



Australian Capital Territory

Road Transport Legislation Amendment Regulation 2005 (No 1)

Subordinate Law SL2005-39

The Australian Capital Territory Executive makes the following regulation 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 12 December 2005.

JOHN HARGREAVES
Minister

SIMON CORBELL
Minister



Australian Capital Territory

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Part 1 Preliminary

1 Name of regulation

This regulation is the *Road Transport Legislation Amendment Regulation 2005 (No 1)*.

2 Commencement

This regulation commences on the day after its notification day.

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

Part 2 Road Transport (Driver Licensing) Regulation 2000

3 Legislation amended—pt 2

This part amends the *Road Transport (Driver Licensing) Regulation 2000*.

4 New section 94A (3)

insert

- (3) However, a person who is a NSW country taxi-cab driver is exempt from holding a taxi licence while driving an ACT taxi on a road or road related area (in the ACT) only if the person has successfully completed an approved public vehicle driver training course.

5 Section 94A (3)

renumber as section 94A (4)

6 New section 94A (5)

insert

- (5) In this section:

accredited taxi service operator—see the *Road Transport (Public Passenger Services) Act 2001*, dictionary.

ACT taxi means a taxi operated as part of a taxi service by an affiliated accredited taxi service operator.

affiliated, in relation to an accredited taxi service operator—see the *Road Transport (Public Passenger Services) Act 2001*, dictionary.

NSW country taxi-cab driver means a person who—

- (a) holds an authority under the *Passenger Transport Act 1990* (NSW), part 2, division 2 that is valid for the category mentioned in the *Passenger Transport (General) Regulation 2000* (NSW), section 13 (1) (f); and
- (b) first started driving a taxi operated by an affiliated accredited taxi service operator after 31 March 2006.

Part 3 Road Transport (Offences) Regulation 2005

7 Legislation amended—pt 3

This part amends the *Road Transport (Offences) Regulation 2005*.

Explanatory note

The amendments in this part are necessary because of changes to the *Road Transport (Public Passenger Services) Regulation 2002* by this regulation.

8 Schedule 1, part 1.11, item 173, column 2

omit

133 (2)

substitute

133 (3)

9 Schedule 1, part 1.11, new item 223A*insert*

223A	177E (4)				
223A.1	<ul style="list-style-type: none"> by contravening 177E (4) (a) 	stand-by hire car driver operating without permit label attached to car	20	300	
223A.2	<ul style="list-style-type: none"> by contravening 177E (4) (b) 	stand-by hire car driver operating with permit label not properly attached to car	20	300	
223A.3	<ul style="list-style-type: none"> by contravening 177E (4) (c) 	stand-by hire car driver operating with permit label not readable	20	300	

10 Schedule 1, part 1.11, item 272, column 2*omit*

207 (2)

substitute

207 (3)

Part 3 Road Transport (Offences) Regulation 2005

Section 11

11 Schedule 1, part 1.11, table

renumber items when regulation next republished under Legislation Act

Part 4 Road Transport (Public Passenger Services) Regulation 2002

12 Legislation amended—pt 4

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

13 Section 4A, note 1, new dot points

insert

- s 26 (Bus drivers to hold appropriate driver licence or authority)
- s 97 (Taxi drivers to hold appropriate driver licence or authority)

14 Section 26

substitute

26 Bus drivers to hold appropriate driver licence or authority

- (1) The accredited operator of a bus service must ensure that a person who drives a vehicle to operate the service is—
- the holder of a public vehicle licence authorising the person to drive the vehicle for hire or reward; or
 - exempt from holding a public vehicle licence under the *Road Transport (Driver Licensing) Regulation 2000*, section 94A (Exemption of drivers of public vehicles driven for hire or reward—Act, s 31 (1) (b)).

Maximum penalty: 20 penalty units.

Note 1 A person does not hold a public vehicle licence if the public vehicle licence has been suspended or cancelled under the road transport legislation or any other territory law.

Note 2 The *Road Transport (Driver Licensing) Regulation 2000*, s 94A (4) provides that a person ceases to be exempt from holding a public vehicle licence if—

- (a) an automatic disqualifying circumstance applies to the person (see *Road Transport (Driver Licensing) Regulation 2000*, s 91); or
 - (b) the person is disqualified by the road transport authority from driving a vehicle on a road or road related area (in the ACT) under that regulation, s 103.
- (2) An offence against this section is a strict liability offence.

15 Section 27

substitute

27 Records of bus drivers etc to be maintained by accredited operator

- (1) The accredited operator of a bus service must make a written record of the following particulars for each person who drives a bus to operate the service:
 - (a) the person's full name and home address;
 - (b) the prescribed driver authority information for the person, including any change to the information notified to the accredited operator by the road transport authority;
 - (c) the dates and times when the bus was driven by the person.
- (2) The accredited operator of a bus service must not fail to comply with subsection (1).

Maximum penalty: 10 penalty units.

- (3) An offence against subsection (2) is a strict liability offence.
- (4) A person commits an offence if—
 - (a) the person is an accredited operator of a bus service; and

- (b) the person has a written record under subsection (1) of a person (the *driver*) who drives a bus to operate the service; and
- (c) the driver was the holder of a public vehicle licence authorising the driver to drive a bus for hire or reward; and
- (d) the driver's public vehicle licence is suspended or cancelled; and
- (e) the person knows, or ought reasonably to know, that the driver's public vehicle licence is suspended or cancelled; and
- (f) the person fails to make a written record of the following for the driver—
 - (i) the suspension or cancellation of the driver's licence; and
 - (ii) when the licence was suspended or cancelled.

Maximum penalty: 10 penalty units.

- (5) A person commits an offence if—
- (a) the person is an accredited operator of a bus service; and
 - (b) the person has a written record under subsection (1) of a person (the *driver*) who drives a bus to operate the service; and
 - (c) the driver was exempt from holding a public vehicle licence under the *Road Transport (Driver Licensing) Regulation 2000*, section 94A; and
 - (d) the driver is no longer exempt from holding a public vehicle licence; and
 - (e) the person knows, or ought reasonably to know, that the driver is no longer exempt under section 94A; and

- (f) the person fails to record for the driver that the driver is no longer exempt under section 94A.

Maximum penalty: 10 penalty units.

27A Accredited operator to tell road transport authority about records of bus drivers etc

- (1) The accredited operator of a bus service must, for each person for whom the accredited operator has a record under section 27 (1), tell the road transport authority about the following:
 - (a) the person's full name and home address;
 - (b) the prescribed driver authority information for the person, including any change to the information notified to the accredited operator by the road transport authority;
 - (c) any change to the person's name, home address or prescribed driver authority information since the accredited operator last told the road transport authority about the information relating to the person;
 - (d) if the person no longer drives a bus for the accredited operator—that the person no longer drives a bus for the accredited operator.
- (2) The accredited operator of a bus service must not fail to comply with subsection (1).

Maximum penalty: 10 penalty units.

- (3) An offence against subsection (2) is a strict liability offence.

27B Road transport authority may tell accredited operator about bus drivers

- (1) This section applies if—
 - (a) the accredited operator of a bus service has a record for a person under section 27 (1); and
 - (b) the accredited operator has told the road transport authority about the person under section 27A (1).
- (2) The road transport authority may tell the accredited operator about the following for the person:
 - (a) any change in the prescribed driver authority information for the person;
 - (b) if the person was the holder of a public vehicle licence authorising the person to drive a bus for hire or reward but the person's licence has been suspended or cancelled—
 - (i) the suspension or cancellation of the driver's licence; and
 - (ii) when the licence was suspended or cancelled;
 - (c) if the person was exempt from holding a public vehicle licence under the *Road Transport (Driver Licensing) Regulation 2000*, section 94A but is no longer exempt and the road transport authority knows the person is no longer exempt—that the person has ceased to be exempt under section 94A.

16 Section 72 (2) (c), new notes

insert

Note 1 A person does not hold a public vehicle licence if the public vehicle licence has been suspended or cancelled under the road transport legislation or any other territory law.

Note 2 The *Road Transport (Driver Licensing) Regulation 2000*, s 94A (4) provides that a person ceases to be exempt from holding a public vehicle licence if—

- (a) an automatic disqualifying circumstance applies to the person (see *Road Transport (Driver Licensing) Regulation 2000*, s 91); or
- (b) the person is disqualified by the road transport authority from driving a vehicle on a road or road related area (in the ACT) under that regulation, s 103.

17 Section 77

substitute

77 Records of taxi drivers etc to be maintained by accredited network provider

- (1) An accredited taxi network provider must make a written record of the following particulars for each person who drives a taxi that is being used to operate a taxi service by an affiliated taxi service operator:
 - (a) the person's full name and home address;
 - (b) the prescribed driver authority information for the person, including any change to the information notified to the accredited provider by the road transport authority;
 - (c) the dates and times when the taxi was used by the person to provide a taxi service;
 - (d) the registration number of the taxi driven by the person.

- (2) The accredited taxi network provider must not fail to comply with subsection (1).

Maximum penalty: 10 penalty units.

- (3) An offence against subsection (2) is a strict liability offence.
- (4) A person commits an offence if—
- (a) the person is an accredited taxi network provider; and
 - (b) the person has a written record under subsection (1) of a person (the *driver*) who drives a taxi to operate the service; and
 - (c) the driver was the holder of a public vehicle licence authorising the driver to drive a taxi for hire or reward; and
 - (d) the driver's public vehicle licence is suspended or cancelled; and
 - (e) the person knows, or ought reasonably to know, that the driver's public vehicle licence is suspended or cancelled; and
 - (f) the person fails to make a written record of the following for the driver—
 - (i) the suspension or cancellation of the driver's licence; and
 - (ii) when the licence was suspended or cancelled.

Maximum penalty: 10 penalty units.

- (5) A person commits an offence if—
- (a) the person is an accredited taxi network provider; and
 - (b) the person has a written record under subsection (1) of a person (the *driver*) who drives a taxi to operate the service; and
 - (c) the driver was exempt from holding a public vehicle licence under the *Road Transport (Driver Licensing) Regulation 2000*, section 94A; and

- (d) the driver is no longer exempt from holding a public vehicle licence; and
- (e) the person knows, or ought reasonably to know, that the driver is no longer exempt under section 94A; and
- (f) the person fails to make a written record for the driver that the driver is no longer exempt under section 94A.

Maximum penalty: 10 penalty units.

77A Accredited network provider to tell road transport authority about records of taxi drivers etc

- (1) The accredited taxi network provider must, for each person for whom the accredited provider has a record under section 77 (1), tell the road transport authority about the following:
 - (a) the person's full name and home address;
 - (b) the prescribed driver authority information for the person, including any change to the information notified to the accredited provider by the road transport authority;
 - (c) any change to the person's name, home address or prescribed driver authority information since the accredited provider last told the road transport authority about the information relating to the person;
 - (d) if the person no longer drives a taxi for the accredited provider—that the person no longer drives a taxi for the accredited provider.
- (2) The accredited taxi network provider must not fail to comply with subsection (1).

Maximum penalty: 10 penalty units.

- (3) An offence against subsection (2) is a strict liability offence.

77B Road transport authority may tell accredited network provider about taxi drivers

- (1) This section applies if—
 - (a) the accredited taxi network provider has a record for a person under section 77 (1); and
 - (b) the accredited provider has told the road transport authority about the person under section 77A (1).
- (2) The road transport authority may tell the accredited taxi network provider about the following for the person:
 - (a) any change in the prescribed driver authority information for the person;
 - (b) if the person was the holder of a public vehicle licence authorising the person to drive a taxi for hire or reward but the person's licence has been suspended or cancelled—
 - (i) the suspension or cancellation of the driver's licence; and
 - (ii) when the licence was suspended or cancelled;
 - (c) if the person was exempt from holding a public vehicle licence under the *Road Transport (Driver Licensing) Regulation 2000*, section 94A but is no longer exempt and the road transport authority knows the person is no longer exempt—that the person has ceased to be exempt under section 94A.

18 Section 97

substitute

97 Taxi drivers to hold appropriate driver licence or authority

- (1) The accredited operator of a taxi must ensure that a person who drives the taxi while it is operating as a taxi is—
- (a) the holder of a public vehicle licence authorising the person to drive the taxi for hire or reward; or
 - (b) exempt from holding a public vehicle licence under the *Road Transport (Driver Licensing) Regulation 2000*, section 94A (Exemption of drivers of public vehicles driven for hire or reward—Act, s 31 (1) (b)).

Maximum penalty: 20 penalty units.

Note 1 A person does not hold a public vehicle licence if the public vehicle licence has been suspended or cancelled under the road transport legislation or any other territory law.

Note 2 The *Road Transport (Driver Licensing) Regulation 2000*, s 94A (4) provides that a person ceases to be exempt from holding a public vehicle licence if—

- (a) an automatic disqualifying circumstance applies to the person (see *Road Transport (Driver Licensing) Regulation 2000*, s 91); or
 - (b) the person is disqualified by the road transport authority from driving a vehicle on a road or road related area (in the ACT) under that regulation, s 103.
- (2) An offence against this section is a strict liability offence.

19 Section 99

substitute

99 Records of taxi drivers etc to be maintained by accredited operator

- (1) The accredited operator of a taxi must make a written record of the following particulars for each person who drives the taxi while it is operating as a taxi:
 - (a) the person's full name and home address;
 - (b) the prescribed driver authority information for the person, including any change to the information notified to the accredited operator by the road transport authority;
 - (c) whether the person has successfully completed an approved wheelchair-accessible taxi driver training course or has been exempted by the road transport authority under section 160 (Authority may exempt wheelchair-accessible taxi drivers from approved training course) from the requirement to successfully complete the course;
 - (d) the dates and times when the taxi was driven by the person while it was operated as a taxi;
 - (e) the registration number of the taxi driven by the person.
- (2) A person must not fail to comply with subsection (1).
- (3) An offence against subsection (2) is a strict liability offence.
- (4) A person commits an offence if—
 - (a) the person is an accredited operator of a taxi; and
 - (b) the person has a written record under subsection (1) of a person (the *driver*) who drives a taxi while it is operating as a taxi; and

- (c) the driver was the holder of a public vehicle licence authorising the driver to drive a taxi for hire or reward; and
- (d) the driver's public vehicle licence is suspended or cancelled; and
- (e) the person knows, or ought reasonably to know, that the driver's public vehicle licence is suspended or cancelled; and
- (f) the person fails to make a written record of the following for the driver—
 - (i) the suspension or cancellation of the driver's licence; and
 - (ii) when the licence was suspended or cancelled.

Maximum penalty: 10 penalty units.

- (5) A person commits an offence if—
- (a) the person is an accredited operator of a taxi; and
 - (b) the person has a written record under subsection (1) of a person (the **driver**) who drives a taxi while it is operating as a taxi; and
 - (c) the driver was exempt from holding a public vehicle licence under the *Road Transport (Driver Licensing) Regulation 2000*, section 94A; and
 - (d) the driver is no longer exempt from holding a public vehicle licence; and
 - (e) the person knows, or ought reasonably to know, that the driver is no longer exempt under section 94A; and
 - (f) the person fails to make a written record for the driver that the driver is no longer exempt under section 94A.

Maximum penalty: 10 penalty units.

20 Section 133

substitute

133 Where taxi drivers must stop

- (1) The driver of a taxi—
 - (a) must refuse to stop the taxi at any place where stopping the taxi would be unlawful; and
 - (b) may refuse to stop the taxi at any place where stopping the taxi would be, in the driver's opinion, unsafe.
- (2) However, the driver of a taxi may stop the taxi at a place (the *preferred place*) where stopping the taxi would otherwise be unlawful if—
 - (a) the driver is dropping off or picking up a person with a significant disability that affects the person's mobility; and
 - (b) there is no other place near the preferred place where the driver can lawfully and safely drop off or pick up the person; and
 - (c) stopping the taxi in the preferred place is, in the driver's opinion, safe.

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 this regulation, 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) If the driver of a taxi stops on a road or road related area to drop off or pick up a passenger, the driver must stop parallel to, and as close as practicable to, the side of the road or area.

Maximum penalty: 5 penalty units.

- (4) An offence against subsection (3) is a strict liability offence.

21 New division 5.1.3

insert

Division 5.1.3 Stand-by hire cars

177A Definitions for div 5.1.3

In this division:

stand-by hire car—see section 177B.

stand-by hire car permit means a permit issued under section 177C (1).

stand-by hire car permit label means a label issued under section 177E (1).

usual hire car—see section 177B.

177B Application for stand-by hire car permit

- (1) The licensee of a hire car (other than a restricted hire car) may apply to the road transport authority for the issue of a permit to operate another vehicle as a hire car (a *stand-by hire car*) instead of the vehicle mentioned in the licence (the *usual hire car*).

Note 1 If a form is approved under the *Road Transport (General) Act 1999*, s 225 for this provision, the form must be used.

Note 2 A fee may be determined under *Road Transport (General) Act 1999*, s 96 for this provision.

- (2) The application must be accompanied by a written statement, signed by the registered operator of the other vehicle, authorising the licensee to use the other vehicle as a stand-by hire car.

177C Issue of stand-by hire car permit

- (1) The road transport authority may issue a permit to the licensee of a hire car to operate a stand-by hire car if—
- (a) the usual hire car is out of operation because it is being repaired or serviced or has become a written-off vehicle; and
 - (b) the stand-by hire car—
 - (i) was registrable as a hire car when it was last registered under the *Road Transport (Vehicle Registration) Act 1999*; and
 - (ii) is covered by a public vehicle policy to the extent that the usual hire car is covered when operated as a hire car; and
 - (b) the applicant has given the road transport authority the number plates of the usual hire car.
- (2) A stand-by hire car permit is not transferable.
- (3) A stand-by hire car permit may be issued for a maximum period of 60 days.
- (4) The road transport authority must not renew a stand-by hire car permit.
- (5) In this section:
written-off vehicle—see the *Road Transport (General) Act 1999*, section 83B.

177D Form of stand-by hire car permit

- (1) A stand-by hire car permit issued to the licensee of a hire car must show—
 - (a) the hire car licence number allocated to the licensee for the usual hire car; and
 - (b) the registration number of the usual hire car; and
 - (c) the registration number of the vehicle to be operated as the stand-by hire car; and
 - (d) the licensee's full name and address; and
 - (e) the expiry date of the permit.
- (2) A stand-by hire car permit may also include any additional information that the road transport authority considers appropriate.

177E Issue, form and display of stand-by hire car permit label

- (1) If the road transport authority issues a stand-by hire car permit to the licensee of a hire car, the authority must also issue to the licensee a label for the vehicle to which the permit relates.
- (2) A stand-by hire car permit label issued to the licensee of a hire car must show—
 - (a) the registration number of the usual hire car; and
 - (b) the registration number of the vehicle to be operated as the stand-by hire car; and
 - (c) the expiry date of the permit.
- (3) The licensee must attach the stand-by hire car permit label—
 - (a) to the lower left side (or nearside) of the windscreen of the stand-by hire car; and

- (b) so the information on the label is readable from the outside of the hire car.
- (4) A person must not operate a stand-by hire car on a road or road related area if—
 - (a) the hire car does not have the stand-by hire car permit label issued for it attached to the hire car; or
 - (b) the label is not attached in accordance with subsection (3); or
 - (c) any information on the label cannot, for any reason, be readily read.

Maximum penalty: 20 penalty units.

- (5) The accredited operator of a stand-by hire car operated by someone else in contravention of subsection (4) also commits an offence if the accredited operator failed to take reasonable precautions to prevent the contravention.

Maximum penalty: 20 penalty units.

- (6) An offence against this section is a strict liability offence.

177F Conditions of stand-by hire car permit

- (1) A stand-by hire car permit is subject to the following conditions:
 - (a) the stand-by hire car must comply with the conditions of the licence that apply to the usual hire car (unless otherwise authorised in writing by the road transport authority);
 - (b) the stand-by hire car must comply with the other requirements of the Act for hire cars.
- (2) If the accredited operator of the usual hire car complies with subsection (1), the stand-by hire car is taken, for this regulation, to be the usual hire car while it is being operated as a hire car.

177G Stand-by hire cars—replacement of licence label

- (1) The road transport authority may issue a replacement stand-by hire car licence label to a hire car licensee if satisfied that the licence label has been lost, stolen or destroyed.
- (2) For subsection (1), the road transport authority may require the licensee to give the authority a statement, verified by statutory declaration, that the licence label has been lost, stolen or destroyed.

Note 1 A fee for the application may be determined under the *Road Transport (General) Act 1999*, s 96.

Note 2 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

177H Stand-by hire cars—production of permit by hire car driver

- (1) A hire car driver must, if the hire car is a stand-by hire car, produce the stand-by hire car permit for the hire car for inspection when required to do so by the road transport authority, a police officer or authorised person.

Maximum penalty: 5 penalty units.

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

22 Section 181 (1), new notes

insert

Note 1 A person does not hold a public vehicle licence if the public vehicle licence has been suspended or cancelled under the road transport legislation or any other territory law.

Note 2 The *Road Transport (Driver Licensing) Regulation 2000*, s 94A (4) provides that a person ceases to be exempt from holding a public vehicle licence if—

- (a) an automatic disqualifying circumstance applies to the person (see *Road Transport (Driver Licensing) Regulation 2000*, s 91);
or

- (b) the person is disqualified by the road transport authority from driving a vehicle on a road or road related area (in the ACT) under that regulation, s 103.

23 Section 182

substitute

182 Records of hire car drivers etc to be maintained by accredited operator

- (1) The accredited operator of a hire car must make a written record of the following particulars for each hire car driver for the vehicle:
- (a) the driver's full name and home address;
 - (b) the prescribed driver authority information for the driver, including any change to the information notified to the accredited operator by the road transport authority;
 - (c) the dates and times when the hire car was driven by the driver;
 - (d) the registration number of the hire car driven by the driver.

Maximum penalty: 10 penalty units.

- (2) An offence against subsection (1) is a strict liability offence.
- (3) A person commits an offence if—
- (a) the person is an accredited operator of a hire car; and
 - (b) the person has a written record under subsection (1) of a person (the *driver*) who drives a hire car; and
 - (c) the driver was the holder of a public vehicle licence authorising the driver to drive a hire car for hire or reward; and
 - (d) the driver's public vehicle licence is either suspended or cancelled; and

- (e) the person knows, or ought reasonably to know, that the driver's public vehicle licence is suspended or cancelled; and
- (f) the person fails to make a written record of the following for the driver—
 - (i) the suspension or cancellation of the driver's licence; and
 - (ii) when the licence was suspended or cancelled.

Maximum penalty: 10 penalty units.

- (4) A person commits an offence if—
 - (a) the person is an accredited operator of a hire car; and
 - (b) the person has a written record under subsection (1) of a person (the *driver*) who drives a hire car; and
 - (c) the driver was exempt from holding a public vehicle licence under the *Road Transport (Driver Licensing) Regulation 2000*, section 94A; and
 - (d) the driver is no longer exempt from holding a public vehicle licence; and
 - (e) the person knows, or ought reasonably know, that the driver is no longer be exempt under section 94A; and
 - (f) the person fails to make a record for the driver that the driver is no longer exempt under section 94A.

Maximum penalty: 10 penalty units.

182A Accredited operator to tell road transport authority about records of hire car drivers etc

- (1) The accredited operator of a hire car must, for each person for whom the accredited operator has a record under section 182 (1), tell the road transport authority about the following:
 - (a) the person's full name and home address;

- (b) the prescribed driver authority information for the person, including any change to the information notified to the accredited operator by the road transport authority;
 - (c) any change to the person's name, home address or prescribed driver authority information since the accredited operator last told the road transport authority about the information relating to the person;
 - (d) if the person no longer drives a hire car for the accredited operator—that the person no longer drives a hire car for the accredited operator.
- (2) The accredited operator of a hire car must not fail to comply with subsection (1).
- Maximum penalty: 10 penalty units.
- (3) An offence against subsection (2) is a strict liability offence.

182B Road transport authority may tell accredited operator about hire car drivers

- (1) This section applies if—
- (a) the accredited operator of a hire car has a record for a person under section 182; and
 - (b) the accredited operator has told the road transport authority about the person under section 182A (1).
- (2) The road transport authority may tell the accredited operator of a hire car about the following for the person:
- (a) any change in the prescribed driver authority information for the person;
 - (b) if the person was the holder of a public vehicle licence authorising the person to drive a hire car for hire or reward but the person's licence has been suspended or cancelled—

- (i) the suspension or cancellation of the driver's licence; and
- (ii) when the licence was suspended or cancelled;
- (c) if the person was exempt from holding a public vehicle licence under the *Road Transport (Driver Licensing) Regulation 2000*, section 94A but is no longer exempt and the road transport authority knows the person is no longer exempt—that the person has ceased to be exempt under section 94A.

24 Division 5.2.3 heading, note

substitute

Note 1 For the licensing of hire car drivers, see the *Road Transport (Driver Licensing) Regulation 2000*.

Note 2 A hire car driver who is a stand-by hire car driver must produce the stand-by hire car permit for inspection when required to do so (see s 177H).

25 Section 207

substitute

207 Where hire car drivers must stop

- (1) The driver of a hire car—
 - (a) must refuse to stop the hire car at any place where stopping the hire car would be unlawful; and
 - (b) may refuse to stop the hire car at any place where stopping the hire car would be, in the driver's opinion, unsafe.
- (2) However, the hire car driver may stop the hire car at a place (the *preferred place*) where stopping the hire car would otherwise be unlawful if—
 - (a) the driver is dropping off or picking up a person with a significant disability that affects the person's mobility; and

- (b) there is no other place near the preferred place where the driver can lawfully and safely drop off or pick up the person; and
- (c) stopping the hire car in the preferred place is, in the driver's opinion, safe.

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 this regulation, 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) If the hire car driver stops on a road or road related area to drop off or pick up a passenger, the driver must stop parallel to, and as close as practicable to, the side of the road or area.

Maximum penalty: 5 penalty units.

- (4) An offence against subsection (1) is a strict liability offence.

26 Section 223 (1) (f)

substitute

- (f) the person obtained the accreditation (or renewal of the accreditation) because of a false or misleading statement made, or false or misleading information supplied, by the person or a relevant person for the accreditation; or
- (g) an amount payable under the *Road Transport (General) Act 1999* in relation to the accreditation has not been paid.

27 Section 223 (2) (e)

substitute

- (e) the authority is taking action against the person under subsection (1) in relation to the operation of a hire car service or taxi service; or
- (f) an amount payable under the *Road Transport (General) Act 1999* in relation to the licence has not been paid; or
- (g) if the person is operating a stand-by hire car—
 - (i) the person is operating a stand-by hire car without a stand-by hire car permit; or
 - (ii) the person has contravened any other provision of the Act in relation to the permit; or
 - (iii) the person obtained the permit because of a false or misleading statement made, or false or misleading information supplied, by the person; or
 - (iv) an amount payable under the *Road Transport (General) Act 1999* in relation to the permit has not been paid.

28 New section 224 (1) (c)

insert

- (c) if the service authority is a licence in relation to which an amount under the *Road Transport (General) Act 1999* has not been paid (see section 223 (2) (f))—
 - (i) suspend the licence for a period of not longer than 3 months; and
 - (ii) if the amount remains unpaid after that time and the authority considers appropriate, cancel the licence;

29 Section 224 (1) (c) to (g)

renumber as section 224 (1) (d) to (h)

30 Dictionary, new definitions

insert

prescribed driver authority information, for a person, means—

- (a) if the person is the holder of a public vehicle licence—the number of the person’s public vehicle licence and its expiry date; or
- (b) in any other case—
 - (i) the number of the person’s Australian driver licence and its expiry date; and
 - (ii) the number of the authority mentioned in the *Road Transport (Driver Licensing) Regulation 2000*, section 94A (1) (b) held by the person and its expiry date.

Note 1 A person does not hold a public vehicle licence if the public vehicle licence has been suspended or cancelled under the road transport legislation or any other territory law.

Note 2 The *Road Transport (Driver Licensing) Regulation 2000*, s 94A (4) provides that a person ceases to be exempt from holding a public vehicle licence if—

- (a) an automatic disqualifying circumstance applies to the person (see *Road Transport (Driver Licensing) Regulation 2000*, s 91); or
- (b) the person is disqualified by the road transport authority from driving a vehicle on a road or road related area (in the ACT) under that regulation, s 103.

stand-by hire car—see section 177B.

stand-by hire car permit—see section 177A.

stand-by hire car permit label, for division 5.1.3 (Stand-by hire cars)—see section 177A.

usual hire car, for division 5.1.3 (Stand-by hire cars)—see section 177B.

Part 5 Road Transport (Vehicle Registration) Regulation 2000

31 Legislation amended—pt 5

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

32 New section 32AA

insert

32AA Deciding applications for registration—public passenger vehicles

- (1) The road transport authority may refuse to approve an application for registration of a registrable vehicle as a public passenger vehicle if the applicant is not the accredited operator of the vehicle.

Note A public passenger vehicle is a public bus, taxi or hire car.

- (2) In this section:

accredited operator, of a public passenger vehicle—see the *Road Transport (Public Passenger Services) Regulation 2002*, dictionary.

Note For other requirements for registration of taxis and hire cars, see s 32B and s 32C.

33 Section 84 (1) (f)

substitute

- (f) the vehicle has been registered in error; or
- (g) if the vehicle is a public passenger vehicle—

- (i) for a vehicle licensed as a taxi or hire car under the *Road Transport (Public Passenger Services) Regulation 2002*—the vehicle is no longer licensed as a taxi or hire car; or
- (ii) the registered operator of the vehicle is not accredited under the *Road Transport (Public Passenger Services) Regulation 2002* to operate that public passenger vehicle; or
- (iii) the vehicle is no longer operated as a public passenger vehicle.

Examples for par (g) (i)

- 1 The taxi licence has been transferred to someone else but the vehicle to which the licence relates has not been transferred to that person.
- 2 The taxi licence or hire car licence has been suspended or cancelled.

Note An example is part of the regulation, 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).

34 Schedule 1, section 1.60A

substitute

1.60A Public passenger vehicles to have fire-extinguisher

A public passenger vehicle (other than a motorbike) must be equipped with a fire-extinguisher.

Note A public passenger vehicle is a public bus, taxi or hire car.

Explanatory note

This amendment is necessary because a definition of *public passenger vehicle* is being included in the dictionary (therefore, the reference in section 1.60A to the *Road Transport (Public Passenger Services) Act 2001* is no longer necessary).

35 Dictionary, new definition of *public passenger vehicle*

insert

public passenger vehicle—see the *Road Transport (Public Passenger Services) Act 2001*, dictionary.

Endnotes

1 Notification

Notified under the Legislation Act on 14 December 2005.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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