



Australian Capital Territory

Road Transport (Public Passenger Services) Amendment Regulation 2012 (No 1)

Subordinate Law SL2012-1

The Australian Capital Territory Executive makes the following regulation under the *Road Transport (Public Passenger Services) Act 2001* and the *Road Transport (General) Act 1999*

Dated 6 January 2012.

ANDREW BARR
Minister

JOY BURCH
Minister

J2011-812

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au



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1 Name of regulation

This regulation is the *Road Transport (Public Passenger Services) Amendment Regulation 2012 (No 1)*.

2 Commencement

This regulation commences on a day fixed by the Minister by written notice.

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

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

3 Legislation amended

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

Note This regulation also amends the *Road Transport (General) Regulation 2000*.

4 New division 4.3.4A

insert

Division 4.3.4A Independent taxi services

154A Object—div 4.3.4A

The object of this division is to allow the temporary provision of taxi services by certain accredited operators of taxi services who are not affiliated with an accredited taxi network (the *ITO pilot*), for the purpose of evaluating—

- (a) whether provision of the services contributes to improved taxi services; and
- (b) other matters relating to the operation of taxi services.

154B What is the *ITO pilot period*?

The *ITO pilot period* is the 3-year period beginning on the day this division commences.

154C Eligibility criteria

- (1) The road transport authority may approve eligibility criteria for the ITO pilot.
- (2) An approval is a notifiable instrument.

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

154D ITO pilot—application to participate

An accredited operator of a taxi service may apply to the road transport authority for approval to participate in the ITO pilot.

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

154E ITO pilot—decision on application

- (1) On application under section 154D, the road transport authority must approve, or refuse to approve, the application.
- (2) The road transport authority may approve the application only if the authority is satisfied, on reasonable grounds, that the applicant—
 - (a) meets any eligibility criteria approved by the authority for the ITO pilot; and
 - (b) complies with the approved minimum service standards for independent taxi services.
- (3) The road transport authority must give the applicant written notice of its decision on the application.

154F Exemption for ITO pilot participants—Act, s 128 (1) (b)

- (1) The road transport authority may exempt an ITO pilot participant from the following provisions in the ITO pilot period:
 - (a) the Act, section 51 (c) (Entitlement to operate taxi services);
 - (b) the Act, section 54 (Taxi service operators to be affiliated with taxi network);
 - (c) section 101 (1) and (2) (Arrangements with taxi networks).
- (2) An exemption is subject to the condition that the ITO pilot participant complies with the requirements of the approved minimum service standards for independent taxi services.
- (3) The road transport authority may end an exemption if it is satisfied on reasonable grounds that the ITO pilot participant has failed to comply with a requirement of either of the following:
 - (a) the approved minimum service standards for independent taxi services;

- (b) the road transport legislation (other than the legislation mentioned in subsection (1)).

Note 1 **Road transport legislation**—see the *Road Transport (General) Act 1999*, dictionary.

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any notifiable instruments (see Legislation Act, s 104).

- (4) If the road transport authority decides to end an exemption, the authority must give the ITO participant written notice stating—
 - (a) that the authority has decided to end the exemption; and
 - (b) the grounds for ending the exemption; and
 - (c) that the exemption ends when the notice is given to the ITO participant; and
 - (d) any additional information the road transport authority considers appropriate.

Note 1 For how documents may be given, see the Legislation Act, pt 19.5.

Note 2 For when a posted notice is taken to be given, see the *Road Transport (General) Regulation 2000*, s 9B.

- (5) In this section:

ITO pilot participant means an accredited operator of a taxi service approved under section 154E to participate in the ITO pilot.

154G Review—div 4.3.4A

The road transport authority must, before the expiry of this division—

- (a) review the operation of this division; and
- (b) give the Minister a report of the review.

154H Expiry—div 4.3.4A

This division expires 3 years after the day it commences.

5 Dictionary, new definitions

insert

ITO pilot, for division 4.3.4A (Independent taxi services)—see section 154A.

ITO pilot period, for division 4.3.4A (Independent taxi services)—see section 154B.

6 Dictionary, definition of *taxi service*

substitute

taxi service—see the Act, section 47.

7 Road Transport (General) Regulation 2000, schedule 1, part 1.8, new items 24A and 24B

insert

24A	154E (1)	road transport authority—refuse to approve application to participate in ITO pilot
24B	154F (3)	road transport authority—end an exemption

Endnotes

1 Notification

Notified under the Legislation Act on 19 January 2012.

2 Republications of amended laws

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

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