fare for a hiring of the taxi before the hiring begins.

Maximum penalty: 5 penalty units.

*Note* For when a hiring begins, see reg 127.

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

**143A When driver must start taximeter**

- (1) The driver of a taxi commits an offence if the driver fails to start the taxi's taximeter recording the fare for a hiring when the hiring begins.

Maximum penalty: 5 penalty units.

*Note 1* For when a hiring begins, see reg 127.

*Note 2* This regulation does not apply to an authorised fixed-fare hiring, see reg 142A (4).

- (2) Subregulation (1) does not apply to a hiring to which subregulation (3) or (4) applies.
- (3) The driver of a wheelchair-accessible taxi commits an offence if—
- (a) the taxi is hired by or for a wheelchair-dependent person; and
  - (b) before the hiring begins the driver is informed that an ACT Taxi Subsidy Scheme voucher will be used for the hiring; and
  - (c) either—
    - (i) the driver starts the taxi's taximeter recording the fare for the hiring before the person's wheelchair is lifted into and attached to the taxi; or
    - (ii) the driver fails to start the taxi's taximeter recording the fare for the hiring as soon as practicable after the person's wheelchair is lifted into and attached to the taxi.

Maximum penalty: 5 penalty units.

- (4) The driver of a wheelchair-accessible taxi commits an offence if—
- (a) the taxi is hired by or for a wheelchair-dependent person; and
  - (b) after the hiring begins the driver is informed that an ACT Taxi Subsidy Scheme voucher will be used for the hiring; and



- (c) either—
- (i) the driver fails to stop the taxi's taximeter recording the fare for the hiring until the person's wheelchair is lifted into and attached to the taxi; or
  - (ii) the driver fails to restart the taxi's taximeter recording the fare for the hiring as soon as practicable after the person's wheelchair is lifted into and attached to the taxi.

Maximum penalty: 5 penalty units.

- (5) An offence against this regulation is a strict liability offence.

### **143B Operation of taximeter during hiring**

- (1) The driver of a taxi commits an offence if the driver stops the taxi's taximeter recording a fare for a hiring before the hiring ends.

Maximum penalty: 5 penalty units.

*Note* This regulation does not apply to an authorised fixed-fare hiring, see reg 142A (4).

- (2) Subregulation (1) does not apply if the taximeter is stopped from recording a fare during any period of a hiring when—
- (a) the taxi is delayed for a reason mentioned in regulation 145 (Taxi fare not payable for avoidable delays); or
  - (b) a hirer (who is not the last hirer in a multiple hiring of the taxi) is paying the fare for his or her hire and getting out of the taxi.
- (3) The driver of a taxi commits an offence if—
- (a) the driver stopped the taxi's taximeter recording a fare during any period of a hiring when—
    - (i) the taxi is delayed for a reason mentioned in regulation 145 (Taxi fare not payable for avoidable delays); or

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(ii) a hirer (who is not the last hirer in a multiple hiring of the taxi) is paying the fare for his or her hire and getting out of the taxi; and

(b) the driver fails to restart the taximeter recording the fare when the hiring is resumed.

Maximum penalty: 5 penalty units.

(4) An offence against this regulation is a strict liability offence.

**143C Operation of taximeter at end of hiring**

(1) The driver of a taxi commits an offence if, at the end of a hiring, the driver fails to stop the taxi's taximeter from recording the fare for the hiring.

Maximum penalty: 5 penalty units.

*Note 1* For when a hiring ends, see reg 127A.

*Note 2* This regulation does not apply to an authorised fixed-fare hiring, see reg 142A (4).

(2) The driver of a taxi commits an offence if, before receiving payment of the fare for a hiring, the driver fails—

(a) to ensure that the amount displayed on the taxi's taximeter as the fare, and any figures that affect the rate at which the fare is worked out, are displayed (including, if necessary, illuminated) so that they can be readily read by the hirer; and

(b) to state any other amounts that are payable for the hiring.

Maximum penalty: 5 penalty units.

(3) The driver of a taxi commits an offence if the driver fails to ensure that the amount displayed on the taxi's taximeter as the fare for the hiring is returned to zero as soon as practicable—

(a) after the driver receives payment of the fare for the hiring; or

- (b) for a hiring for which the fare is not paid—after the hirer fails to pay the fare.

Maximum penalty: 5 penalty units.

- (4) Subregulation (3) applies to a multiple hiring only if the hiring is the last in the multiple hiring.
- (5) An offence against this regulation is a strict liability offence.

#### **144 Driver to ask for correct fare**

- (1) A taxi driver must not ask a hirer for payment of more than the fare for the hiring of the taxi.

Maximum penalty: 5 penalty units.

##### **Examples of asking for payment of more than the fare for a hiring**

- 1 if different fare rates are payable for hirings begun at different times, asking for a fare that is worked out on a higher rate than the rate applying at the time a hiring begins
- 2 asking for payment of a fare recorded on the taxi's taximeter that is worked out at a rate per kilometre of travel, or at a rate per hour of waiting time, that is more than the maximum rate determined under the Act, s 60
- 3 asking for payment in relation to a period of a hire when the taximeter was required to be stopped under reg 143B (2)

*Note 1* The fare may include amounts not shown on the taximeter, eg a toll.

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

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- (2) A taxi driver must not make an agreement with a hirer for payment of more than the fare for the hiring of the taxi.

Maximum penalty: 5 penalty units.

**Example of agreement for payment of more than the fare for a hiring**

for a hiring that is not an authorised fixed-fare hiring, the driver agreeing to a fixed amount for a hiring that is higher than the fare for the hiring worked out at the maximum rate determined under the Act, s 60

*Note* Subregulation (2) does not apply to an authorised fixed-fare hiring, see reg 142A (4).

- (3) An offence against this regulation is a strict liability offence.

#### **144A Payment of taxi fare**

- (1) The hirer of a taxi commits an offence if—
- (a) the hirer did not pay a fare deposit for hiring the taxi; and
  - (b) at the end of the hiring the hirer does not pay to the taxi's driver the fare for the hiring.

Maximum penalty: 5 penalty units.

*Note* For when a hiring ends, see reg 127A.

- (2) The hirer of a taxi commits an offence if—
- (a) the hirer paid a fare deposit for hiring the taxi; and
  - (b) the fare for the hiring is more than the fare deposit; and
  - (c) at the end of the hiring the hirer does not pay to the taxi's driver the difference between the fare deposit and the fare.

Maximum penalty: 5 penalty units.

- (3) The driver of a taxi commits an offence if—
- (a) a hirer paid a fare deposit for hiring the taxi; and
  - (b) the fare for the hiring is less than the fare deposit; and

- (c) at the end of the hiring the driver does not pay the difference between the fare deposit and the fare to the hirer.

Maximum penalty: 5 penalty units.

- (4) The driver of a taxi commits an offence if—

- (a) a hirer gives the driver more money than the amount of the fare for the hiring; and
- (b) the driver fails to offer the correct change to the hirer.

Maximum penalty: 5 penalty units.

- (5) An offence against this regulation is a strict liability offence.

#### **144B ACT Taxi Subsidy Scheme vouchers—offences**

- (1) A person commits an offence if—

- (a) the person uses an ACT Taxi Subsidy Scheme voucher as part-payment of the fare for the hiring of a taxi; and
- (b) the person is not the person to whom the voucher was issued; and
- (c) the person to whom the voucher was issued is not a passenger in the taxi for all of the hiring for which the voucher was used.

Maximum penalty: 5 penalty units.

- (2) A person commits an offence if the person makes a false or misleading statement in an ACT Taxi Subsidy Scheme voucher.

Maximum penalty: 5 penalty units.

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**Example**

stating in a voucher an amount as the total fare recorded on a taximeter for the hiring to which the voucher relates that is more than the actual metered fare for the hiring

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

- (3) Subregulation (2) does not apply if the statement is not false or misleading in a material particular.
- (4) An offence against this regulation is a strict liability offence.

**13 Dictionary, new definition of *authorised fixed-fare hiring***

*insert*

***authorised fixed-fare hiring***—see regulation 142A (1) (Exemption from operation of taximeter and metered fares for certain hirings—Act, s 65 (1)).

**14 Dictionary, definition of *fare***

*substitute*

***fare***, for the hiring of a taxi, means—

- (a) if the hiring is an authorised fixed-fare hiring—the amount agreed between the taxi’s driver and the hirer or the taxi network for the taxi and the hirer; and
- (b) if the taxi is licensed both as a restricted taxi under these regulations and as a taxi-cab under the *Passenger Transport Act 1990* (NSW)—the amount chargeable for the hiring in accordance with the *Passenger Transport Act 1990* (NSW); and
- (c) in any other case—the amount chargeable for the hiring in accordance with the determination under the Act, section 60

(other than a charge for any period of the hiring when the taximeter is required to be stopped from registering a charge under regulation 143B (2) (Operation of taximeter during hiring)).

**15 Dictionary, definition of *fare deposit***

*substitute*

***fare deposit***, for the hiring of a taxi, means—

- (a) the fare for the waiting period mentioned in regulation 136 (2) (Taxi driver waiting or instructed to return); or
- (b) an amount paid by the hirer under regulation 142.

**16 Dictionary, new definition of *wheelchair-dependent person***

*insert*

***wheelchair-dependent person***, for the hiring of a taxi, means a person who is using a wheelchair for mobility.

**17 Schedule 1, part 1.2, paragraph (b) (viii)**

*substitute*

- (viii) the operation of the ACT Taxi Subsidy Scheme; and

## Part 3 Road Transport (Vehicle Registration) Regulations 2000

### 18 Regulations amended—pt 3

This part amends the *Road Transport (Vehicle Registration) Regulations 2000*.

### 19 Regulation 32

*substitute*

### 32 Deciding applications for registration—general

*Note* For applications for the renewal of a registration, see reg 68.

- (1) The road transport authority may refuse to approve an application for registration of a registrable vehicle if—
  - (a) the vehicle is not an eligible vehicle; or
  - (b) the applicant has not complied with a requirement of the road transport legislation in relation to the registration of the vehicle (including, for example, any requirement to pay a fee, charge or other amount); or
  - (c) the authority believes on reasonable grounds that—
    - (i) the vehicle, or a part of the vehicle, is or may be stolen; or
    - (ii) information given in, or in relation to, the application for registration is false, misleading or incomplete in a material particular; or
    - (iii) there are unpaid fines or financial penalties resulting from the use of the vehicle in Australia; or



- (iv) the vehicle is being used for an unlawful purpose; or
- (d) the authority is not satisfied that the vehicle's garage address is in the ACT; or
- (e) the applicant has failed to comply with a Territory law about certificates of inspection of registrable vehicles; or
- (f) the application may otherwise be refused under these regulations.

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

- (2) The road transport authority must refuse to approve an application for the registration of a registrable vehicle if—
  - (a) the authority is required to refuse to approve the application for a vehicle's registration under—
    - (i) regulation 32A (Deciding applications for registration—written-off vehicles); or
    - (ii) regulation 32B (Deciding applications for registration—taxis); or
  - (b) an order of a court in Australia prevents the vehicle's registration, and the authority has been told about the order.
- (3) If the road transport authority approves an application by or on behalf of a person for registration of a registrable vehicle, the authority must register the vehicle in the name of the person as the registered operator.

**20 New regulation 32B***insert***32B Deciding applications for registration—taxis**

*Note* For applications for the renewal of a registration, see reg 68.

- (1) The road transport authority must refuse to approve an application for the registration of a registrable vehicle as a taxi (other than a wheelchair-accessible taxi) if—
  - (a) the vehicle has been used as a taxi for 6 years or longer; or
  - (b) for an application for the 1st registration of the vehicle as a taxi—the vehicle is 4 years old or older; or
  - (c) the vehicle is more than 8 years old; or
  - (d) the vehicle does not have seating for at least 4 adults (including the driver); or
  - (f) the vehicle does not have at least 4 doors.
- (2) The road transport authority must refuse to approve an application for the registration of a registrable vehicle as a wheelchair-accessible taxi if—
  - (a) the vehicle is more than 6 years old; or
  - (b) for an application for the 1st registration of the vehicle as a wheelchair-accessible taxi—the vehicle is 2 years old or older.
- (3) For this regulation, the age of a vehicle is measured from 6 months after the day a compliance plate was fitted to the vehicle.
- (4) In this regulation:  
*taxi*—see the *Road Transport (Public Passenger Services) Act 2001*, section 45.

*wheelchair-accessible taxi*—see the *Road Transport (Public Passenger Services) Regulations 2002*, dictionary.

**21 Regulation 68 (9) (b)**

*substitute*

- (b) must refuse to renew the registration if the authority is required to refuse to approve the application for a vehicle's registration under—
- (i) regulation 32A (Deciding applications for registration—written-off vehicles); or
  - (ii) regulation 32B (Deciding applications for registration—taxis).

**22 Regulation 68 (10) (a)**

*omit*

the commencement of this regulation

*substitute*

28 January 2003

**23 Regulation 117 (1) (b)**

*substitute*

- (b) a statement supplied by a police officer about the applicant's criminal history (if any) and the infringement notices (if any) served on the person.

*Note* An infringement notice includes a notice (however described) served on a person under the law of another jurisdiction that gives the person the option of paying an amount for an offence instead of being charged with the offence (see dict, def *infringement notice*).

**24 Regulation 128 (1) (b)**

*substitute*

- (b) a statement supplied by a police officer about the applicant's criminal history (if any) and the infringement notices (if any) served on the person.

*Note* An infringement notice includes a notice (however described) served on a person under the law of another jurisdiction that gives the person the option of paying an amount for an offence instead of being charged with the offence (see dict, def *infringement notice*).

**25 Schedule 1, clause 60A**

*substitute*

**60A Public passenger vehicles to have fire extinguisher**

The following vehicles must be fitted with a fire extinguisher:

- (a) a public bus and taxi under the *Road Transport (Public Passenger Services) Act 2001*; and
- (b) a private hire car and restricted hire vehicle under the *Road Transport (General) Act 1999*.

**26 Dictionary, definition of *taxi***

*omit*

**27 Dictionary, new definition of *infringement notice***

*insert*

*infringement notice*—

- (a) means a notice served under the *Road Transport (General) Act 1999*, section 24 (Service of infringement notices generally) or section 36 (Service of infringement notices on responsible persons for vehicles); and

- (b) includes a notice (however described) served on a person under the law of another jurisdiction that gives the person the option of paying an amount for an offence instead of being charged with the offence.

**Part 4** Other amendments

Regulation 28

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## **Part 4** Other amendments

### **28 Regulations amended—sch 2**

Schedule 2 amends the regulations mentioned in it.

## **Schedule 1      Road Transport (Public Passenger Services) Regulations 2002—other amendments**

### **[1.1] New regulation 4A**

*insert*

#### **4A Offences against regulations—application of Criminal Code etc**

Other legislation applies in relation to offences against these regulations.

*Note 1 Criminal Code*

The Criminal Code, ch 2 applies to the following offences against these regulations (see Code, pt 2.1):

- reg 30A (Advertisements for bus services to display accreditation number)
- reg 34 (Effect of noncompliance notices—bus operators)
- reg 45 (Effect of noncompliance notices—bus drivers)
- reg 88 (Taxi licensees to notify change of name or address)
- reg 95 (Taxis to be fitted with complying taximeters)
- reg 112 (Effect of noncompliance notices—taxi operators)
- reg 126 (Effect of noncompliance notices—taxi drivers)
- reg 127 (When a taxi hiring begins)
- reg 127A (When a taxi hiring ends)
- reg 134 (Operation of taxi roof sign by drivers)
- reg 143 (Driver not to start taximeter before hiring begins)
- reg 143A (When driver must start taximeter)
- reg 143B (Operation of taximeter during hiring)

**Schedule 1** Road Transport (Public Passenger Services) Regulations 2002—  
other amendments

Amendment [1.2]

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- reg 143C (Operation of taximeter at end of hiring)
- reg 144 (Driver to ask for correct fare)
- reg 144A (Payment of taxi fare)
- reg 144B (ACT Taxi Subsidy Scheme vouchers—offences).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2* *Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

## [1.2] Regulation 6

*substitute*

### 6 Definitions for pt 2.2

In this part:

*applicant*, for accreditation (including for the renewal of an accreditation)—see regulation 7 (1).

*regulated service* means—

- (a) a public passenger service; or
- (b) a taxi network.

*relevant person*, for an application for accreditation (including for the renewal of an accreditation) by a person or in relation to an accreditation held by a person, means—

- (a) if the person is an individual—the person and any employee of the person who is concerned with, or takes part in, the management of the regulated service to which the application relates; or



- (b) if the person is a corporation—each executive officer of the corporation; or
- (c) if the person is any other kind of entity—the person and anyone else who is concerned with, or takes part in, the entity’s management.

**[1.3] Regulation 7 (1) (c)**

*substitute*

- (c) a statement supplied by a police officer about the applicant’s criminal history (if any) and the infringement notices (if any) served on the person.

**[1.4] New regulation 7 (4)**

*insert*

- (4) In this regulation:

***infringement notice***—

- (a) means a notice served under the *Road Transport (General) Act 1999*, section 24 (Service of infringement notices generally) or section 36 (Service of infringement notices on responsible persons for vehicles); and
- (b) includes a notice (however described) served on a person under the law of another jurisdiction that gives the person the option of paying an amount for an offence instead of being charged with the offence.

**[1.5] Regulation 32 (3), new note**

*insert*

*Note* The accredited operator must also comply with any standards about security cameras in buses, see reg 68 (5).

**[1.6] Regulation 34**

*substitute*

**34 Effect of noncompliance notices—bus operators**

- (1) The accredited operator of a bus to which a noncompliance notice has been attached under regulation 175 (Attachment and removal of noncompliance notices) commits an offence if the accredited operator allows the bus to be used to operate a bus service—
  - (a) after the time of effect of the notice; or
  - (b) after the accredited operator knows the notice has been removed other than in accordance with regulation 175.

Maximum penalty: 20 penalty units.

*Note* For the *time of effect*, see reg 175 (2) (b).

- (2) This regulation ceases to apply to the bus if a police officer or authorised person has directed under regulation 175 that the notice be taken to have been removed.
- (3) An offence against this regulation is a strict liability offence.

**[1.7] Regulation 45**

*substitute*

**45 Effect of noncompliance notices—bus drivers**

- (1) The driver of a bus to which a noncompliance notice has been attached under regulation 175 (Attachment and removal of noncompliance notices) commits an offence if the driver uses the bus to operate a bus service—
  - (a) after the time of effect of the notice; or

- (b) after the driver knows the notice has been removed other than in accordance with regulation 175.

Maximum penalty: 20 penalty units.

*Note* For the *time of effect*, see reg 175 (2) (b).

- (2) This regulation ceases to apply to the bus if a police officer or authorised person has directed under regulation 175 that the notice be taken to have been removed.
- (3) An offence against this regulation is a strict liability offence.

#### **[1.8] Regulation 74 (1) (a) and (b)**

*substitute*

- (a) a person asks for a wheelchair-accessible taxi through a taxi booking service; and
- (b) the person for whom the booking is being made is a wheelchair-dependent person; and

#### **[1.9] Regulation 93 (2), note 2**

*substitute*

*Note 2* For age limits on the registration of vehicles as taxis, see *Road Transport (Vehicle Registration) Regulations 2000*, reg 32B.

#### **[1.10] Regulation 112**

*substitute*

### **112 Effect of noncompliance notices—taxi operators**

- (1) The accredited operator of a taxi to which a noncompliance notice has been attached under regulation 175 (Attachment and removal of noncompliance notices) commits an offence if the accredited operator allows the taxi to be used to operate a taxi service—

Amendment [1.11]

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- (a) after the time of effect of the notice; or
- (b) after the accredited operator knows the notice has been removed other than in accordance with regulation 175.

Maximum penalty: 20 penalty units.

*Note* For the *time of effect*, see reg 175 (2) (b).

- (2) This regulation ceases to apply to the taxi if a police officer or authorised person has directed under regulation 175 that the notice be taken to have been removed.
- (3) An offence against this regulation is a strict liability offence.

**[1.11] Regulation 114 (3)**

*omit*

a person who is dependent on a wheelchair for mobility outdoors

*substitute*

a wheelchair-dependent person

**[1.12] Regulation 114 (4)**

*substitute*

- (4) In this regulation:

*network booking service* means a taxi booking service for the accredited taxi network provider with which the accredited operator of the taxi is affiliated.

### [1.13] Regulation 126

*substitute*

#### 126 Effect of noncompliance notices—taxi drivers

- (1) The driver of a taxi to which a noncompliance notice has been attached under regulation 175 (Attachment and removal of noncompliance notices) commits an offence if the driver uses the taxi to operate a taxi service—
  - (a) after the time of effect of the notice; or
  - (b) after the driver knows the notice has been removed other than in accordance with regulation 175.

Maximum penalty: 20 penalty units.

*Note* For the *time of effect*, see reg 175 (2) (b).

- (2) This regulation ceases to apply to the taxi if a police officer or authorised person has directed under regulation 175 that the notice be taken to have been removed.
- (3) An offence against this regulation is a strict liability offence.

### [1.14] Regulation 133 (3), examples

*substitute*

#### Examples of people with significant disabilities affecting mobility

- 1 a wheelchair-dependent person
- 2 a person who ordinarily uses a walking stick, crutches or a walking frame to move around outdoors
- 3 a person who is blind

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

**[1.15] Regulation 148 (1)**

*omit*

A person

*substitute*

A person (other than the driver)

**[1.16] Regulation 167 (5)**

*substitute*

- (5) The immediate suspension notice ends—
- (a) if the service authority to which the notice relates is cancelled or suspended under regulation 166 (4)—when the cancellation or suspension takes effect; or
  - (b) if a condition is imposed on the service authority to which the notice relates, or a condition of the service authority is amended—when the condition or amended condition takes effect; or
  - (c) in any other case—when the person is told under regulation 166 (5) of the decision made on the disciplinary notice.

**[1.17] Schedule 1, part 1.2, paragraph (b) (vi) (A)**

*omit*

people who are dependent on a wheelchair for mobility outdoors

*substitute*

wheelchair-dependent people

### [1.18] Dictionary, new notes

*insert*

*Note 1* The Legislation Act contains definitions and other provisions relevant to these regulations.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACT
- contravene
- fail
- penalty unit
- the Territory.

*Note 3* Terms used in these regulations have the same meaning that they have in the *Road Transport (Public Passenger Services) Act 2001* (see Legislation Act, s 148). For example, the following terms are defined in the *Road Transport (Public Passenger Services) Act 2001*, dict:

- accredited taxi network provider
- affiliated
- another jurisdiction
- motor vehicle
- road
- road transport authority.

### [1.19] Dictionary, definition of *accredited*

*substitute*

***accreditation*** means accreditation under these regulations to operate a public passenger service or taxi network.

### [1.20] Dictionary, definition of *accredited operator*

*substitute*

***accredited operator*** means—

- (a) for a public passenger service—an accredited person who is entitled to operate the service; or

- (b) for a public passenger vehicle—an accredited person who is entitled to operate the public passenger service for which the vehicle is operated.

**[1.21] Dictionary, definitions of *accredited taxi network provider, affiliated and another jurisdiction***

*omit*

**[1.22] Dictionary, definition of *applicant***

*substitute*

*applicant*, for part 2.2 (Accreditation procedure)—see regulation 6.

**[1.23] Dictionary, definition of *beginning***

*substitute*

*begins*, for a taxi hiring—see regulation 127.

**[1.24] Dictionary, definition of *ending***

*substitute*

*ends*, for a taxi hiring—see regulation 127A.

**[1.25] Dictionary, definitions of *licence and motor vehicle***

*omit*

**[1.26] Dictionary, definition of *regulated service***

*substitute*

*regulated service*, for part 2.2 (Accreditation procedure)—see regulation 6.



**[1.27] Dictionary, definition of *relevant person***

*substitute*

*relevant person*, for part 2.2 (Accreditation procedure)—see regulation 6.

**[1.28] Dictionary, definitions of *road* and *road transport authority***

*omit*

<b>Schedule 2</b>	Other amendments
<b>Part 2.1</b>	Road Transport (Driver Licensing) Regulations 2000 Amendment [2.29]

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## **Schedule 2**      **Other amendments**

(see reg 28)

### **Part 2.1**                      **Road Transport (Driver Licensing) Regulations 2000**

#### **[2.29] Regulation 47 (2), note**

*substitute*

*Note*      An infringement notice includes a notice (however described) served on a person under the law of another jurisdiction that gives the person the option of paying an amount for an offence instead of being charged with the offence (see Act, dict, def *infringement notice*).

#### **[2.30] Regulation 69 (4)**

*substitute*

- (4) If the application is for the variation of a driver licence to include a public vehicle licence, the person must also give the road transport authority a statement supplied by a police officer about—
- (a) the applicant's criminal history (if any); and
  - (b) the infringement notices (if any) served on the person.

*Note*      An infringement notice includes a notice (however described) served on a person under the law of another jurisdiction that gives the person the option of paying an amount for an offence instead of being charged with the offence (see Act, dict, def *infringement notice*).

**[2.31] Regulation 70 (3)**

*omit*

application for a public vehicle licence

*substitute*

application for a public vehicle licence under subregulation (1)

**[2.32] Regulation 70 (3), note 2**

*substitute*

*Note 2* An infringement notice includes a notice (however described) served on a person under the law of another jurisdiction that gives the person the option of paying an amount for an offence instead of being charged with the offence (see Act, dict, def *infringement notice*).

**[2.33] Regulation 85 (3)**

*substitute*

- (3) If the person's driver licence includes a public vehicle licence, the person must also give the road transport authority a statement supplied by a police officer about—
- (a) the applicant's criminal history (if any); and
  - (b) the infringement notices (if any) served on the person.

*Note* An infringement notice includes a notice (however described) served on a person under the law of another jurisdiction that gives the person the option of paying an amount for an offence instead of being charged with the offence (see Act, dict, def *infringement notice*).

**Schedule 2** Other amendments

**Part 2.2** Road Transport (General) Regulations 2000

Amendment [2.34]

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**[2.34] Regulation 105 (1) (c) and note**

*substitute*

- (c) a statement supplied by a police officer about the applicant's criminal history (if any) and the infringement notices (if any) served on the person.

*Note* An infringement notice includes a notice (however described) served on a person under the law of another jurisdiction that gives the person the option of paying an amount for an offence instead of being charged with the offence (see Act, dict, def *infringement notice*).

**[2.35] Regulation 106 (2), note 2**

*substitute*

*Note 2* An infringement notice includes a notice (however described) served on a person under the law of another jurisdiction that gives the person the option of paying an amount for an offence instead of being charged with the offence (see Act, dict, def *infringement notice*).

**Part 2.2 Road Transport (General)  
Regulations 2000**

**[2.36] Schedule 1, part 1.8, items 15 to 17**

*substitute*

15	85 (2)	road transport authority—amend/revoke, or refuse to amend/revoke, condition imposed on taxi licence on application by licence holder
16	90 (1)	road transport authority—refuse to issue replacement taxi licence for licence that has been lost, stolen or destroyed

17	95A (1)	road transport authority—refuse to exempt taxi from being fitted with taximeter complying with standards for taximeters
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## Part 2.3 Road Transport (Offences) Regulations 2001

### [2.37] Schedule 1, part 1.11, new item 18A

*insert*

18A	30A (1)	bus operator not ensure advertisement includes accreditation number	10	300	
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### [2.38] Schedule 1, part 1.11, item 102

*substitute*

102	88 (1)	taxi licensee not notify change of name/address	20	300	
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**[2.39] Schedule 1, part 1.11, item 109**

*substitute*

109	95 (2)				
109.1	<ul style="list-style-type: none"><li>by contravening 95 (1) (a)</li></ul>	taxi operator not ensure taximeter fitted	20	300	
109.2	<ul style="list-style-type: none"><li>by contravening 95 (1) (b)</li></ul>	taxi operator not ensure taximeter complies with standards	20	300	

**[2.40] Schedule 1, part 1.11, item 141**

*substitute*

141	119 (1) (b)	taxi driver start/stop taxi subjecting person to unnecessary risk of injury	10	200	
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**Schedule 2** Other amendments  
**Part 2.3** Road Transport (Offences) Regulations 2001

Amendment [2.41]

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**[2.41] Schedule 1, part 1.11, item 159**

*substitute*

159	128	person soliciting for passenger/hiring	10	150	
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**[2.42] Schedule 1, part 1.11, item 172**

*substitute*

172	134 (1)	taxi driver not ensure roof sign off when taxi not for hire	5	150	
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**[2.43] Schedule 1, part 1.11, items 184 to 191**

*substitute*

184	143 (1)	taxi driver start taximeter before taxi hired	5	150	
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184A	143A (1)	taxi driver not start taximeter when taxi hired	5	150	
184B	143A (3) (c) (i)	taxi driver start taximeter before wheelchair secured	5	150	
184C	143A (3) (c) (ii)	taxi driver not start taximeter after wheelchair secured	5	150	
184D	143A (4) (c) (i)	taxi driver not stop taximeter until wheelchair secured	5	150	
184E	143A (4) (c) (ii)	taxi driver not restart taximeter after wheelchair secured	5	150	
184F	143B (1)	taxi driver stop taximeter during hiring	5	150	
184G	143B (3)	taxi driver not restart taximeter after breakdown/accident/avoidable action/hirer pays fare	5	150	
184H	143C (1)	taxi driver not stop taximeter at end of hiring	5	150	
184I	143C (2)	taxi driver not ensure taximeter readily readable by hirer/not state extra charges	5	150	

**Schedule 2** Other amendments  
**Part 2.3** Road Transport (Offences) Regulations 2001

Amendment [2.43]

184J	143C (3) (a)	taxi driver not ensure taximeter fare indicators show zero after payment	5	150	
184K	143C (3) (b)	taxi driver not ensure taximeter fare indicators show zero after hirer fails to pay	5	150	
185	144 (1)	taxi driver ask more than correct fare	5	150	
186	144 (2)	taxi driver make agreement for payment of more than fare	5	150	
187	144A (1)	taxi hirer not pay fare	5	150	
188	144A (2)	taxi hirer not pay fare deposit difference	5	150	
189	144A (3)	taxi driver not pay fare deposit difference	5	150	
190	144A (4)	taxi driver not offer correct change	5	150	
191A	144B (1)	unauthorised use of Taxi Subsidy Scheme voucher	5	150	
191B	144B (2)	making false or misleading statement in Taxi Subsidy Scheme voucher	5	150	

**[2.44] Schedule 1, part 1.11**

*renumber items when regulations next republished under Legislation Act*

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## Endnotes

### Republications of amended laws

- 1 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

### Penalty units

- 2 The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

### Notification

- 3 Notified under the Legislation Act on 22 September 2003.  
(see [www.legislation.act.gov.au](http://www.legislation.act.gov.au))

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