



Australian Capital Territory

Road Transport (Taxi Industry Innovation) Legislation Amendment Regulation 2016 (No 1)

Subordinate Law SL2016-20

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*, the *Road Transport (Safety and Traffic Management) Act 1999*, the *Road Transport (Third-Party Insurance) Act 2008*, the *Road Transport (Vehicle Registration) Act 1999* and the *Workers Compensation Act 1951*.

Dated 25 July 2016.

ANDREW BARR
Minister

SHANE RATTENBURY
Minister

J2015-479

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 (Taxi Industry Innovation) Legislation Amendment Regulation 2016 (No 1)*.

2 Commencement

- (1) This regulation (other than schedule 1, part 1.7) commences on 1 August 2016.

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

- (2) Schedule 1, part 1.7 (Workers Compensation Regulation 2002) commences on 1 November 2016.

3 Legislation amended

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

Note 1 This regulation also amends other legislation (see sch 1).

Note 2 This regulation also repeals other legislation (see s 152).

4 Section 4A, note 1

substitute

Note 1 *Criminal Code*

The [Criminal Code](#), ch 2 applies to the following offences against this regulation (see Code, pt 2.1):

- s 18A (Recovery of lost or stolen certificate of accreditation)
- s 20C (Regulated service must comply with service standards)
- s 23 (Notification of changes to bus fleet)
- s 24 (Notifiable incidents involving buses)
- s 26 (Bus drivers to hold appropriate driver licence or authority)
- s 27 (Records of bus drivers etc to be maintained by accredited operator)

- s 27A (Accredited operator to tell road transport authority about records of bus drivers etc)
- s 30B (Airconditioning of buses)
- s 30C (Bus service vehicle livery)
- s 30D (Offensive material etc in or on buses)
- s 30E (Compliance with dress code of practice)
- s 34 (Effect of noncompliance notices—bus operators)
- s 40 (Responsibility of bus drivers for lost property)
- s 42 (Dress and conduct of bus drivers)
- s 45 (Effect of noncompliance notices—bus drivers)
- s 53 (Bus seats for older people and people with disabilities)
- s 67 (Lost property found by bus passengers)
- a provision of pt 3A.1 (Transport booking services)
- a provision of div 3A.2.1 (Independent taxi service operators)
- a provision of div 3A.2.2 (Taxi licences)
- s 94 (Taxi service operator—must tell authority about affiliation)
- s 95 (Taxis to be fitted with complying taximeters)
- s 97 (Taxi service operator—drivers to be licensed and skilled)
- s 99 (Records of taxi drivers etc to be maintained by accredited operator)
- s 101A (Wheelchair-accessible taxi operator to have equipment and arrangements with WTBS)
- s 101B Wheelchair-accessible taxi operator—WTBS’s approved procedures and rules
- s 107 (Taxi must have identifying signs and livery)
- s 114 (Wheelchair-accessible taxi driver—special responsibilities)
- s 115 (Wheelchair-accessible taxi driver—connection to WTBS)
- s 116 (Wheelchair-accessible taxi driver—WTBS’s procedures and rules)
- s 143 (Driver not to start taximeter before hiring begins)
- s 143A (When driver must start taximeter)
- s 143B (Operation of taximeter during hiring)
- s 143C (Operation of taximeter at end of hiring)

- s 144 (Driver to ask for correct fare)
- s 144A (Payment of taxi fare)
- s 144B (Payment under taxi subsidy scheme)
- a provision of pt 3A.3 (Ridesharing)
- a provision of pt 3A.4 (Hire cars)
- a provision of pt 3A.5 (Bookable vehicles generally)
- a provision of ch 6 (Demand responsive services)
- a provision of ch 7 (Driver authority cards)
- a provision of ch 8 (Disciplinary action).

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*).

5 Chapter 2 heading

substitute

Chapter 2 Regulated services

6 Part 2.1 heading

substitute

Part 2.1 Meaning of *regulated service*

4B Meaning of *regulated service*—ch 2

In this chapter:

regulated service means—

- (a) a bus service; or
- (b) a transport booking service; or
- (c) a taxi service; or

- (d) a ridesharing service; or
- (e) a hire car service; or
- (f) a restricted hire car service; or
- (g) a demand responsive service.

7 New part 2.1A heading

before section 5, insert

Part 2.1A Accreditation

8 Section 5 (2) and (3)

substitute

- (2) The road transport authority may accredit people to operate transport booking services.
- (3) The road transport authority may accredit people to operate taxi services.
- (3A) The road transport authority may accredit people to operate ridesharing services.

9 Part 2.2 heading

omit

10 Sections 6 and 6A

omit

11 Section 6B heading

substitute

6B Meaning of *relevant person* for accreditation and applications for accreditation

12 Section 6B

omit

In this part:

substitute

In this regulation:

13 Section 7 (1), note

substitute

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 the *Road Transport (General) Act 1999*, s 96 for this provision.

14 Section 7 (2)

substitute

- (2) The application must—
- (a) be in writing; and
 - (b) state—
 - (i) the applicant's full name; and
 - (ii) the kind of accreditation for the application; and
 - (iii) an Australian address for service of notices; and

- (c) for an application for accreditation to operate a transport booking service—include contact details for a person who will be available at any time to deal with matters regarding the transport booking service; and
- (d) include a police certificate for each relevant person, dated not earlier than 6 months before the date of the application.

15 Section 7 (5)

omit

16 Section 7 (6), new definition of *police certificate*

insert

police certificate, for a person, means a written statement by the Australian Federal Police or the Australian Criminal Intelligence Commission indicating—

- (a) whether, according to the records held by the Australian Federal Police or the Australian Criminal Intelligence Commission, the person has been charged with, or convicted of, an offence against a law of—
 - (i) the Territory; or
 - (ii) the Commonwealth; or
 - (iii) a State; or
 - (iv) another country; and
- (b) if so—particulars of each offence.

Note A conviction does not include a spent conviction or an extinguished conviction (see *Spent Convictions Act 2000*, s 16 (c) (i) and s 19H (1) (c) (i)).

17 Section 8 (1)

substitute

- (1) The road transport authority must refuse an application for accreditation (including renewal) if—
 - (a) if the applicant is an individual—the applicant is not—
 - (i) an Australian citizen; or
 - (ii) a permanent resident; or
 - (iii) a temporary resident who holds a visa that allows the person to work carrying out the regulated service to which the application relates; or
 - (b) the authority believes on reasonable grounds that the applicant is not a suitable person to operate the regulated service to which the application relates.

18 Section 8 (2) (c)

omit

19 Section 9 (1) (b)

substitute

- (b) the person has contravened a service standard for the operation of the regulated service for the accreditation; or

20 Section 12 (1)

substitute

- (1) If the road transport authority accredits a person to operate a regulated service, the authority must give the person a certificate of accreditation.

21 Section 12 (4)

substitute

- (4) The maximum period for which the road transport authority may accredit a person (or renew an accreditation) to operate a regulated service is 6 years.

22 Sections 13 and 13A

omit

23 Section 14 (1) (c)

omit

24 Section 14 (1), new example

insert

- 6 A change of address for service of notices.

25 Part 2.3 heading

omit

26 Section 18B

omit

27 Section 19 (1)

after

accreditation

insert

(approved educational qualifications)

28 Section 20

omit

taxi network

substitute

transport booking service

29 New part 2.4

insert

Part 2.4 Service standards

20B Service standards for regulated services

- (1) The road transport authority may make service standards for a regulated service (the *service standards*).
- (2) Service standards for a regulated service may include standards about—
 - (a) the matters mentioned in schedule 1 for the regulated service; and
 - (b) anything else about the safe, reliable or efficient provision of the regulated service; and
 - (c) monitoring an accredited operator's compliance with the service standards, including, for example—
 - (i) the making, management and auditing (including performance auditing) of records and systems required to be kept under the Act; and
 - (ii) reporting requirements; and

(d) anything else the authority considers appropriate.

Note 1 Power to make a statutory instrument includes power to make different provision in relation to different matters or different classes of matters, and to make an instrument that applies differently by reference to stated exceptions or factors (see [Legislation Act](#), s 48).

Note 2 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).

(3) A service standard is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

20C Regulated service must comply with service standards

(1) A person commits an offence if the person—

- (a) operates a regulated service; and
- (b) fails to comply with a service standard for the regulated service that applies to the person.

Maximum penalty: 20 penalty units.

(2) A person commits an offence if—

- (a) the person holds a licence to use a vehicle for a regulated service; and
- (b) the vehicle is used to operate a regulated service; and
- (c) the vehicle fails to comply with a service standard for the regulated service.

Maximum penalty: 20 penalty units.

30 Section 28 (1) (a)*omit*

4 years

substitute

2 years

31 Section 33*omit***32 Section 46 (2), note***omit***33 New chapter 3A***insert***Chapter 3A Bookable vehicles****Part 3A.1 Transport booking services****Division 3A.1.1 Transport booking services—
generally**

Note Some taxi drivers and taxi service operators must be affiliated with a transport booking service (see [Act](#), s 36E).

All rideshare drivers must be affiliated with a transport booking service (see [Act](#), s 36F).

Hire car drivers and hire car service operators may be affiliated with a transport booking service.

70A Meaning of *affiliated driver*, *affiliated hire car driver* and *affiliated taxi driver*

In this regulation:

affiliated driver, for a transport booking service, includes a driver for an affiliated operator for the transport booking service.

Note *Affiliated driver*—see the [Act](#), s 35.
Affiliated operator—see the [Act](#), s 36B.

affiliated hire car driver, for a transport booking service, means the following hire car drivers:

- (a) a hire car driver who has an affiliated driver agreement with the booking service;
- (b) a hire car driver for a hire car service operator who is an affiliated operator for the transport booking service.

affiliated taxi driver, for a transport booking service, means the following taxi drivers:

- (a) a taxi driver who has an affiliated driver agreement with the booking service;
- (b) a taxi driver for a taxi service operator who is an affiliated operator for the transport booking service.

70B Transport booking service—must ensure affiliated drivers have required knowledge and skills

- (1) A person commits an offence if—
 - (a) the person is a transport booking service; and
 - (b) a determination is in force under section 221U (Knowledge and skills to be bookable vehicle driver); and

- (c) the person does not take reasonable steps to ensure that each affiliated driver has the knowledge and skills required under the determination to be a bookable vehicle driver.

Maximum penalty: 20 penalty units.

- (2) This section does not apply in relation to an affiliated wheelchair-accessible taxi driver.

Note Transport booking services must also ensure affiliated drivers are licensed (see [Act](#), s 36G).

70C Transport booking service—must ensure bookable vehicle is licensed

- (1) A person commits an offence if the person—
 - (a) is a transport booking service; and
 - (b) does not take reasonable steps to ensure that each—
 - (i) taxi to be used by an affiliated taxi driver is a licensed taxi; and
 - (ii) rideshare vehicle to be used by an affiliated rideshare driver is a licensed rideshare vehicle; and
 - (iii) hire car to be used by an affiliated hire car driver is a licensed hire car.

Maximum penalty: 20 penalty units.

- (2) This section does not apply to a WTBS.

70D Transport booking service—must be available to take bookings

- (1) A person commits an offence if the person—
 - (a) is a transport booking service; and
 - (b) has affiliated taxi drivers; and

- (c) does not take reasonable steps to ensure that the booking service is available at all times to—
 - (i) accept bookings from people for taxis; and
 - (ii) communicate the bookings to affiliated taxi drivers.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if the person—
 - (a) is a transport booking service; and
 - (b) has affiliated rideshare drivers; and
 - (c) does not take reasonable steps to ensure that the booking service is available at all times to—
 - (i) accept bookings from people for rideshare vehicles; and
 - (ii) communicate the bookings to affiliated rideshare drivers.

Maximum penalty: 20 penalty units.

- (3) This section does not apply to a WTBS.

70E Transport booking service—must give fare estimate and vehicle identifier

- (1) A person commits an offence if—
 - (a) the person is a transport booking service; and
 - (b) the person communicates a hirer's booking to a bookable vehicle driver; and
 - (c) the Minister has not determined a maximum fare, or a way of calculating a maximum fare, for the hiring; and

Note The Minister may determine fares and ways of calculating fares under the [Act](#), s 60, s 60Q and s 79A.

-
- (d) the person does not, before the hiring begins, make available to the hirer an option to obtain an estimate of the fare for the hiring.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if the person—
- (a) is a transport booking service; and
 - (b) communicates a hirer's booking to—
 - (i) a rideshare driver; or
 - (ii) a hire car driver; and
 - (c) does not, before the hiring begins, give the hirer sufficient information for the hirer to identify the booked vehicle and driver.

Note A taxi must have identifying signs and livery (see s 107).

Maximum penalty: 20 penalty units.

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

Division 3A.1.2 Transport booking services—records

70F Meaning of affiliated driver record and affiliated operator record—div 3A.1.2

In this division:

affiliated driver record means a record of the following details for the affiliated driver:

- (a) the affiliated driver's full name, home address and date of birth;

- (b) the affiliated driver's prescribed driver authority information;

Note **Prescribed driver authority information**—see the dictionary.

- (c) if a determination is in force under section 221U (Knowledge and skills to be bookable vehicle driver)—evidence that the affiliated driver has the knowledge and skills required under the determination to be a bookable vehicle driver;
- (d) for an affiliated taxi driver—whether the affiliated driver has—
 - (i) successfully completed an approved wheelchair-accessible taxi driver training course; or
 - (ii) 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;
- (e) the registration number of each bookable vehicle used by the affiliated driver to carry out each hiring booked via the transport booking service.

Note Taxi drivers must be affiliated drivers unless their taxi service operator is an affiliated operator or an independent taxi service operator (see [Act](#), s 36E).

Rideshare drivers must be affiliated drivers (see [Act](#), s 36F).
Hire car drivers may be affiliated drivers.

affiliated operator record, for an affiliated operator for a transport booking service, means a record of the following details for the operator:

- (a) the operator's full name and home address;
- (b) if the operator is—
 - (i) an individual—the operator's date of birth; or
 - (ii) a corporation—the operator's ACN;

- (c) the operator's accreditation number;
- (d) the kind of public passenger service the operator is accredited to operate;
- (e) the expiry date of the accreditation;
- (f) the registration numbers of the bookable vehicles used by the operator to operate the public passenger service via the transport booking service.

Note Taxi service operators must be affiliated operators unless they are independent taxi service operators (see [Act](#), s 36E).
Hire car service operators may be affiliated operators.

70G Transport booking service—affiliated driver records

- (1) A person commits an offence if the person—
 - (a) is a transport booking service; and
 - (b) does not—
 - (i) keep an affiliated driver record for each affiliated driver for the transport booking service; and
 - (ii) take reasonable steps to ensure each affiliated driver record is up-to-date.

Maximum penalty: 10 penalty units.

- (2) A person commits an offence if the person—
 - (a) is or has been a transport booking service; and
 - (b) does not keep each affiliated driver record for at least 2 years after the last date on which the driver carried out a booking via the transport booking service.

Maximum penalty: 10 penalty units.

- (3) A person commits an offence if the person—
 - (a) is or has been a transport booking service; and

- (b) does not provide an affiliated driver record, on request, to—
 - (i) the road transport authority; or
 - (ii) a police officer; or
 - (iii) a member of an emergency service.

Maximum penalty: 10 penalty units.

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

70H Transport booking service—affiliated operator records

- (1) A person commits an offence if the person—
 - (a) is a transport booking service; and
 - (b) does not—
 - (i) keep an affiliated operator record for each affiliated operator for the transport booking service; and
 - (ii) take reasonable steps to ensure each affiliated operator record is up-to-date.

Maximum penalty: 10 penalty units.

- (2) A person commits an offence if the person—
 - (a) is or has been a transport booking service; and
 - (b) does not keep each affiliated operator record for at least 2 years after the last date on which a driver for the operator carried out a booking via the transport booking service.

Maximum penalty: 10 penalty units.

- (3) A person commits an offence if the person—
 - (a) is or has been a transport booking service; and
 - (b) does not provide an affiliated operator record, on request, to—
 - (i) the road transport authority; or

- (ii) a police officer; or
- (iii) a member of an emergency service.

Maximum penalty: 10 penalty units.

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

70I Transport booking service—bookable vehicle records

- (1) A person commits an offence if the person—
 - (a) is a transport booking service; and
 - (b) does not—
 - (i) keep a bookable vehicle record for each bookable vehicle used by a bookable vehicle driver to carry out a booking via the transport booking service; and
 - (ii) take reasonable steps to ensure each bookable vehicle record is up-to-date.

Maximum penalty: 10 penalty units.

- (2) A person commits an offence if the person—
 - (a) is or has been a transport booking service; and
 - (b) does not keep each bookable vehicle record for at least 2 years after the last date on which a bookable vehicle driver used the vehicle to carry out a booking via the transport booking service.

Maximum penalty: 10 penalty units.

- (3) A person commits an offence if the person—
 - (a) is or has been a transport booking service; and
 - (b) does not provide a bookable vehicle record, on request, to—
 - (i) the road transport authority; or
 - (ii) a police officer; or

- (iii) a member of an emergency service.

Maximum penalty: 10 penalty units.

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

- (5) In this section:

bookable vehicle record, for a bookable vehicle used to operate a public passenger service via a transport booking service, means a record of the following details for the vehicle:

- (a) the vehicle's registration number;
- (b) the name of each affiliated driver and affiliated operator who uses the vehicle to operate a public passenger service via the transport booking service.

70J Transport booking service—booking records

- (1) A person commits an offence if the person—
 - (a) is a transport booking service; and
 - (b) does not make a booking record for each bookable vehicle hiring booked via the transport booking service.

Maximum penalty: 10 penalty units.

- (2) A person commits an offence if the person—
 - (a) is or has been a transport booking service; and
 - (b) does not keep each booking record for at least 2 years after the date the hiring was carried out.

Maximum penalty: 10 penalty units.

- (3) A person commits an offence if the person—
 - (a) is or has been a transport booking service; and
 - (b) does not provide a booking record, on request, to—

- (i) the road transport authority; or
- (ii) a police officer; or
- (iii) a member of an emergency service.

Maximum penalty: 10 penalty units.

- (4) An offence against this section is a strict liability offence.
- (5) In this section:

booking record, for a bookable vehicle hiring booked via a transport booking service, means a record of the following details for the hiring:

- (a) the name or driver number of the bookable vehicle driver;
- (b) the registration number of the bookable vehicle;
- (c) the name or passenger number of the person who booked the hiring;
- (d) when and where the first passenger for the hiring was picked up;
- (e) when and where the last passenger for the hiring was dropped off;
- (f) the fare paid.

driver number, for an affiliated driver for a transport booking service, means a unique identifying number given to the driver by the booking service.

passenger number, for a person who books a hiring via a transport booking service, means a unique identifying number given to the person by the booking service.

70K Road transport authority to share information

- (1) If a transport booking service has given the road transport authority an affiliated driver record, the road transport authority must tell the transport booking service the following matters about the driver:
 - (a) any change in the prescribed driver authority information for the driver;
Note Prescribed driver authority information—see the dictionary.
 - (b) the suspension or cancellation of a public vehicle licence held by the driver;
 - (c) the ending of any exemption for the driver 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)).
- (2) If a transport booking service has given the road transport authority an affiliated operator record, the road transport authority must tell the transport booking service the following matters about the affiliated operator:
 - (a) the suspension or cancellation of the operator's accreditation;
 - (b) the suspension or cancellation of any taxi licence or hire car licence held by the operator.
- (3) If a transport booking service has given the road transport authority a bookable vehicle record, the road transport authority must tell the transport booking service the following matters about the bookable vehicle:
 - (a) the suspension or cancellation of the vehicle's registration;
 - (b) the suspension or cancellation of the vehicle's—
 - (i) for a taxi—taxi licence; or
 - (ii) for a rideshare vehicle—rideshare vehicle licence; or

- (iii) for a hire car—hire car licence.

Division 3A.1.3 Transport booking services— wheelchair-accessible taxis

70L Meaning of *wheelchair-accessible taxi booking service* (WTBS)

In this regulation:

wheelchair-accessible taxi booking service (WTBS) means a transport booking service that accepts bookings only for wheelchair-accessible taxis for wheelchair-dependent people.

Note *Transport booking service*—see the [Act](#), s 28.

Wheelchair-accessible taxi—see s 82.

Wheelchair-dependent person—see the dictionary.

70M Transport booking service—must direct wheelchair-accessible taxi booking to WTBS

- (1) A person commits an offence if—
- (a) the person is a transport booking service other than a WTBS; and
 - (b) someone requests a wheelchair-accessible taxi booking via the transport booking service; and
 - (c) the booking is for a wheelchair-dependent person; and
 - (d) there is a WTBS operating in the Territory; and
 - (e) the person fails to, without delay, direct the booking request to a WTBS.

Maximum penalty: 10 penalty units.

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

70N Transport booking service—must direct driver to accept wheelchair-accessible taxi hiring

- (1) A person commits an offence if—
- (a) the person is a transport booking service; and
 - (b) someone requests a wheelchair-accessible taxi booking via the transport booking service; and
 - (c) the booking is for a wheelchair-dependent person; and
 - (d) there is no WTBS operating in the Territory; and
 - (e) a wheelchair-accessible taxi operated by an affiliated driver, or affiliated operator, for the transport booking service is available for hire; and
 - (f) the taxi's driver does not accept an offer of the booking; and
 - (g) the person fails to, without delay, direct the driver to accept the booking.

Maximum penalty: 10 penalty units.

Note It is an offence for a wheelchair-accessible taxi driver to not comply with the direction (see s 114 (2)).

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

70O Transport booking service—must give estimated arrival time for wheelchair-accessible taxis

- (1) A person commits an offence if—
- (a) the person is a transport booking service; and
 - (b) someone (a *passenger*) books a wheelchair-accessible taxi through the transport booking service; and

- (c) the transport booking service fails to, without delay, tell the passenger the estimated time when, or period within which, the taxi will arrive at the place where the taxi is to pick up the passenger.

Maximum penalty: 10 penalty units.

Note If a WTBS is operating in the Territory, the transport booking service must direct any request for a wheelchair-accessible taxi booking to a WTBS (see s 70M).

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

70P WTBS—service contracts

- (1) The road transport authority may, on behalf of the Territory, enter into a contract (a *service contract*) with a person (the *WTBS operator*) for the person to operate a WTBS.
- (2) A service contract must state whether the right given under the contract to operate a WTBS is an exclusive right to operate the service.
- (3) A service contract may make provision for the operation of a WTBS and the administration of the contract, including, for example—
- (a) service requirements under the contract; and
 - (b) the transfer, suspension, cancellation and surrender of the contract; and
 - (c) the fees (if any) payable under the contract; and
 - (d) the adjustment of payments and refunds for any contract fees; and
 - (e) financial or other remedies for breaches of the contract; and
 - (f) the records (including accounts) to be made and kept, how they are to be made and kept, and their inspection; and

- (g) the provision of information and reports to the road transport authority about the WTBS and the verification of the information and reports.

Examples—par (a)

- 1 communication options required to meet customer needs
- 2 procedures to deal with failure of technical equipment
- 3 recording and resolution of customer complaints

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).

70Q WTBS—entitlement to operate

- (1) A person is entitled to operate a WTBS in the ACT only if the person holds a service contract for the service.
- (2) A person commits an offence if the person—
 - (a) operates a WTBS in the ACT; and
 - (b) is not entitled to operate the service.

Maximum penalty: 20 penalty units.

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

70R WTBS—exemption for WTBS operators—Act, s 128 (1) (b)

- (1) The road transport authority may exempt a WTBS operator from the following provisions:
 - (a) the [Act](#), section 32 (Transport booking service must be accredited);
 - (b) the [Act](#), section 36G (Transport booking service—responsibilities).

-
- (2) An exemption is subject to—
- (a) the condition that the WTBS operator does not breach the WTBS operator’s service contract; and
 - (b) any other condition the road transport authority considers appropriate.
- (3) The road transport authority may end an exemption if it is satisfied on reasonable grounds that the WTBS operator—
- (a) is in breach of a condition of the exemption; or
 - (b) has failed to comply with a requirement of the road transport legislation (other than the legislation mentioned in subsection (1)).
- (4) If the road transport authority decides to end an exemption, the authority must give the WTBS operator written notice stating—
- (a) that the authority has decided to end the exemption; and
 - (b) the grounds for ending the exemption; and
 - (c) when the exemption ends; 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.

70S WTBS—approval of procedures and rules

- (1) The road transport authority may approve a WTBS’s procedures and rules for wheelchair-accessible taxi service operators and wheelchair-accessible taxi drivers (the ***WTBS’s approved procedures and rules***).
- (2) An approved procedure or rule is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

70T WTBS—must direct driver to accept wheelchair-accessible taxi hiring

- (1) A person commits an offence if—
- (a) the person is a WTBS; and
 - (b) someone requests a wheelchair-accessible taxi booking through the WTBS; and
 - (c) the booking is for a wheelchair-dependent person; and
 - (d) a wheelchair-accessible taxi is available for hire via the WTBS; and
 - (e) the taxi’s driver does not accept an offer of the booking from the WTBS; and
 - (f) the WTBS fails to, without delay, direct the driver to accept the booking.

Maximum penalty: 10 penalty units.

Note It is an offence for a wheelchair-accessible taxi driver to not comply with the direction (see s 114 (2)).

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

34 Chapter 4 heading

substitute

Part 3A.2 Taxis

35 Parts 4.1, 4.1A and 4.2

substitute

Division 3A.2.1 Independent taxi service operators

Note 1 **Independent taxi service operator**—see the [Act](#), dictionary.

Note 2 A taxi service operator must either be an affiliated operator for a transport booking service or an independent taxi service operator (see [Act](#), s 36E).

71 ITSO approval—application

An accredited operator of a taxi service may apply to the road transport authority for approval as an independent taxi service operator (an **ITSO approval**).

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 the [Road Transport \(General\) Act 1999](#), s 96 for this provision.

72 ITSO approval—eligibility criteria

- (1) The road transport authority may determine eligibility criteria (**ITSO eligibility criteria**) for an ITSO approval.
- (2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

73 ITSO approval—decision on application

- (1) This section applies if the road transport authority receives an application for an ITSO approval.
- (2) The road transport authority may issue the approval to the applicant only if satisfied that the applicant—
 - (a) satisfies any ITSO eligibility criteria; and

- (b) complies with the service standards for independent taxi services.
- (3) The road transport authority must give the applicant written notice of its decision on the application.

74 ITSO approval—conditions

An ITSO approval is subject to—

- (a) the condition that the operator complies with the service standards for independent taxi services; and
- (b) any condition imposed by the road transport authority when the approval is issued, renewed or amended.

75 ITSO approval—term

- (1) An ITSO approval comes into force on the day it is issued.
- (2) The road transport authority must not issue an ITSO approval for longer than 6 years.
- (3) An ITSO approval expires on the day stated in the approval.

76 ITSO approval—not transferable

An ITSO approval is not transferable.

77 ITSO approval—application for renewal

- (1) An ITSO approval-holder may apply to the road transport authority to renew the approval for a period not longer than 6 years.

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 the *Road Transport (General) Act 1999*, s 96 for this provision.

- (2) The application must be—
 - (a) in writing; and

- (b) made at least 14 days before the approval expires.
- (3) However, the authority may extend the time for making an application.

Note An approval-holder may apply to the road transport authority for the time to be extended, and the road transport authority may extend the time, even though the time has ended (see [Legislation Act](#), s 151C).

- (4) If an approval-holder applies to renew the approval under this section, the approval remains in force until the application is decided.

78 ITSO approval—decision on application for renewal

- (1) This section applies if the road transport authority receives an application for renewal of an ITSO approval under section 77.
- (2) The authority may renew the approval only if satisfied that the approval-holder continues to—
 - (a) satisfy any ITSO eligibility criteria; and
 - (b) comply with the service standards for independent taxi services.
- (3) The road transport authority may refuse to renew the approval if—
 - (a) the authority believes on reasonable grounds that the approval-holder has contravened a condition of the approval; or
 - (b) any accreditation under the Act held by the approval-holder is suspended under chapter 8 (Disciplinary action).
- (4) If the authority decides to renew the approval, the authority may impose or amend a condition on the approval.
- (5) The authority must, not later than 28 days after the day the authority receives the application—
 - (a) decide the application for renewal; and

- (b) tell the approval-holder about the decision.

Note Failure to renew an approval within the required time is taken to be a decision not to renew the approval (see [ACT Civil and Administrative Tribunal Act 2008](#), s 12).

79 ITSO approval—replacing when lost, stolen or destroyed

- (1) The road transport authority may issue a replacement ITSO approval to an approval-holder if satisfied the approval-holder's original approval has been lost, stolen or destroyed.
- (2) For subsection (1), the road transport authority may require the approval-holder to give the authority a statement verifying that the original approval has been lost, stolen or destroyed.

Note It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

80 ITSO approval—must update name and address

- (1) A person commits an offence if—
- (a) the person is an ITSO approval-holder; and
 - (b) the person's name or address changes; and
 - (c) the person does not, within 14 days after the change, give the road transport authority—
 - (i) written notice of the change; and
 - (ii) the approval.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) If an ITSO approval-holder gives the road transport authority written notice of a change to the person's name or address and the approval, the authority must enter the changed details on the approval and return it to the person.

81 ITSO approval—surrender

- (1) An ITSO approval-holder may surrender the approval by giving written notice of the surrender to the road transport authority.
- (2) The surrender notice must be accompanied by—
 - (a) the approval; or
 - (b) if the approval has been lost, stolen or destroyed—a statement verifying that the approval has been lost, stolen or destroyed.

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 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

Division 3A.2.2 Taxi licences**Subdivision 3A.2.2.1 Kinds of taxi licences****82 Kinds of taxi licences**

- (1) In this regulation:

perpetual taxi licence means a taxi licence that—

- (a) was issued before 7 March 2006; and
- (b) is not limited to a term stated in the licence.

Note Perpetual taxi licences are transferable (see [Act](#), s 41).

standard taxi means a taxi other than a wheelchair-accessible taxi.

standard taxi licence—

- (a) means a taxi licence to use a vehicle as a standard taxi; but
- (b) does not include—
 - (i) a perpetual taxi licence; or

- (ii) a transferable leased taxi licence.

transferable leased taxi licence means a taxi licence that—

- (a) was issued—
 - (i) before 1 August 2016; and
 - (ii) as a transferable taxi licence; and
- (b) is limited to a term stated in the licence.

wheelchair-accessible taxi means a taxi with wheelchair access.

wheelchair-accessible taxi licence means a taxi licence to use a vehicle as a wheelchair-accessible taxi.

- (2) To remove any doubt, a taxi licence, other than a restricted taxi licence, that was issued before 7 March 2006 is a taxi licence issued as a taxi licence that is not limited to a term stated in the licence.

Subdivision 3A.2.2.2 Standard and wheelchair-accessible taxi licences

83 Meaning of *pre-approval* for standard or wheelchair taxi licence

In this regulation:

pre-approval, for a standard taxi licence or a wheelchair-accessible taxi licence, means a pre-approval issued under section 86 (Pre-approval—decision on application).

Note A pre-approval for a taxi licence gives the pre-approval holder—

- (a) a position on the taxi licence waiting list (see s 84); and
- (b) the opportunity to apply for the taxi licence (see s 92A).

84 Taxi licence waiting list

- (1) The road transport authority must keep a list of pre-approval holders (the *taxi licence waiting list*)—
 - (a) in order of when their application for pre-approval was received by the authority; and
 - (b) divided into the following lists:
 - (i) the standard taxi licence waiting list;
 - (ii) the wheelchair-accessible taxi licence waiting list.
- (2) The road transport authority must add a pre-approval holder to the taxi licence waiting list as soon as possible after the pre-approval is issued under section 86 (Pre-approval—decision on application).
- (3) The road transport authority must move a pre-approval to the bottom of the taxi licence waiting list if the pre-approval resets to the bottom of the waiting list under—
 - (a) section 92A (3) (a) (Standard and wheelchair taxi licences—notice of availability).
 - (b) section 92B (3) (a) (Standard and wheelchair taxi licences—application).
- (4) The road transport authority must remove a pre-approval holder from the taxi licence waiting list if—
 - (a) the pre-approval expires under—
 - (i) section 88 (2) (Pre-approval—term); or
 - (ii) section 92A (3) (b); or
 - (iii) section 92B (3) (b); or

Note A pre-approval expires under—

- s 88 after 2 years; or
- s 92A if the pre-approval is at the top of the waiting list, is notified that a licence is available, but does not apply for it;

- s 92B if the pre-approval holder applies for a taxi licence.
- (b) the pre-approval is surrendered under section 90 (Pre-approval—surrender).
- (5) The taxi licence waiting list may be kept in any form, including electronically, that the road transport authority decides.
- (6) The taxi licence waiting list may form part of the pre-approval register.

Note **Pre-approval register**—see s 91.

85 Pre-approval—application

- (1) A person may apply to the road transport authority for pre-approval for 1 or more standard taxi licences or wheelchair-accessible taxi licences.
- (2) The application must—
- (a) be in writing; and
 - (b) state, for each relevant person for the application—
 - (i) the person's name; and
 - (ii) the person's date of birth; and
 - (iii) whether the person is—
 - (A) an Australian citizen; or
 - (B) a permanent resident; or
 - (C) a temporary resident who holds a visa that allows the person to hold a taxi licence; and
 - (c) state whether the pre-approval is for a standard taxi licence or a wheelchair-accessible taxi licence; and

- (d) if the person is applying for pre-approval for a wheelchair-accessible taxi licence—include, for each relevant person for the application, details of the person’s experience and background that indicate the person’s suitability to provide taxi services to people with disability.
- (3) In this section:
- relevant person**, for an application for a pre-approval for a taxi licence means—
- (a) if the applicant is an individual—the applicant; or
- (b) if the applicant is a corporation—each executive officer of the corporation.

Note 1 Giving false or misleading information is an offence against the [Criminal Code](#), s 338.

Note 2 If a form is approved under the [Road Transport \(General\) Act 1999](#), s 225 for this provision, the form must be used.

Note 3 A fee may be determined under the [Road Transport \(General\) Act 1999](#), s 96 for this provision.

86 Pre-approval—decision on application

- (1) This section applies if the road transport authority receives an application for pre-approval for 1 or more taxi licences under section 85 (1).
- (2) The road transport authority must issue the pre-approval to the applicant if satisfied that—
- (a) each relevant person for the application is—
- (i) an Australian citizen; or
- (ii) a permanent resident; or
- (iii) a temporary resident who holds a visa that allows the person to hold a taxi licence; and

- (b) no relevant person for the application is disqualified from applying for the pre-approval; and

Note A person may be disqualified from applying for a pre-approval for a period of time if a previous taxi licence has been surrendered (see s 92O), suspended or cancelled (see s 322).

- (c) if the application is for pre-approval for 1 or more standard taxi licences—the applicant does not already hold a pre-approval for a standard taxi licence; and
- (d) if the application is for pre-approval for 1 or more wheelchair-accessible taxi licences—
 - (i) the applicant does not already hold a pre-approval for a wheelchair-accessible taxi licence; and
 - (ii) each relevant person for the application has experience or background likely to make the person suitable to provide taxi services to people with disability.

(3) The road transport authority may require the applicant to give the authority further stated information, or a stated document, that the authority reasonably needs to decide the application.

- (4) The road transport authority must, not later than the required time—
 - (a) decide the application; and
 - (b) tell the applicant about the decision on the application; and
 - (c) if the decision is to issue the pre-approval—enter the pre-approval holder’s details into the taxi licence waiting list.

(5) In this section:

relevant person, for an application for a pre-approval for a taxi licence—see section 85 (3).

required time means the later of the following:

- (a) if the road transport authority requires the applicant to give the authority further information or a document under subsection (3)—14 days after the day the road transport authority receives the information or document;
- (b) 14 days after the day the road transport authority receives the application.

Note Failure to issue a pre-approval within the 14 days is taken to be a decision not to issue the pre-approval (see *ACT Civil and Administrative Tribunal Act 2008*, s 12).

87 Pre-approval—form

- (1) A pre-approval must—
 - (a) be in writing; and
 - (b) state the name of the pre-approval holder; and
 - (c) state whether the pre-approval is for a standard taxi licence or a wheelchair-accessible taxi licence.
- (2) A pre-approval may include anything else the road transport authority considers relevant.

88 Pre-approval—term

- (1) A pre-approval comes into force on the day it is issued.
- (2) A pre-approval expires 2 years after the day it is issued.

Note A pre-approval is removed from the taxi licence waiting list if it expires (see s 92A and s 92B) or is surrendered (see s 84).

89 Pre-approval—not transferable

A pre-approval is not transferable.

90 Pre-approval—surrender

A pre-approval holder may surrender the pre-approval by giving written notice of the surrender to the road transport authority.

Note A pre-approval is removed from the taxi licence waiting list if it is surrendered (see s 84).

91 Pre-approval register

- (1) The road transport authority must keep a register of pre-approvals (the *pre-approval register*).
- (2) The pre-approval register may be kept in any form, including electronically, that the road transport authority decides.
- (3) The road transport authority may correct a mistake, error or omission in the pre-approval register.
- (4) The road transport authority may change a detail included in the pre-approval register to keep the register up-to-date.

Note The pre-approval register may include the taxi licence waiting list (see s 84).

92 Standard and wheelchair taxi licences—availability

- (1) In this subdivision:
available—a taxi licence of a kind is *available*—
 - (a) if the Minister has not made an availability determination—
 - (i) for a standard taxi licence—if the number of standard taxi licences in force in the Territory is less than the maximum number of standard taxi licences; or

- (ii) for a wheelchair-accessible taxi licence—if the number of wheelchair-accessible taxi licences in force in the Territory is less than the maximum number of wheelchair-accessible taxi licences; or

Note The Minister may determine the maximum number of taxi licences under the [Act](#), s 39.

- (b) if the Minister has made an availability determination—in the circumstances stated in the availability determination.
- (2) The Minister may determine the circumstances in which a standard taxi licence or wheelchair-accessible taxi licence is available (an *availability determination*).
 - (3) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

92A Standard and wheelchair taxi licences—notice of availability

- (1) This section applies if—
 - (a) a pre-approval for a standard taxi licence is at the top of the standard taxi licence waiting list and a standard taxi licence is available; or
 - (b) a pre-approval for a wheelchair-accessible taxi licence is at the top of the wheelchair-accessible taxi licence waiting list and a wheelchair accessible taxi licence is available.
- (2) The road transport authority must give written notice to the pre-approval holder (an *availability notice*) that—
 - (a) the taxi licence is available; and
 - (b) the pre-approval holder may, not later than 14 days after the date of the availability notice, apply for the licence under section 92B.

- (3) If the pre-approval holder does not apply under section 92B within 14 days—
 - (a) if the pre-approval is for more than 1 licence—the pre-approval resets to the bottom of the taxi licence waiting list; or
 - (b) if the pre-approval is for 1 licence only—the pre-approval expires.

Note A pre-approval is removed from the taxi licence waiting list if it expires (see s 84).

92B Standard and wheelchair taxi licences—application

- (1) A pre-approval holder who is given an availability notice about a taxi licence may apply to the road transport authority for the taxi licence.
- (2) The application must—
 - (a) be in writing; and
 - (b) if any of the details provided under section 85 (Pre-approval—application) have changed since the application for the pre-approval was made—state the new details.
- (3) If an application is made under this section—
 - (a) if the pre-approval is for more than 1 licence—the number of licences for the pre-approval is automatically reduced by 1 and the pre-approval resets to the bottom of the taxi licence waiting list; or

- (b) if the pre-approval is for 1 licence only—the pre-approval expires.

Note 1 Giving false or misleading information is an offence against the [Criminal Code](#), s 338.

Note 2 If a form is approved under the [Road Transport \(General\) Act 1999](#), s 225 for this provision, the form must be used.

Note 3 A fee may be determined under the [Road Transport \(General\) Act 1999](#), s 96 for this provision.

92C Standard and wheelchair taxi licences—decision on application

- (1) This section applies if the road transport authority receives an application for a taxi licence under section 92B.
- (2) The road transport authority must issue the taxi licence if satisfied that—
- (a) each relevant person for the application is—
- (i) an Australian citizen; or
 - (ii) a permanent resident; or
 - (iii) a temporary resident who holds a visa that allows the person to hold a taxi licence; and
- (b) no relevant person for the application is disqualified from applying for the taxi licence; and

Note A person may be disqualified from applying for a taxi licence for a period of time if a previous taxi licence has been surrendered (see s 92O), suspended or cancelled (see s 322).

- (c) the applicant is accredited to operate—
- (i) for an application for a standard taxi licence—a taxi service; or
 - (ii) for an application for a wheelchair-accessible taxi licence—a wheelchair-accessible taxi service; and

- (d) if the application is for a wheelchair-accessible taxi licence—each relevant person for the application has experience or background likely to make the person suitable to provide taxi services to people with disability; and
 - (e) the vehicle for which the licence is to be issued is not a vehicle for which the road transport authority must refuse an application for registration as a taxi under the *Road Transport (Vehicle Registration) Regulation 2000*—
 - (i) for an application for a standard taxi licence—section 32B (1) (Deciding applications for registration—taxis); or
 - (ii) for an application for a wheelchair-accessible taxi licence—section 32B (3) or (4); and
 - (f) any additional eligibility criteria determined by the road transport authority under subsection (3) are satisfied.
- (3) The road transport authority may determine additional eligibility criteria for a taxi licence.
- (4) A determination is a notifiable instrument.
- Note* A notifiable instrument must be notified under the [Legislation Act](#).
- (5) The road transport authority may require the applicant to give the authority further stated information or a stated document that the authority reasonably needs to decide the application.
- (6) The road transport authority need not decide the application if the requirement is made in writing and the applicant does not comply with the requirement.
- (7) In this section:
- relevant person**, for an application for a taxi licence, means—
- (a) if the applicant is an individual—the applicant; or

- (b) if the applicant is a corporation—each executive officer of the corporation.

92D Standard and wheelchair taxi licences—time for decision on application

- (1) The road transport authority must, not later than the required time—
 - (a) decide the application under section 92C; and
 - (b) tell the applicant about the decision on the application; and
 - (c) if the decision is to issue the licence—issue the licence to the applicant.
- (2) The road transport authority may make guidelines about circumstances sufficient to justify delaying deciding an application under section 92C.
- (3) The guidelines are a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

- (4) In this section:

required time means the latest of the following:

- (a) if the road transport authority requires the applicant to give the authority further information or a document under section 92C (3)—
 - (i) for a standard taxi licence—60 days after the day the road transport authority receives the information or document; or
 - (ii) for a wheelchair-accessible taxi licence—120 days after the day the road transport authority receives the information or document;
- (b) if the road transport authority is satisfied that there are circumstances sufficient to justify delaying deciding the application—the day decided by the road transport authority;

- (c) in any other case—
 - (i) for a standard taxi licence—60 days after the day the road transport authority receives the application; or
 - (ii) for a wheelchair-accessible taxi licence—120 days after the day the road transport authority receives the application.

Note Failure to issue the licence within the required time is taken to be a decision not to issue the licence (see *ACT Civil and Administrative Tribunal Act 2008*, s 12).

92E Standard and wheelchair taxi licences—conditions

- (1) A taxi licence is subject to—
 - (a) the condition that the licensee must make the taxi available for hiring on a regular basis; and
 - (b) any other condition imposed by the road transport authority when the licence is issued, renewed or amended.
- (2) A wheelchair-accessible taxi licence is subject to the condition that the licensee must ensure that priority for the hiring of the taxi is given to wheelchair-dependent people.

Note Standard and wheelchair-accessible taxi licences are subject to the condition that the licensee must not transfer the licence to anyone else (see s 92H and *Act*, s 41 (4) and (5)).

- (3) A person commits an offence if the person—
 - (a) is a taxi licensee; and
 - (b) does not comply with a condition of the licence.

Maximum penalty: 20 penalty units.

- (4) In this section:
 - regular basis***, a taxi is available for hiring on a regular basis if—
 - (a) it is available for hiring 11 out of every 12 months; and

-
- (b) is not unavailable for hiring for more than 2 consecutive weeks at a time; and
 - (c) it satisfies any other availability requirements determined by the road transport authority.
- (5) The road transport authority may determine availability requirements for taxis.
 - (6) An availability requirement is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

92F Standard and wheelchair taxi licences—term

- (1) A taxi licence comes into force on the day it is issued.
- (2) The road transport authority must not issue a standard taxi licence or wheelchair-accessible taxi licence for longer than 6 years.
- (3) A taxi licence expires on the day stated in the licence.

92G Standard and wheelchair taxi licences—form

- (1) A taxi licence must—
 - (a) be in writing; and
 - (b) include the following information:
 - (i) the licensee’s full name and address;
 - (ii) whether the licence is a standard taxi licence or a wheelchair-accessible taxi licence;
 - (iii) the taxi licence number allocated to the licensee; and
 - (iv) the expiry date of the licence.
- (2) A taxi licence may also include anything else the road transport authority considers appropriate.

**92H Standard and wheelchair taxi licences—transferability—
Act, s 41**

The following taxi licences must be issued as non-transferable taxi licences:

- (a) standard taxi licences;
- (b) wheelchair-accessible taxi licences.

Note 1 A taxi licence issued as a non-transferable taxi licence is not transferable and is issued subject to the condition that the licensee must not transfer the licence to anyone else (see [Act](#), s 41 (4) and (5)).

Note 2 Perpetual taxi licences are transferable (see [Act](#), s 41 (1)). Transferable leased taxi licences are transferable (see [Act](#), s 41 (1) and (2)).

Subdivision 3A.2.2.3 Taxi licences generally

92I Taxi licences—amendment initiated by authority

- (1) The road transport authority may, by written notice (an *amendment notice*) given to a taxi licensee, amend the licence.
- (2) However, the authority may amend the licence only if—
 - (a) the authority has given the licensee written notice of the proposed amendment (a *proposal notice*); and
 - (b) the proposal notice states that written submissions about the proposal may be made to the authority before the end of a stated period of at least 14 days after the day the proposal notice is given to the licensee; and
 - (c) after the end of the stated period, the authority has considered any submissions made in accordance with the proposal notice.
- (3) Subsection (2) does not apply to a person if the licensee applied for, or agreed in writing to, the amendment.
- (4) The amendment takes effect on the day the amendment notice is given to the licensee or a later day stated in the notice.

92J Taxi licences—amendment initiated by licensee

- (1) A taxi licensee may apply to the road transport authority to amend the licence.

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 the *Road Transport (General) Act 1999*, s 96 for this provision.

- (2) The authority may amend the licence only if satisfied that, were the application for amendment an application for a licence, the authority would issue the licence as amended.
- (3) If the authority decides to amend the licence, the authority may impose or amend a condition on the licence.
- (4) The authority must, not later than 28 days after the day the authority receives the application—
- (a) decide the application; and
 - (b) tell the licensee about the decision.

Note Failure to amend a licence within the required time is taken to be a decision not to amend the licence (see *ACT Civil and Administrative Tribunal Act 2008*, s 12).

92K Taxi licences—application for renewal

- (1) A taxi licensee may apply to the road transport authority to renew the licence for a period not longer than 6 years.

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 the *Road Transport (General) Act 1999*, s 96 for this provision.

- (2) The application must be—
- (a) in writing; and
 - (b) made at least 14 days before the licence expires.

- (3) However, the authority may extend the time for making an application.

Note A licensee may apply to the road transport authority for the time to be extended, and the road transport authority may extend the time, even though the time has ended (see [Legislation Act](#), s 151C).

- (4) If a licensee applies to renew a licence under this section, the licence remains in force until the application is decided.

92L Taxi licences—decision on application for renewal

- (1) This section applies if the road transport authority receives an application for renewal of a taxi licence under section 92K.
- (2) The authority may renew the licence only if satisfied of the matters mentioned in section 92C (2) (Standard and wheelchair taxi licences—decision on application).
- (3) The road transport authority may refuse to renew the licence if—
- (a) the authority believes on reasonable grounds that the licensee has contravened a condition of the licence or another taxi licence; or
 - (b) another taxi licence, or an accreditation to operate any kind of taxi service, held by the licensee is suspended under chapter 8 (Disciplinary action).
- (4) If the authority decides to renew the licence, the authority may impose or amend a condition on the licence.
- (5) The authority must, not later than 28 days after the day the authority receives the application—
- (a) decide the application for renewal; and
 - (b) tell the licensee about the decision.

Note Failure to renew a licence within the required time is taken to be a decision not to renew the licence (see [ACT Civil and Administrative Tribunal Act 2008](#), s 12).

-
- (6) Compensation is not payable to anyone because a taxi licence is not renewed under this section.

92M Taxi licences—replacing when lost, stolen or destroyed

- (1) The road transport authority may issue a replacement taxi licence to a taxi licensee if satisfied the licensee's original licence has been lost, stolen or destroyed.
- (2) For subsection (1), the road transport authority may require the licensee to give the authority a statement verifying that the original licence has been lost, stolen or destroyed.

Note 1 A fee may be determined under the [Road Transport \(General\) Act 1999](#), s 96 for this provision.

Note 2 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

92N Taxi licences—must be produced for inspection

- (1) A person commits an offence if—
- (a) the person is a taxi licensee; and
 - (b) a police officer or authorised person requires the person to produce the licence for inspection; and
 - (c) the person fails to produce the licence for inspection.

Maximum penalty: 5 penalty units.

- (2) Subsection (1) does not apply if—
- (a) the person has a reasonable excuse for failing to produce the taxi licence when required to do so; and

- (b) within 3 days after being required to produce the licence, the person produces the licence at the place directed by the police officer or authorised person.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

92O Taxi licences—surrender

- (1) A taxi licensee may surrender the licence by giving written notice of the surrender to the road transport authority.
- (2) The surrender notice must be accompanied by—
 - (a) the licence; or
 - (b) if the licence has been lost, stolen or destroyed—a statement verifying that the licence has been lost, stolen or destroyed.

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 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

- (3) A taxi licensee who surrenders their licence is automatically disqualified from applying for a taxi licence, or a pre-approval for a taxi licence, for 2 years after the day the surrender takes effect.

92P Taxi licences—must update name and address

- (1) A person commits an offence if—
 - (a) the person is a taxi licensee; and
 - (b) the person’s name or address changes; and
 - (c) the person does not, within 14 days after the change, give the road transport authority—
 - (i) written notice of the change; and

(ii) the licence.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) If a taxi licensee gives the road transport authority written notice of a change to the person's name or address and the licence, the authority must enter the changed details on the licence and return it to the licensee.

36 Part 4.3 heading

substitute

Division 3A.2.3 Taxi services

37 Division 4.3.1 heading

substitute

Subdivision 3A.2.3.1 Taxi operators

38 Sections 93 and 94

substitute

94 Taxi service operator—must tell authority about affiliation

- (1) A person commits an offence if the person—
- (a) is an affiliated taxi service operator for a transport booking service; and
- (b) does not tell the road transport authority, as soon as practicable after entering into the affiliated operator agreement—
- (i) about the affiliation; and
- (ii) the name of the transport booking service.

Maximum penalty: 5 penalty units.

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

39 Section 97

substitute

97 Taxi service operator—drivers to be licensed and skilled

- (1) A person commits an offence if the person—
- (a) is a taxi service operator; and
 - (b) does not take reasonable steps to ensure that each taxi driver for the taxi service is either—
 - (i) the holder of a public vehicle licence to drive a taxi; or
 - (ii) 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.

- (2) A person commits an offence if—
- (a) the person is an independent taxi service operator; and
 - (b) a determination is in force under section 221U (Knowledge and skills to be bookable vehicle driver); and
 - (c) the person does not take reasonable steps to ensure that each taxi driver for the taxi service has the knowledge and skills required under the determination to be a taxi driver.

Maximum penalty: 20 penalty units.

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

40 New section 99 (1) (ba)

insert

- (ba) if the operator is an independent taxi service operator and a determination is in force under section 221U (Knowledge and skills to be bookable vehicle driver)—evidence that the person has the knowledge and skills required under the determination to be a taxi driver;

41 Section 99 (4) and (5)

omit

42 Section 100 (1) (a)

omit

4 years

substitute

2 years

43 Section 100 (4), note

omit

44 Section 101

omit

45 Section 101A

omit

WCBS

substitute

WTBS

46 Section 101A (1), note

substitute

Note WTBS—see s 70L.

47 New section 101B

insert

101B Wheelchair-accessible taxi operator—WTBS’s approved procedures and rules

- (1) A person commits an offence if—
 - (a) the person is an—
 - (i) accredited operator of a wheelchair-accessible taxi; and
 - (ii) affiliated operator for a WTBS; and
 - (b) the WTBS gives the person the WTBS’s approved procedures and rules; and
 - (c) the person does not comply with the WTBS’s approved procedures and rules.

Note WTBS’s *approved procedures and rules*—see s 70S.

Maximum penalty: 20 penalty units.

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

48 Sections 103 to 108

substitute

107 Taxi must have identifying signs and livery

- (1) The road transport authority may determine requirements for signs and livery for taxis (the *taxi signs and livery requirements*).

- (2) A taxi sign and livery requirement is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

- (3) A person commits an offence if—
- (a) the person is an accredited taxi operator; and
 - (b) the taxi is not fitted with signs and livery that—
 - (i) allows the public to identify the taxi as a taxi; and
 - (ii) complies with the taxi signs and livery requirements.

Maximum penalty: 10 penalty units.

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

49 Section 109 (1) (c)

substitute

- (c) the operator has given the notices required under subsection (4) to—
- (i) the road transport authority; and
 - (ii) if the operator is an affiliated operator for a transport booking service—the transport booking service.

50 Section 109 (3), example 1

substitute

- 1 The vehicle is fitted with signs and livery in accordance with s 107.

51 Section 109 (4)

substitute

- (4) The accredited operator must give written notice of the operator's intention to operate the stand-by taxi instead of the usual taxi to—
- (a) the road transport authority; and

- (b) if the operator is an affiliated operator for a transport booking service—the transport booking service.

52 Sections 110 to 112

omit

53 Division 4.3.2 heading

substitute

Subdivision 3A.2.3.2 Taxi drivers

54 Sections 113 to 121

substitute

114 Wheelchair-accessible taxi driver—special responsibilities

- (1) A person commits an offence if the person—
 - (a) is a wheelchair-accessible taxi driver; and
 - (b) becomes available to accept a hiring for the taxi; and
 - (c) does not tell a relevant transport booking service about their availability as soon as practicable after becoming available.

Maximum penalty: 10 penalty units.

- (2) A person commits an offence if—
 - (a) the person is a wheelchair-accessible taxi driver; and
 - (b) a relevant transport booking service directs the person to accept a booking for the taxi for a wheelchair-dependent person; and

- (c) the person does not comply with the direction.

Maximum penalty: 10 penalty units.

Note If a wheelchair-accessible taxi driver does not accept an offer of a booking for a wheelchair-dependent person, the WTBS or transport booking service must direct the driver to accept the booking (see s 70N and s 70T).

- (3) In this section:

relevant transport booking service means—

- (a) if a WTBS is operating in the Territory—a WTBS via which the wheelchair-accessible taxi may be booked; or
- (b) if there is no WTBS operating in the Territory and the driver is an affiliated driver for another transport booking service—the transport booking service.

Note **WTBS**—see s 70L.
Transport booking service—see the [Act](#), s 28.

115 Wheelchair-accessible taxi driver—connection to WTBS

- (1) A person commits an offence if—
- (a) the person is a wheelchair-accessible taxi driver; and
- (b) the taxi is being operated as a wheelchair-accessible taxi; and
- (c) a WTBS is operating in the Territory; and
- (d) the person fails to appropriately operate equipment allowing a WTBS to communicate bookings to the person.

Maximum penalty: 10 penalty units.

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

116 Wheelchair-accessible taxi driver—WTBS’s procedures and rules

- (1) A person commits an offence if—
- (a) the person is a wheelchair-accessible taxi driver; and
 - (b) the person is—
 - (i) an affiliated operator for a WTBS; or
 - (ii) a driver for an affiliated operator for a WTBS; and
 - (c) the WTBS gives the person the WTBS’s approved procedures and rules; and
 - (d) the person does not comply with the WTBS’s approved procedures and rules.

Note WTBS’s approved procedures and rules—see s 70S.

Maximum penalty: 10 penalty units.

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

55 Sections 125 to 126

omit

56 Division 4.3.3 heading

substitute

Subdivision 3A.2.3.3 Taxi hirings

57 Section 127A (1) (c) to (e)

substitute

- (c) if the driver of a wheelchair-accessible taxi accepts a hiring in accordance with section 129 (3) (Wheelchair-accessible taxi driver—must preferentially accept hirings for wheelchair-dependent people) from a person using a wheelchair—the driver accepts the hiring offered by the person using a wheelchair; or
- (d) if the hirer leaves the taxi in accordance with a direction under section 229 (1) (Bookable vehicle passenger—direction to get out of vehicle)—the hirer leaves the taxi; or
- (e) if the hirer is removed from the taxi under section 229 (5)—the hirer is removed from the taxi; or

58 New section 127B

insert

127B Meaning of *fare*—ch 3A

In this chapter:

fare, for the hiring of a taxi, means—

- (a) for an authorised fixed-fare hiring—the amount agreed between the taxi driver and the hirer, or the transport booking service for the taxi and the hirer; or
- (b) in any other case—the amount chargeable for the hiring under a determination under the [Act](#), section 60 (Power to determine taxi fares) (other than a charge for any period of the hiring when the taximeter is required to be stopped from registering a charge under section 143B (2) (Operation of taximeter during hiring)).

59 Section 128

omit

60 Section 129 heading

substitute

129 Wheelchair-accessible taxi driver—must preferentially accept hirings for wheelchair-dependent people

61 Section 129 (1)

omit

62 Section 129 (2)

omit

However, the

substitute

The

63 Section 129 (3)

omit

Also, the

substitute

The

64 Section 129 (4) to (6)

substitute

- (4) Despite subsections (2) and (3), a taxi driver may refuse to accept a hiring if—
- (a) the driver would contravene any of the following provisions if the driver accepted the hiring:
 - (i) section 132 (Wheelchair passengers in wheelchair-accessible taxis);
 - (ii) section 147 (Drinking of liquor in taxis prohibited);
 - (iii) section 221W (Bookable vehicle driver—carrying animals in vehicle); or
 - (b) the intending passenger is a person mentioned in—
 - (i) section 148 (Eating and drinking in taxis); or
 - (ii) section 229 (1) (Bookable vehicle passenger—direction to get out of vehicle); or
 - (c) the intending passenger’s destination is outside the ACT region; or
- Note* ACT region—see s 221N.
- (d) the intending cannot, when asked, satisfy the driver that the person can pay the estimated fare for the proposed hiring; or
 - (e) the driver believes on reasonable grounds that the person will not pay the fare for the proposed hiring; or
 - (f) the driver would contravene any other provision of the road transport legislation.
- (5) However, the driver must accept the hiring if directed to do so under section 225 (Bookable vehicle driver—directions by police officers or authorised people).

- (6) To remove any doubt, a reference in this section to a **hiring** includes a hiring booked via a transport booking service.

Note A WTBS is a kind of transport booking service (see s 70L).

65 Section 130

omit

66 Section 131 (1)

omit

67 Section 131 (2)

omit

ACT taxi region

substitute

ACT region

68 Section 131 (2), new note

insert

Note **ACT region**—see s 221N.

69 Section 131 (3)

omit

ACT taxi region

substitute

ACT region

70 Sections 133 to 135

omit

71 Section 136 (2)

substitute

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

72 Section 138 (1) (a)

substitute

- (a) on a ground on which the driver could refuse to accept a hiring under section 129 (4) (Wheelchair-accessible taxi driver—must preferentially accept hirings for wheelchair-dependent people); or

73 Section 140 (3) (b) and note

substitute

- (b) the destination of the hirer's guests is outside the ACT region.

Note 1 **ACT region**—see s 221N.

Note 2 A hiring may be refused if the destination is outside the ACT region (see s 129 (4) (c)).

74 New section 140A

insert

140A Meaning of *multiple hiring* of a taxi—subdiv 3A.2.3.3

In this subdivision:

multiple hiring, of a taxi, means a 2nd or subsequent hiring of the taxi during a taxi hiring.

Note 1 The Minister may determine fares under the [Act](#), s 60 and may determine that each hirer is to be charged a separate fare.

Note 2 The 2nd or subsequent hiring need not be to the same destination as the initial hiring.

75 Section 141

omit

2nd or subsequent hiring

substitute

multiple hiring

76 Section 142A (1) (a)

omit

ACT taxi region

substitute

ACT region

77 Section 142A (1) (a) (ii), new note

insert

Note **ACT region**—see s 221N.

78 Section 143A (3) (b)

substitute

- (b) before the hiring begins the driver is informed that the fare for the hiring is to be paid under the taxi subsidy scheme; and

79 Section 143A (4) (b)

substitute

- (b) after the hiring begins the driver is informed that the fare for the hiring is to be paid under the taxi subsidy scheme; and

80 Section 144B

substitute

144B Payment under taxi subsidy scheme

- (1) A person commits an offence if the person—
 - (a) pays for the hiring of a taxi under the taxi subsidy scheme; and
 - (b) is not eligible to pay for the hiring under the taxi subsidy scheme.

Maximum penalty: 5 penalty units.

- (2) A person commits an offence if—
 - (a) the person makes a statement (whether orally, in a document or in any other way); and
 - (b) the statement is false or misleading; and
 - (c) the statement is made in paying for the hiring of a taxi under the taxi subsidy scheme.

Maximum penalty: 5 penalty units.

- (3) Subsection (2) (a) does not apply if the statement is not false or misleading in a material particular.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

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

81 Division 4.3.4 heading

substitute

Subdivision 3A.2.3.4 Conduct of taxi passengers

82 Sections 146 and 149 to 154

omit

83 Division 4.3.4B

omit

84 Division 4.3.5 heading

substitute

Subdivision 3A.2.3.5 Other matters relating to taxi services

85 Sections 155 to 157

omit

86 Section 158 (2) (c)

omit

restricted

87 Section 159

omit

88 Section 162 (1)

after

drivers

insert

(an *approved wheelchair-accessible taxi driver training course*)

89 Section 163 (1) (b)

substitute

(b) either—

- (i) the road transport authority has approved, in writing, the operation of the vehicle as a taxi; or
- (ii) the vehicle is operated as a wheelchair-accessible taxi by a wheelchair-accessible taxi licensee.

90 Section 164

omit

91 Chapter 4A

substitute

Part 3A.3 Ridesharing

Note 1 A rideshare driver must—

- (a) hold a driver licence (or exemption) to drive a public vehicle under the *Road Transport (Driver Licensing) Act 1999* (see s 164Q); and
- (b) be accredited to operate a rideshare service under the *Act*, s 60E.

Note 2 The registered operator of a rideshare vehicle is responsible for—

- (a) the vehicle's registration under the *Road Transport (Vehicle Registration) Act 1999*; and
- (b) holding a rideshare vehicle licence for the vehicle under the *Act*, s 60J.

Division 3A.3.1 Rideshare vehicle licences

164 Rideshare vehicle licence—application

- (1) The registered operator of a vehicle may apply to the road transport authority for a rideshare vehicle licence.
- (2) The application must—
 - (a) be in writing; and
 - (b) state, for each relevant person for the application—
 - (i) the person's name; and
 - (ii) the person's date of birth; and
 - (iii) whether the person is—
 - (A) an Australian citizen; or
 - (B) a permanent resident; or

(C) a temporary resident who holds a visa that allows the person to hold a rideshare vehicle licence; and

(iv) whether the person is disqualified from applying for the licence; and

Note A person may be disqualified from applying for a licence for a period of time if another licence has been suspended or cancelled (see s 322).

(v) the registration number of the vehicle to be licensed; and

(c) be accompanied by a rideshare vehicle compliance certificate for the vehicle, issued not more than 1 month before the date of the application.

(3) In this section:

authorised examiner—see the *Road Transport (Vehicle Registration) Regulation 2000*, section 115.

certificate of inspection means a certificate of inspection issued under the *Road Transport (Vehicle Registration) Regulation 2000*, section 146 (Issue of certificates of inspection etc).

registered operator, for a vehicle—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

relevant person, for an application for a rideshare vehicle licence means—

(a) if the applicant is an individual—the applicant; or

(b) if the applicant is a corporation—each executive officer of the corporation.

rideshare vehicle compliance certificate means a certificate of inspection—

(a) issued by an authorised examiner at a vehicle inspection station; and

- (b) certifying that the vehicle, and its parts and equipment, comply with the applicable vehicle standards for the vehicle.

vehicle inspection station—see the *Road Transport (Vehicle Registration) Regulation 2000*, dictionary.

Note 1 Giving false or misleading information is an offence against the *Criminal Code*, s 338.

Note 2 If a form is approved under the *Road Transport (General) Act 1999*, s 225 for this provision, the form must be used.

Note 3 A fee may be determined under the *Road Transport (General) Act 1999*, s 96 for this provision.

164A Rideshare vehicle licence—further information

- (1) This section applies if the road transport authority is deciding whether to issue a rideshare vehicle licence.
- (2) The authority may, by written notice given to the applicant (an **information notice**), require the applicant to give the authority stated further information about the application, not later than a stated reasonable time.
- (3) The authority need not decide the application if—
 - (a) the authority has given the applicant an information notice; and
 - (b) the applicant does not comply with the notice.

164B Rideshare vehicle licence—decision on application

- (1) This section applies if the road transport authority receives an application for a rideshare vehicle licence under section 164 (1).
- (2) The road transport authority must issue the licence to the applicant if satisfied that—
 - (a) each relevant person for the application is—
 - (i) an Australian citizen; or

- (ii) a permanent resident; or
 - (iii) a temporary resident who holds a visa that allows the person to hold a rideshare vehicle licence; and
- (b) no relevant person for the application is disqualified from applying for the licence; and

Note A person may be disqualified from applying for a licence for a period of time if another licence has been suspended or cancelled (see s 322).

- (c) the vehicle—
- (i) is a registered vehicle; and
 - (ii) is a suitable vehicle; and
 - (iii) complies with the applicable vehicle standards for the vehicle.

- (3) The road transport authority must, not later than the required time—
- (a) decide the application; and
 - (b) tell the applicant about the decision on the application.

- (4) In this section:

ambulance—see the *Road Transport (Third-Party Insurance) Regulation 2008*, schedule 1, section 1.1.

bus—see the *Road Transport (Third-Party Insurance) Regulation 2008*, schedule 1, section 1.1.

motorcycle—see the *Road Transport (Third-Party Insurance) Regulation 2008*, schedule 1, section 1.1.

police vehicle—see the *Road Transport (Third-Party Insurance) Regulation 2008*, schedule 1, section 1.1.

relevant person, for an application for a rideshare vehicle licence—see section 164 (3).

required time means the latest of the following:

- (a) if the road transport authority requires the applicant to give the authority further information under section 164A (Rideshare vehicle licence—further information)—28 days after the day the road transport authority receives the information;
- (b) 28 days after the day the road transport authority receives the application.

Note Failure to issue a licence within the required time is taken to be a decision not to issue the licence (see *ACT Civil and Administrative Tribunal Act 2008*, s 12).

suitable vehicle means a motor vehicle built mainly to carry people but does not include the following:

- (a) an ambulance;
- (b) a bus;
- (c) a demand responsive service vehicle;
- (d) a motorcycle;
- (e) a police vehicle.

164C Rideshare vehicle licence—licence labels

If the road transport authority issues a rideshare vehicle licence to a person, the authority must also issue to the person a label for the licensed vehicle (a ***rideshare vehicle licence label***).

Note The label may need to be displayed in the rideshare vehicle (see s 164O and s 164S).

164D Rideshare vehicle licence—conditions

- (1) A rideshare vehicle licence is subject to any condition imposed by the road transport authority when the licence is issued, renewed or amended.

- (2) A person commits an offence if the person—
 - (a) is a rideshare vehicle licensee; and
 - (b) does not comply with a condition of the licence.

Maximum penalty: 20 penalty units.

164E Rideshare vehicle licence—term

- (1) A rideshare vehicle licence comes into force on the day it is issued.
- (2) The road transport authority must not issue a rideshare vehicle licence for longer than 6 years.
- (3) A rideshare vehicle licence expires on the day stated in the licence.

164F Rideshare vehicle licence—form

- (1) A rideshare vehicle licence must—
 - (a) be in writing; and
 - (b) include the following information:
 - (i) the licensee’s full name and address;
 - (ii) the registration number of the licensed vehicle; and
 - (iii) the expiry date of the licence.
- (2) A rideshare vehicle licence may also include anything else the road transport authority considers appropriate.

164G Rideshare vehicle licence—not transferable

A rideshare vehicle licence is not transferable.

164H Rideshare vehicle licence—amendment initiated by authority

- (1) The road transport authority may, by written notice (an *amendment notice*) given to a rideshare vehicle licensee, amend the licence.

Note The power to make an instrument includes the power to amend or repeal the instrument. The power to amend or repeal the instrument is exercisable in the same way, and subject to the same conditions, as the power to make the instrument (see [Legislation Act](#), s 46).

- (2) However, the authority may amend the licence only if—
 - (a) the authority has given the licensee written notice of the proposed amendment (a *proposal notice*); and
 - (b) the proposal notice states that written submissions about the proposal may be made to the authority before the end of a stated period of at least 14 days after the day the proposal notice is given to the licensee; and
 - (c) after the end of the stated period, the authority has considered any submissions made in accordance with the proposal notice.
- (3) Subsection (2) does not apply to a licensee if the licensee applied for, or agreed in writing to, the amendment.
- (4) The amendment takes effect on the day the amendment notice is given to the licensee or a later day stated in the notice.

164I Rideshare vehicle licence—amendment initiated by licensee

- (1) A rideshare vehicle licensee may apply to the road transport authority to amend the licence.

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 the [Road Transport \(General\) Act 1999](#), s 96 for this provision.

-
- (2) The authority may amend the licence only if satisfied that, were the application for amendment an application for a licence, the authority would issue the licence as amended.
 - (3) If the authority decides to amend the licence, the authority may impose or amend a condition on the licence.
 - (4) The authority must, not later than 28 days after the day the authority receives the application—
 - (a) decide the application; and
 - (b) tell the licensee about the decision.

Note Failure to amend a licence within the required time is taken to be a decision not to amend the licence (see *ACT Civil and Administrative Tribunal Act 2008*, s 12).

164J Rideshare vehicle licence—application for renewal

- (1) A rideshare vehicle licensee may apply to the road transport authority to renew the licence for a period not longer than 6 years.

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 the *Road Transport (General) Act 1999*, s 96 for this provision.

- (2) The application must be—
 - (a) in writing; and
 - (b) made at least 14 days before the licence expires.
- (3) However, the authority may extend the time for making an application.

Note A licensee may apply to the road transport authority for the time to be extended, and the road transport authority may extend the time, even though the time has ended (see *Legislation Act*, s 151C).

- (4) If a licensee applies to renew a licence under this section, the licence remains in force until the application is decided.

164K Rideshare vehicle licence—decision on application for renewal

- (1) This section applies if the road transport authority receives an application for renewal of a rideshare vehicle licence under section 164J.
- (2) The authority may renew the licence only if satisfied that—
 - (a) the vehicle continues to—
 - (i) be a registered vehicle; and
 - (ii) be a suitable vehicle; and
 - (iii) comply with the applicable vehicle standards for the vehicle; and
 - (b) the licensee is not disqualified from applying for a rideshare vehicle licence.

Note A person may be disqualified from applying for a licence for a period of time if another licence has been suspended or cancelled (see s 322).
- (3) The road transport authority may refuse to renew the licence if—
 - (a) the authority believes on reasonable grounds that the licensee has contravened a condition of the licence or another rideshare vehicle licence; or
 - (b) another rideshare vehicle licence, or an accreditation to operate any kind of public passenger service, held by the licensee is suspended under chapter 8 (Disciplinary action).
- (4) If the authority decides to renew the licence, the authority may impose or amend a condition on the licence.
- (5) The authority must, not later than 28 days after the day the authority receives the application—
 - (a) decide the application for renewal; and

(b) tell the licensee about the decision.

Note Failure to renew a licence within the required time is taken to be a decision not to renew the licence (see *ACT Civil and Administrative Tribunal Act 2008*, s 12).

(6) In this section:

suitable vehicle—see section 164B (Rideshare vehicle licence—decision on application).

164L Rideshare vehicle licence—must update name and address

- (1) A person commits an offence if—
- (a) the person is a rideshare vehicle licensee; and
 - (b) the person’s name or address changes; and
 - (c) the person does not, within 14 days after the change, give the road transport authority—
 - (i) written notice of the change; and
 - (ii) the licence.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) If a rideshare vehicle licensee gives the road transport authority written notice of a change to the person’s name or address and the licence, the authority must enter the changed details on the licence and return it to the licensee.

164M Rideshare vehicle licence—surrender

- (1) A rideshare vehicle licensee may surrender the licence by giving written notice of the surrender to the road transport authority.
- (2) The surrender notice must be accompanied by—
- (a) the licence and licence label; or

- (b) if the licence, or licence label, has been lost, stolen or destroyed—a statement verifying that the licence, or licence label, has been lost, stolen or destroyed.

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 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

164N Rideshare vehicle licence and label—replacing when lost, stolen or destroyed

- (1) The road transport authority may issue a replacement rideshare vehicle licence to a rideshare vehicle licensee if satisfied the licensee’s original licence has been lost, stolen or destroyed.
- (2) The road transport authority may issue a replacement rideshare vehicle licence label to a rideshare vehicle licensee if satisfied the licensee’s original licence label has been lost, stolen or destroyed.
- (3) For subsections (1) and (2), the road transport authority may require the licensee to give the authority a statement verifying that the original licence, or label, has been lost, stolen or destroyed.

Note 1 A fee may be determined under the [Road Transport \(General\) Act 1999](#), s 96 for this provision.

Note 2 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

164O Rideshare vehicle licensee—must make label available to rideshare driver

- (1) A person commits an offence if the person—
 - (a) is a rideshare vehicle licensee; and

- (b) does not make the rideshare vehicle licence label for the vehicle available to the rideshare driver before a rideshare is to begin.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) does not apply if—
- (a) the road transport authority has agreed to the rideshare vehicle being identified in another way; and
- (b) the rideshare vehicle is identified in the other way.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

164P Rideshare vehicle licensee—must not advertise ridesharing

- (1) A person commits an offence if the person—
- (a) is a rideshare vehicle licensee; and
- (b) advertises that the rideshare vehicle is used to provide a rideshare service.

Maximum penalty: 10 penalty units.

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

Division 3A.3.2 Rideshare drivers

Note 1 Accreditation of rideshare drivers is dealt with in ch 2.

Note 2 All rideshare drivers must be affiliated with a transport booking service (see [Act](#), s 36F).

164Q Rideshare driver—must hold appropriate driver licence

- (1) A person commits an offence if the person—
- (a) is a rideshare driver; and

- (b) is not either—
 - (i) the holder of a public vehicle licence to drive a rideshare vehicle; or
 - (ii) 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.

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

164R Rideshare driver—must only accept bookings from accredited transport booking service

- (1) A person commits an offence if—
 - (a) the person is a rideshare driver; and
 - (b) the person accepts a rideshare booking other than via an accredited transport booking service.

Maximum penalty: 20 penalty units.

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

164S Rideshare driver—must display label

- (1) A person commits an offence if—
 - (a) the person is a rideshare driver; and
 - (b) the rideshare vehicle licence label for the rideshare vehicle is not, during the rideshare, displayed in or on the vehicle—
 - (i) so the information on the label is readable from the outside of the rideshare vehicle; and

-
- (ii) if the rideshare vehicle has a windscreen or fixed window—
 - (A) to the lower left side (or nearside) of the windscreen; or
 - (B) to a fixed window on the left side (or nearside) of the rideshare vehicle.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) does not apply if—
 - (a) the road transport authority has agreed to the rideshare vehicle being identified in another way; and
 - (b) the rideshare vehicle is identified in the other way.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

164T Rideshare driver—must produce rideshare vehicle licence and label for inspection

- (1) A person commits an offence if—
 - (a) the person is a rideshare vehicle driver; and
 - (b) a police officer or authorised person requires the person to produce the rideshare vehicle licence for the rideshare vehicle for inspection; and
 - (c) the person fails to produce the licence for inspection.

Maximum penalty: 5 penalty units.

- (2) Subsection (1) does not apply if the person—
 - (a) has a reasonable excuse for failing to produce the licence when required to do so; and

- (b) within 3 days after being required to produce the licence, produces the licence at the place directed by the police officer or authorised person.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

- (3) A person commits an offence if—
 - (a) the person is a rideshare vehicle driver; and
 - (b) a police officer or authorised person requires the person to produce the licence label for the rideshare vehicle for inspection; and
 - (c) the person fails to produce the label for inspection.

Maximum penalty: 5 penalty units.

- (4) Subsection (3) does not apply if—
 - (a) the person—
 - (i) has a reasonable excuse for failing to produce the label when required to do so; and
 - (ii) within 3 days after being required to produce the label, produces the label at the place directed by the police officer or authorised person; or
 - (b) if the road transport authority has agreed to the rideshare vehicle being identified in another way—the rideshare vehicle is identified in the other way.

Note The defendant has an evidential burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 58).

164U Rideshare driver—advertising

- (1) A person commits an offence if the person—
 - (a) is a rideshare driver; and

(b) advertises—

- (i) on the rideshare vehicle that the person is a rideshare driver; or
- (ii) that the rideshare driver is immediately available to provide a rideshare.

Maximum penalty: 10 penalty units.

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

92 Chapter 5 heading

substitute

Part 3A.4 Hire cars

93 Part 5.1 heading

substitute

Division 3A.4.1 Hire car licences

94 Divisions 5.1.1 and 5.1.2 headings

substitute

Subdivision 3A.4.1.1 Kinds of hire car licences

Subdivision 3A.4.1.2 Hire car licensing

95 Division 5.1.2A heading

omit

96 Section 172 (3) and note

omit

97 Section 173 (1) (b) and penalty

substitute

(b) the licence.

Maximum penalty: 10 penalty units.

98 Section 173 (2)

omit

(including a duplicate restricted hire car licence)

99 Section 176 (1) note

omit

100 Section 177 (4)

substitute

- (4) If the licence is a restricted hire car licence, the licence-holder or agent must also, with the application, give the road transport authority a statement verifying that the restricted hire car licence label for the hire car has been destroyed.

101 Division 5.1.3 heading

substitute

Subdivision 3A.4.1.3 Stand-by hire cars

102 Section 177A heading

substitute

177A Definitions—subdiv 3A.4.1.3

103 Section 177A

omit

In this division:

substitute

In this subdivision:

104 Part 5.2 heading

substitute

Division 3A.4.2 Hire car services**105 Divisions 5.2.1 and 5.2.2 headings**

omit

106 Sections 179 and 180

substitute

180 Hire car service operator—must tell authority about affiliation

- (1) A person commits an offence if the person—
 - (a) is an affiliated hire car service operator for a transport booking service; and
 - (b) does not tell the road transport authority, as soon as practicable after entering into the affiliated operator agreement—
 - (i) about the affiliation; and
 - (ii) the name of the transport booking service.

Maximum penalty: 5 penalty units.

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

107 Section 181

substitute

181 Hire car service operator—drivers to be licensed and skilled

- (1) A person commits an offence if the person—
- (a) is a hire car service operator; and
 - (b) does not take reasonable steps to ensure that each hire car driver for the hire car service is either—
 - (i) the holder of a public vehicle licence to drive a hire car; or
 - (ii) 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.

- (2) A person commits an offence if—
- (a) the person is a hire car service operator; and
 - (b) a determination is in force under section 221U (Knowledge and skills to be bookable vehicle driver); and
 - (c) the person does not take reasonable steps to ensure that each hire car driver for the hire car service has the knowledge and skills required under the determination to be a hire car driver.

Maximum penalty: 20 penalty units.

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

108 New section 182 (1) (ba)

insert

- (ba) if a determination is in force under section 221U (Knowledge and skills to be bookable vehicle driver)—evidence that the driver has the knowledge and skills required under the determination to be a hire car driver;

109 Section 182 (3) and (4)

omit

110 Section 183 (2) (a)

omit

4 years

substitute

2 years

111 Section 183 (4), note

omit

112 Sections 185 and 188 to 196

omit

113 Divisions 5.2.3 to 5.2.5

omit

114 Division 5.2.6 heading

omit

115 Sections 219 and 220

omit

116 Section 221 (2) and (3)

substitute

- (2) The road transport authority may declare that the accredited operator of a hire car may use an authorised vehicle as a hire car to transport passengers along a road or road related area—
- (a) to and from the place or event stated in the declaration; and
 - (b) during the period stated in the declaration.

117 Section 221 (6) and note

omit

118 New parts 3A.5 and 3A.6

insert

Part 3A.5 Bookable vehicles generally

Division 3A.5.1 Bookable vehicles—security devices, etc

221A Definitions—div 3A.5.1

- (1) In this division:

duress alarm, for a bookable vehicle, means an alarm fitted to a bookable vehicle that may be activated by a person in the bookable vehicle.

fitted, a GPS tracking device in a mobile phone is *fitted* to a bookable vehicle if the mobile phone is secured in a mounting attached to the vehicle.

security camera does not include a camera in a mobile phone.

security device means—

- (a) a duress alarm; or
 - (b) a GPS tracking device; or
 - (c) a security camera.
- (2) In this section, a mobile phone is *secured in a mounting attached to a vehicle* only if—
- (a) the mounting is commercially designed and manufactured for that purpose; and
 - (b) the mobile phone is secured in the mounting, and the mounting is attached to the vehicle, in the manner intended by the manufacturer.

221B Duress alarms in taxis

- (1) A person commits an offence if the person—
- (a) is a transport booking service; and
 - (b) communicates a booking to a taxi driver; and
 - (c) does not take reasonable steps to ensure that a duress alarm is accessible to the driver.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if—
- (a) the person is a taxi service operator; and
 - (b) a taxi used to operate the service is not fitted with a duress alarm accessible to the taxi driver.

Maximum penalty: 20 penalty units.

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

221C GPS tracking devices in bookable vehicles

- (1) A person commits an offence if the person—
- (a) is a transport booking service; and
 - (b) communicates a booking to a bookable vehicle driver; and
 - (c) does not take reasonable steps to ensure that a GPS tracking device is operating in the bookable vehicle.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if—
- (a) the person is a taxi service operator; and
 - (b) a taxi used to operate the service is not fitted with a GPS tracking device.

Maximum penalty: 20 penalty units.

- (3) A person commits an offence if—
- (a) the person is a rideshare driver; and
 - (b) the person accepts a hiring communicated by a transport booking service; and
 - (c) the rideshare vehicle is not fitted with a GPS tracking device.

Maximum penalty: 20 penalty units.

- (4) A person commits an offence if—
- (a) the person is a hire car driver; and
 - (b) the person accepts a hiring communicated by a transport booking service; and
 - (c) the hire car is not fitted with a GPS tracking device.

Maximum penalty: 20 penalty units.

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

221D Security cameras in taxis

- (1) A person commits an offence if—
 - (a) the person is a taxi driver; and
 - (b) the taxi stands or plies for hire for the transport of passengers along a road or road related area; and
 - (c) the taxi is not fitted with a security camera.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if—
 - (a) a recording is made by a security camera in a taxi; and
 - (b) the person changes or otherwise interferes with the recording.

Maximum penalty: 20 penalty units.

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

Note In collecting personal information, the accredited operator may also have to comply with the Australian Privacy Principles under the [Privacy Act 1988](#) (Cwth).

221E Interfere with security device, etc

- (1) A person commits an offence if the person interferes with—
 - (a) a security device fitted to a bookable vehicle; or
 - (b) an electronic device fitted to a bookable vehicle; or
 - (c) anything else in the bookable vehicle that is being used to support the operation of a security device, or electronic device, fitted to the bookable vehicle.

Maximum penalty: 20 penalty units.

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

- (3) In this section:

electronic device means—

- (a) a taximeter; or
- (b) equipment used for communicating with a transport booking service; or
- (c) an EFTPOS terminal.

221F Security device standards

- (1) The road transport authority may determine standards for security devices in bookable vehicles (*security device standards*).
- (2) A security device standard may make provision for security devices in bookable vehicles, including, for example—
 - (a) when security devices may be installed; and
 - (b) the kinds of security devices that may be installed; and
 - (c) the position of security devices; and
 - (d) the operation of security devices; and
 - (e) requirements about notices to be included in a bookable vehicle that has a security device installed.

Note 1 The [Privacy Act 1988](#) (Cwlth) imposes obligations on some private sector organisations in relation to the collection, storage, use and disclosure of personal information collected about an individual.

Note 2 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).

- (3) A security device standard is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (4) A security device standard may apply, adopt or incorporate (with or without change) an instrument as in force from time to time.

Note 1 The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument if the operation of the [Legislation Act](#), s 47 (5) or (6) is not disappplied (see s 47 (7)).

Note 2 A notifiable instrument must be notified under the [Legislation Act](#).

Note 3 A reference to an instrument includes a reference to a provision of an instrument (see [Legislation Act](#), s 14 (2)).

- (5) A person commits an offence if the person contravenes a security device standard.

Maximum penalty: 20 penalty units.

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

Division 3A.5.2 Bookable vehicles—fees and surcharges

221G Jump-the-queue fees prohibited for taxis

- (1) A person commits an offence if the person—
- (a) is a transport booking service; and
 - (b) accepts a jump-the-queue fee for a taxi booking.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if the person—
- (a) is a transport booking service; and
 - (b) provides a way for a taxi driver to accept a jump-the-queue fee for a taxi booking made via the transport booking service.

Maximum penalty: 20 penalty units.

- (3) A person commits an offence if the person—
- (a) is a taxi driver; and

(b) accepts a jump-the-queue fee for a taxi booking.

Maximum penalty: 20 penalty units.

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

(5) In this section:

jump-the-queue fee, for a bookable vehicle booking, means a fee—

(a) decided by the transport booking service; and

(b) paid—

(i) by a passenger; and

(ii) in addition to the fare; and

(iii) for the passenger to be the next passenger picked up by the bookable vehicle driver, ahead of the driver's existing bookings.

221H Up-front tipping prohibited for taxis and ridesharing

(1) A person commits an offence if the person—

(a) is a transport booking service; and

(b) accepts an up-front tip for—

(i) a taxi booking; or

(ii) a rideshare booking.

Maximum penalty: 20 penalty units.

(2) A person commits an offence if the person—

(a) is a transport booking service; and

(b) provides a way for—

(i) a taxi driver to accept an up-front tip for a taxi booking made via the transport booking service; or

- (ii) a rideshare driver to accept an up-front tip for a rideshare booking made via the transport booking service.

Maximum penalty: 20 penalty units.

- (3) A person commits an offence if the person—
 - (a) is a taxi driver; and
 - (b) accepts an up-front tip for a taxi booking.

Maximum penalty: 20 penalty units.

- (4) A person commits an offence if the person—
 - (a) is a rideshare driver; and
 - (b) accepts an up-front tip for a rideshare booking.

Maximum penalty: 20 penalty units.

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

- (6) In this section:

up-front tip, for a bookable vehicle booking, means an amount—

- (a) decided by a prospective passenger; and
- (b) paid by the prospective passenger—
 - (i) to a transport booking service, a bookable vehicle driver or both; and
 - (ii) in addition to the fare; and
 - (iii) for the passenger to be picked up sooner than would happen in the ordinary course of bookings.

2211 Bookable vehicle pricing during emergencies

- (1) A person commits an offence if—
 - (a) the person is a transport booking service; and

- (b) the booking service—
 - (i) accepts a jump-the-queue fee for a bookable vehicle booking; or
 - (ii) provides a way for a bookable vehicle driver to accept a jump-the-queue fee for a bookable vehicle booking made via the transport booking service; or
 - (iii) applies surge pricing for a bookable vehicle hiring; and
- (c) a declared state of alert, or declared state of emergency, is in force for all or part of the ACT.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if—
 - (a) the person is a bookable vehicle driver; and
 - (b) the person—
 - (i) accepts a jump-the-queue fee for a bookable vehicle booking; or
 - (ii) applies surge pricing for the bookable vehicle hiring; or
 - (c) a declared state of alert, or declared state of emergency, is in force for all or part of the ACT.

Maximum penalty: 20 penalty units.

- (3) An offence against this section is a strict liability offence.
- (4) In this section:

declared state of alert means a state of alert declared under the [Emergencies Act 2004](#), section 151.

declared state of emergency means a state of emergency declared under the [Emergencies Act 2004](#), section 156.

jump-the-queue fee, for a bookable vehicle booking—see section 221G.

surge pricing, for a bookable vehicle hiring, means the practice of increasing bookable vehicle fares during times of high demand for bookable vehicles.

Note 1 Jump-the-queue fees are always prohibited for taxis (see s 221G).

Note 2 The Minister may determine fares and ways of calculating fares for taxis, ridesharing and hire cars (see [Act](#), s 60, s 60Q and s 79A).

221J Meaning of *payment surcharge*—div 3A.5.2

(1) In this division:

payment surcharge—

- (a) means a fee or charge (however calculated)—
 - (i) added to the amount otherwise payable by a hirer of a bookable vehicle because the amount payable for the hire of the vehicle is paid wholly or partly using a declared payment method; or
 - (ii) payable by a bookable vehicle driver, or a bookable vehicle licensee, because an amount payable for the hire of the vehicle is paid wholly or partly using a declared payment method; and
- (b) includes a fee or charge mentioned in paragraph (a) whether or not the fee or charge—
 - (i) is payable for accepting or processing payment made using a declared payment method; or
 - (ii) is based on the amount payable for a bookable vehicle hiring; but
- (c) does not include a fee or charge imposed for the use of a declared payment method by—
 - (i) a participant in a designated payment system; or

- (ii) a person consistently with a voluntary undertaking given by the person to, and accepted by, the Reserve Bank of Australia.

- (2) In this section:

designated payment system—see the *Payment Systems (Regulation) Act 1998* (Cwlth), section 7 (Definitions).

participant, in a payment system—see the *Payment Systems (Regulation) Act 1998* (Cwlth), section 7 (Definitions).

221K Methods of payment and maximum payment surcharges

- (1) The Minister may declare methods of payment (*declared payment methods*) for the definition of *payment surcharge*.
- (2) A declaration is a disallowable instrument.
Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).
- (3) The Minister may determine the maximum amount payable for a payment surcharge (a *maximum payment surcharge*).
- (4) A determination is a disallowable instrument.

221L Imposing more than the maximum payment surcharge

- (1) A defined person commits an offence if—
 - (a) a payment surcharge is imposed; and
 - (b) the payment surcharge exceeds the maximum payment surcharge.

Maximum penalty: 20 penalty units.

- (2) It is a defence to a prosecution for an offence against this section if the defendant proves that—
 - (a) someone else imposed the payment surcharge; and

-
- (b) the defendant did not know, and could not reasonably be expected to know, that the other person would impose the payment surcharge.
- (3) It is a defence to a prosecution for an offence against this section if the defendant proves that—
- (a) someone else imposed the payment surcharge; and
 - (b) the defendant knew that the other person would impose the payment surcharge; and
 - (c) the defendant told the person on whom the payment surcharge was imposed that the person did not have to pay the part of the surcharge that exceeded the maximum payment surcharge.

Note The defendant has a legal burden in relation to the matters mentioned in s (2) and (3) (see [Criminal Code](#), s 59).

- (4) In this section:

defined person means any of the following people:

- (a) the person who imposed the surcharge;
- (b) the bookable vehicle driver;
- (c) the bookable vehicle licensee;
- (d) any person who provided or maintains any equipment installed in the bookable vehicle that enabled the surcharge to be imposed;
- (e) any person who manages or administers the whole or any part of the system under which the amounts due for the hiring may be paid using a declared payment method.

221M Collecting more than the maximum payment surcharge

- (1) A person commits an offence if—
- (a) the person initiates the collection of, or collects, a payment surcharge in a bookable vehicle; and

- (b) the payment surcharge exceeds the maximum payment surcharge for the declared payment method.

Maximum penalty: 20 penalty units.

- (2) It is a defence to a prosecution for an offence against this section if the defendant proves that—
 - (a) someone else initiated the collection of, or collected, the payment surcharge; and
 - (b) the defendant did not know, and could not reasonably be expected to know, that the other person would initiate the collection of, or collect, the payment surcharge.

Note The defendant has a legal burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 59).

Division 3A.5.3 NSW bookable vehicles in the ACT

221N Meaning of *ACT region*

- (1) In this regulation:

ACT region means—

 - (a) the ACT; and
 - (b) any area of NSW declared under subsection (2).
- (2) The road transport authority may declare a stated area of NSW to be part of the ACT region.
- (3) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

221O Exemption for NSW bookable vehicles—ACT pick up, drop off outside ACT region—Act, s 128 (1) (a)

- (1) A person is exempt from the [Act](#), section 52 (1) (Unaccredited operators not to operate taxi services) in relation to the hiring of a taxi operated by the person if—
 - (a) the hiring is booked via—
 - (i) for a wheelchair-accessible taxi—a WTBS; or
 - (ii) a transport booking service; and
 - (b) the hiring starts in the ACT and finishes outside the ACT region; and
 - (c) the person is authorised to operate a taxi service, and provide that kind of hiring, under NSW law; and
 - (d) the person operates the service from an address outside the ACT region.
- (2) A person is exempt from the [Act](#), section 60E (1) (Rideshare driver must be accredited) in relation to a rideshare operated by the person if—
 - (a) the rideshare is booked via a transport booking service; and
 - (b) the rideshare starts in the ACT and finishes outside the ACT region; and
 - (c) the person is authorised to operate a rideshare service, and provide that kind of rideshare, under NSW law; and
 - (d) the person operates the service from an address outside the ACT region.
- (3) A person is exempt from the [Act](#), section 74 (1) (Unaccredited operators not to operate hire car services) in relation to the hiring of a hire car operated by the person if—
 - (a) the hiring starts in the ACT and finishes outside the ACT region; and

- (b) the person is authorised to operate a hire car service, and provide that kind of hiring, under NSW law; and
- (c) the person operates the service from an address outside the ACT region.

Note NSW pick up, ACT drop off—exemption for NSW bookable vehicles. A NSW bookable vehicle that is hired in NSW may deliver a passenger to a destination in the ACT without the service operator holding ACT accreditation (see [Act](#), s 52, s 60E and s 74).

221P Exemption for NSW bookable vehicles—ACT pick up, drop off inside ACT region—Act, s 128 (1) (a)

- (1) A person is exempt from the [Act](#), section 52 (1) (Unaccredited operators not to operate taxi services) in relation to the hiring of a taxi operated by the person if—
 - (a) the hiring is booked via—
 - (i) for a wheelchair-accessible taxi—a WTBS; or
 - (ii) a transport booking service; and
 - (b) the hiring starts in the ACT and finishes in the ACT region; and
 - (c) the person is authorised to operate a taxi service, and provide that kind of hiring, under NSW law; and
 - (d) the person has notified the road transport authority of the person’s intention to operate a taxi service in the ACT; and

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

- (e) the person operates the service from an address inside the ACT region; and
- (f) any additional exemption criteria determined by the road transport authority under subsection (4) (a) are satisfied; and

-
- (g) any exemption conditions determined by the road transport authority under subsection (4) (b) are complied with.
- (2) A person is exempt from the [Act](#), section 60E (1) (Rideshare driver must be accredited) in relation to a rideshare operated by the person if—
- (a) the rideshare is booked via a transport booking service; and
 - (b) the rideshare starts in the ACT and finishes in the ACT region; and
 - (c) the person is authorised to operate a rideshare service, and provide that kind of rideshare, under NSW law; and
 - (d) the person has notified the road transport authority of the person’s intention to operate a rideshare service in the ACT; and
- Note* If a form is approved under the [Road Transport \(General\) Act 1999](#), s 225 for this provision, the form must be used.
- (e) the person operates the service from an address inside the ACT region; and
 - (f) any additional exemption criteria determined by the road transport authority under subsection (4) (a) are satisfied; and
 - (g) any exemption conditions determined by the road transport authority under subsection (4) (b) are complied with.
- (3) A person is exempt from the [Act](#), section 74 (1) (Unaccredited operators not to operate hire car services) in relation to the hiring of a hire car operated by the person if—
- (a) the hiring is booked via a transport booking service; and
 - (b) the hiring starts in the ACT and finishes in the ACT region; and
 - (c) the person is authorised to operate a hire car service, and provide that kind of hiring, under NSW law; and

- (d) the person has notified the road transport authority of the person's intention to operate a hire car service in the ACT; and

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

- (e) the person operates the service from an address inside the ACT region; and
- (f) any additional exemption criteria determined by the road transport authority under subsection (4) (a) are satisfied; and
- (g) any exemption conditions determined by the road transport authority under subsection (4) (b) are complied with.

- (4) The road transport authority may determine—

- (a) additional exemption criteria; and
- (b) exemption conditions.

- (5) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

Division 3A.5.4 Bookable vehicle licensees

221Q Meaning of bookable vehicle licensee—pt 3A.5

In this part:

bookable vehicle licensee means—

- (a) a taxi licensee; or
- (b) a rideshare vehicle licensee; or

(c) a hire car licensee.

Note 1 **Taxi licence**—see the [Act](#), s 37.

Rideshare vehicle licence—see the [Act](#), s 60J.

Hire car licence—see the [Act](#), s 61.

Note 2 The taxi licensee is also the taxi service operator for the taxi. The hire car licensee is also the hire car service operator for the hire car. However, a rideshare vehicle licensee is not the rideshare service operator—the rideshare driver is the rideshare service operator.

221R Bookable vehicle licensee—offensive material in vehicle

- (1) A person commits an offence if the person—
 - (a) is a bookable vehicle licensee; and
 - (b) an advertisement, or other document, that a reasonable adult would consider indecent, insulting or offensive is displayed in the bookable vehicle.

Maximum penalty: 10 penalty units.

Note The dictionary definition of *in* a vehicle includes on the vehicle.

- (2) The road transport authority, a police officer or an authorised person may direct a bookable vehicle licensee to remove an advertisement or other document that the authority, officer or person believes on reasonable grounds contravenes subsection (1).
- (3) The bookable vehicle licensee must comply with a direction under subsection (2).

Maximum penalty: 10 penalty units.

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

221S Bookable vehicle licensee—noncompliance notices

- (1) A person commits an offence if—
 - (a) the person is a bookable vehicle licensee; and

(b) a noncompliance notice is in force for a bookable vehicle operated by the service; and

(c) the bookable vehicle is used for a hiring.

Maximum penalty: 20 penalty units.

Note **Noncompliance notice**—see the [Act](#), s 120 (1).

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

Division 3A.5.5 Bookable vehicle drivers

221T Bookable vehicle driver—must have knowledge and skills

(1) A person commits an offence if—

(a) the person is a bookable vehicle driver; and

(b) a determination is in force under section 221U; and

(c) the person does not have the knowledge and skills required under the determination to be a bookable vehicle driver.

Maximum penalty: 20 penalty units.

(2) A person commits an offence if—

(a) the person is a bookable vehicle driver; and

(b) a determination is in force under section 221U (Knowledge and skills to be bookable vehicle driver); and

(c) the person does not—

(i) keep a record of evidence that the person has the knowledge and skills required under the determination to be a bookable vehicle driver; and

(ii) provide the record, on request, to the road transport authority.

Maximum penalty: 10 penalty units.

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

221U Knowledge and skills to be bookable vehicle driver

- (1) The road transport authority may determine the knowledge and skills required to be a bookable vehicle driver.

Note Power to make a statutory instrument includes power to make different provision in relation to different matters or different classes of matters (see [Legislation Act](#), s 48).

- (2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

221V Bookable vehicle driver—carrying goods in vehicle

- (1) A person commits an offence if—
- (a) the person is a bookable vehicle driver; and
 - (b) the person allows a passenger to place or carry a thing in the bookable vehicle; and
 - (c) the thing cannot be carried in the bookable vehicle without danger to someone.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) This section does not apply if the passenger has a disability and the thing is used by the passenger to alleviate the effect of the disability.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

221W Bookable vehicle driver—carrying animals in vehicle

- (1) A person commits an offence if—
- (a) the person is a bookable vehicle driver; and

(b) the person allows a passenger to place or carry an animal in the bookable vehicle; and

(c) the animal is not confined in a box, basket or other container.

Maximum penalty: 5 penalty units.

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

(3) This section does not apply if the animal is a guide-dog or other animal assisting a person with disability.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

221X Bookable vehicle driver—offensive material in vehicle

(1) A person commits an offence if the person—

(a) is a bookable vehicle driver; and

(b) an advertisement or other document that a reasonable adult would consider indecent, insulting or offensive is displayed in the bookable vehicle.

Maximum penalty: 10 penalty units.

Note The dictionary definition of *in* a vehicle includes on the vehicle.

(2) The road transport authority, a police officer or an authorised person may direct a bookable vehicle driver to remove an advertisement or other document that the authority, officer or person believes on reasonable grounds contravenes subsection (1).

(3) The bookable vehicle driver must comply with a direction under subsection (2).

Maximum penalty: 10 penalty units.

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

221Y Bookable vehicle driver—dropping off and picking up passengers

- (1) A bookable vehicle driver—
 - (a) must refuse to stop the bookable vehicle at any place where stopping the vehicle would be unlawful; and
 - (b) may refuse to stop the bookable vehicle at any place where stopping the vehicle would be, in the driver’s opinion, unsafe.
- (2) However, the bookable vehicle driver may stop the bookable vehicle at a place (the *preferred place*) where stopping the vehicle 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 vehicle in the preferred place is, in the driver’s opinion, safe.

Examples—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).

222 Bookable vehicle driver—must not tout for passengers

- (1) A person commits an offence if the person—
 - (a) is a bookable vehicle driver; and
 - (b) touts for—
 - (i) passengers for the bookable vehicle; or

- (ii) a hiring of the bookable vehicle.

Maximum penalty: 20 penalty units.

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

223 Bookable vehicle driver—notifiable accidents

- (1) A person commits an offence if—
 - (a) the person is a bookable vehicle driver; and
 - (b) the bookable vehicle is involved in a notifiable accident; and
 - (c) the person fails to give, as soon as practicable (but within 24 hours) after the notifiable accident, written notice to the road transport authority of the following:
 - (i) the date and time when the accident happened;
 - (ii) the place where the accident happened.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if—
 - (a) the person is a bookable vehicle driver; and
 - (b) the bookable vehicle is involved in a notifiable accident; and
 - (c) the person fails to give, as soon as practicable (but within 5 days) after the day of a notifiable accident, written notice to the road transport authority of the following:
 - (i) the person's full name and home address;
 - (ii) the make, model and registration number of the bookable vehicle involved in the accident;
 - (iii) the circumstances of the accident;
 - (iv) the name and address of anyone killed or injured in the accident;

- (v) if a person is injured—the kind of injuries sustained.

Maximum penalty: 20 penalty units.

- (3) An offence against this section is a strict liability offence.
- (4) In this section:

notifiable accident, for a bookable vehicle, means an accident or other incident in which the death of, or bodily injury to, a person is caused by, or arises out of the use of, the bookable vehicle.

224 Bookable vehicle driver—noncompliance notices

- (1) A person commits an offence if—
- (a) the person is a bookable vehicle driver; and
 - (b) a noncompliance notice is in force for the bookable vehicle; and
 - (c) the person uses the bookable vehicle for a hiring.

Maximum penalty: 20 penalty units.

Note *Noncompliance notice*—see the [Act](#), s 120 (1).

- (2) An offence against this section is a strict liability offence.
- (3) This section does not apply if a police officer or authorised person has, under the [Act](#), section 120 (Attachment and removal of noncompliance notices), directed that the notice be taken to have been removed.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

225 Bookable vehicle driver—directions by police officers or authorised people

- (1) A police officer or authorised person may give a bookable vehicle driver a direction—
 - (a) to accept a particular hiring even though the driver could refuse to accept the hiring under section 129 (4) (Wheelchair-accessible taxi driver—must preferentially accept hirings for wheelchair-dependent people); or
 - (b) about how a particular hiring is to be carried out.
- (2) However, the police officer or authorised person may not give a direction that would involve the driver committing an offence (other than an offence against this regulation).
- (3) A person commits an offence if the person—
 - (a) is a bookable vehicle driver; and
 - (b) is given a direction under subsection (1); and
 - (c) fails to comply with the direction.

Maximum penalty: 5 penalty units.
- (4) Subsection (3) does not apply if the driver has a reasonable excuse for failing to comply with the direction.

Note The defendant has an evidential burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 58).
- (5) If a bookable vehicle driver carries out a hiring in accordance with a direction under subsection (1)—
 - (a) the driver is exempt from any provision of this regulation that would otherwise prohibit the driver from carrying out the hiring in accordance with the direction; and

- (b) the Territory must pay the driver, in addition to the fare, reasonable compensation for any damage, injury, loss of time or other harm incurred by the driver because of the driver's compliance with the direction.

Division 3A.5.6 Bookable vehicle passengers

226 Bookable vehicle passenger—offensive behaviour or language

- (1) A person commits an offence if the person—
- (a) is a bookable vehicle passenger; and
 - (b) does any of the following in a bookable vehicle:
 - (i) uses offensive language;
 - (ii) behaves in an offensive way;
 - (iii) behaves in an aggressive or menacing way.

Maximum penalty: 10 penalty units.

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

227 Bookable vehicle passenger—carrying animals in vehicle

- (1) A person commits an offence if—
- (a) the person is a bookable vehicle passenger; and
 - (b) the person places or carries an animal in the bookable vehicle; and
 - (c) the animal is not confined in a box, basket or other container.

Maximum penalty: 5 penalty units.

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

- (3) This section does not apply if the animal is a guide-dog or other animal assisting a person with disability.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

228 Bookable vehicle passenger—lost property

- (1) A person commits an offence if the person—
- (a) is a bookable vehicle passenger; and
 - (b) finds something in the bookable vehicle; and
 - (c) fails to give the thing to—
 - (i) its owner; or
 - (ii) the bookable vehicle driver; or
 - (iii) the transport booking service through which the person booked the bookable vehicle; or
 - (iv) a police officer; or
 - (v) an authorised person.

Maximum penalty: 5 penalty units.

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

229 Bookable vehicle passenger—direction to get out of vehicle

- (1) A bookable vehicle driver, police officer or authorised person may direct a person not to get into, or to get out of, a bookable vehicle if the driver, police officer or authorised person believes on reasonable grounds that—
- (a) the person, the person's clothing or goods (or anything else on or carried by the person) may soil or damage the bookable vehicle or the clothing or goods of someone else; or

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- (b) any of the person's goods cannot, because of their size or dimensions, be carried in the bookable vehicle without inconvenience or danger to someone else; or
 - (c) the person is—
 - (i) under the influence of alcohol or a drug; and
 - (ii) causing, or likely to cause, a nuisance or annoyance to someone else; or
 - (d) committing an offence under this division.
- (2) Subsection (1) (b) does not apply if the person has a disability and the thing is used by the person to alleviate the effect of the disability.
 - (3) A person commits an offence if the person—
 - (a) is given a direction under subsection (1); and
 - (b) does not comply with the direction.Maximum penalty: 5 penalty units.
 - (4) An offence against this section is a strict liability offence.
 - (5) A police officer may remove a person from a bookable vehicle if the person is given a direction under subsection (1) and the person does not comply with the direction.

119 Section 238 (1), penalty

substitute

Maximum penalty: 1 penalty unit.

120 Section 254 (2) (a)

omit

4 years

substitute

2 years

121 New section 279A

in division 6.2.4, insert

279A Meaning of *DRS ticket*—div 6.2.4

In this division:

DRS ticket, for a DRS vehicle, means anything issued by or on behalf of the authorised operator of a DRS for the purpose of authorising a person to travel in a DRS vehicle.

122 Section 280 (2), note

omit

123 Section 320, definition of *service authority*, paragraphs (b) and (c)

substitute

- (b) an accreditation to operate a transport booking service; or
- (c) a taxi licence, rideshare vehicle licence or hire car licence; or
- (ca) an ITS0 approval; or

124 Section 321 heading

substitute

321 When authority may take action in relation to accreditations, licences and approvals**125 Section 321 (1) (a), new note**

insert

Note **Relevant person**, for accreditation—see s 6B.

126 Section 321 (1) (b)

substitute

(b) the person has contravened a service standard for the operation of the regulated service for the accreditation; or

127 Section 321 (2)

omit

a hire car licence or taxi licence (the **licence**)

substitute

a taxi licence, rideshare vehicle licence, hire car licence or ITSO approval (the **licence or approval**)

128 Section 321 (2) (a) to (d)

after

licence

insert

or approval

129 Section 321 (2) (e) to (g)

substitute

- (e) the authority is taking action against the person under subsection (1) in relation to the operation of a taxi service, rideshare service or hire car service; or
- (f) an amount payable under the *Road Transport (General) Act 1999* in relation to the licence or approval has not been paid; or
- (g) for a wheelchair-accessible taxi licence or an ITSO approval—the licensee, or approval-holder, is no longer operating the licensed vehicle as a taxi; or

130 Section 321 (3)

omit

131 Section 322 heading

substitute

322 Action that may be taken in relation to service authorities

132 Section 322 (1) (c)

after

licence

insert

or approval

133 New section 322 (3)

insert

- (3) If the road transport authority disqualifies a person from applying for a standard taxi licence or wheelchair-accessible taxi licence for a period under subsection (1), the person is also disqualified from applying for a pre-approval for that kind of licence for the same period.

134 Sections 324 to 326 headings

substitute

324 Immediate suspension of service authority**325 Effect of suspension of service authority****326 Return of service authority certificate etc****135 Section 326 (1) (a)**

omit

taxi licence or hire car licence

substitute

taxi licence, rideshare vehicle licence, hire car licence or ITSO approval

136 Section 326 (1) (b)

omit

certificate or licence

substitute

certificate, licence or approval

137 Section 326 (3)

omit

hire car licence or taxi licence

substitute

taxi licence, rideshare vehicle licence, hire car licence or ITSO approval

138 New chapter 11

insert

**Chapter 11 Transitional—Road Transport
(Taxi Industry Innovation)
Legislation Amendment
Regulation 2016 (No 1)**

Part 11.1 Accreditation

**523 Application for accreditation to operate taxi network to be
application for accreditation to operate transport booking
service**

- (1) This section applies if, immediately before 1 August 2016, a person has applied to the road transport authority for accreditation to operate a taxi network under this regulation and the application has not been decided (an *old application*).
- (2) The old application is, on 1 August 2016, taken to be an application for accreditation to operate a transport booking service under this regulation.

524 Accreditation to operate taxi network to be accreditation to operate transport booking service

- (1) This section applies if, immediately before 1 August 2016, a person holds an accreditation to operate a taxi network (an *old accreditation*) under this regulation.
- (2) On 1 August 2016, the old accreditation is taken to be accreditation to operate a transport booking service—
 - (a) in the same terms as the old accreditation; and
 - (b) subject to the same conditions as the old accreditation; and
 - (c) with the same expiry as the old accreditation.

525 Independent taxi operators taken to be accredited

- (1) This section applies if, immediately before 1 August 2016, a person is operating a taxi service under the exemption in the *Road Transport (General) Independent Taxi Operator Exemption Declaration 2016 (No 1)* (DI2016-13).
- (2) The person is, on 1 August 2016, taken to be accredited to operate a taxi service under this regulation, subject to the same conditions as the exemption.
- (3) This section expires on 1 November 2016.

526 Accepted service standards

- (1) This section applies if, immediately before 1 August 2016, a person is accredited to operate a regulated service under this regulation.
- (2) On 1 August 2016, the accepted service standards in relation to which accreditation was given no longer apply to the accreditation.
- (3) However, an accredited person who operates a regulated service is taken to comply with the service standards for the regulated service if the person complies with the accepted service standards for the accreditation as in force immediately before 1 August 2016.

- (4) This subsection and subsection (3) expire on—
 - (a) for a person who operates a transport booking service—
1 November 2016; or
 - (b) for a person who operates any other regulated service—
1 February 2017.

Part 11.2 Transport booking services

527 Exemption for interim rideshare booking services— Act, s 128 (1) (a)

- (1) This section applies if, immediately before 1 August 2016, a person is an interim rideshare booking service under section 164E (Meaning of *interim rideshare booking service*—ch 4A).
- (2) The person is, on and after 1 August 2016, exempt from the [Act](#), section 32 (Transport booking service must be accredited) when operating a transport booking service.
- (3) The exemption is subject to the condition that the person complies with their interim rideshare booking service agreement as in force immediately before 1 August 2016.
- (4) If a person operates a transport booking service under the exemption in this section, the Act applies as if the person were an accredited transport booking service.
- (5) The exemption ends when the first of the following happens:
 - (a) if the person fails to comply with a condition of the exemption—the day the failure to comply happens;
 - (b) if the person becomes an accredited transport booking service—the day the accreditation comes into force;
 - (c) 1 November 2016.

Part 11.3 Taxis

528 **Defined right reserve list to be taxi licence waiting list**

- (1) This section applies if, immediately before 1 August 2016, there is a reserve list for defined rights for non-transferable leased taxi licences, or wheelchair-accessible taxi licences, under section 84J (Ballot reserve list).
- (2) On 1 August 2016—
 - (a) the reserve list for defined rights for—
 - (i) non-transferable leased taxi licences is taken to be the taxi licence waiting list for standard taxi licences; and
 - (ii) wheelchair-accessible taxi licences is taken to be the taxi licence waiting list for wheelchair-accessible taxi licences; and
 - (b) a person on the reserve list for defined rights for—
 - (i) non-transferable leased taxi licences is taken to hold a pre-approval for a standard taxi licence; and
 - (ii) wheelchair-accessible taxi licences is taken to hold a pre-approval for a wheelchair-accessible taxi licence; and
 - (c) the person's pre-approval is to be positioned on the taxi licence waiting list—
 - (i) as if the date on which the person was entered on the reserve list were the date on which the person's application for pre-approval was received by the authority; and
 - (ii) if 2 or more people were entered on the reserve list on the same date—in the same order in which the people were on the reserve list.

529 Non-transferable leased taxi licences to be standard taxi licences

- (1) This section applies if, immediately before 1 August 2016, a person holds a non-transferable leased taxi licence (an *old licence*) under section 83C (Non-transferable leased taxi licence—decision on application).
- (2) The old licence is, on 1 August 2016, taken to be a standard taxi licence under section 92C (Standard and wheelchair taxi licences—decision on application)—
 - (a) in the same terms as the old licence; and
 - (b) subject to the same conditions as the old licence; and
 - (c) with the same expiry as the old licence.

530 Wheelchair-accessible taxi licences

- (1) This section applies if, immediately before 1 August 2016, a person holds a wheelchair-accessible taxi licence (an *old licence*) under section 83E (Wheelchair-accessible taxi licences—decision on application).
- (2) The old licence is, on 1 August 2016, taken to be a wheelchair-accessible taxi licence under section 92C (Standard and wheelchair taxi licences—decision on application)—
 - (a) in the same terms as the old licence; and
 - (b) subject to the same conditions as the old licence; and
 - (c) with the same expiry as the old licence.

531 NSW cross-border taxi licences to expire

- (1) This section applies if, immediately before 1 August 2016, a person holds a NSW cross-border taxi licence under section 83G (NSW cross-border taxi licences—decision on application).

-
- (2) The licence is taken to expire on 1 August 2016.

532 Taxi drivers—knowledge and skills

- (1) This section applies if—
- (a) immediately before 1 August 2016, a person holds a public vehicle licence to drive a taxi; and
 - (b) a determination is in force under section 221U (Knowledge and skills to be bookable vehicle driver).
- (2) The person is, on 1 August 2016, taken to have the knowledge and skills required under the determination to be a taxi driver.

533 Standards about security cameras in taxis

- (1) This section applies if, immediately before 1 August 2016, a standard under section 156 (Standards about security cameras in taxis) is in force.
- (2) The standard is, on 1 August 2016, taken to be a standard made under section 221F (Security device standards).

Part 11.4 Ridesharing

534 Exemption for interim rideshare drivers—Act, s 128 (1) (a)

- (1) This section applies if, immediately before 1 August 2016, a person is an interim rideshare driver under section 164G (Meaning of *interim rideshare driver*—ch 4A).
- (2) The person is, on and after 1 August 2016, exempt from the following provisions when operating a rideshare service:
- (a) the [Act](#), section 60E (Rideshare driver must be accredited);
 - (b) the [Act](#), section 64 (Use of vehicles as hire cars);
 - (c) the [Act](#), section 74 (Unaccredited operators not to operate hire car services);

- (d) the [Act](#), section 125 (Unauthorised public passenger services).
- (3) The exemption is subject to—
- (a) the condition that the person complies with their interim rideshare driver agreement as in force immediately before 1 August 2016; and
 - (b) the conditions mentioned in section 164J (2) (Exemption for interim rideshare drivers—[Act](#), s 128 (1) (a)) as in force immediately before 1 August 2016.
- (4) If a person operates a rideshare service under the exemption in this section, the Act applies as if the person were an accredited rideshare driver.
- Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).
- (5) The exemption ends when the first of the following happens:
- (a) if the person fails to comply with a condition of the exemption—the day the failure to comply happens;
 - (b) if the person becomes an accredited rideshare driver—the day the accreditation starts;
 - (c) 1 February 2017.

535 Exemption for registered operators of interim rideshare vehicles—Act, s 128 (1) (a)

- (1) This section applies if, immediately before 1 August 2016, a vehicle is an interim rideshare vehicle under section 164H (Meaning of *interim rideshare driver agreement* and *interim rideshare vehicle*—ch 4A).

-
- (2) The registered operator of the vehicle is, on and after 1 August 2016, exempt from the following provisions when the vehicle is being used to operate a rideshare service:
- (a) the [Act](#), section 74 (Unaccredited operators not to operate hire car services);
 - (b) the [Act](#), section 125 (Unauthorised public passenger services).
- (3) The exemption is subject to the conditions mentioned in section 164K (2) (Exemption for registered operators of interim rideshare vehicles—[Act](#), s 128 (1) (a)) as in force immediately before 1 August 2016.
- (4) If a vehicle is operated as a rideshare vehicle under the exemption in this section—
- (a) the Act applies as if the vehicle were a licensed rideshare vehicle; but
 - Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).
 - (b) the following sections do not apply in relation to the vehicle:
 - (i) section 164O (Rideshare vehicle licensee—must make label available to rideshare driver);
 - (ii) section 164S (Rideshare driver—must display label);
 - (iii) section 164T (Rideshare driver—must produce rideshare vehicle licence and label for inspection).
- (5) The exemption ends when the first of the following happens:
- (a) if the registered operator of the vehicle fails to comply with a condition of the exemption—the day the failure to comply happens;
 - (b) if a rideshare vehicle licence is issued for the vehicle—the day the licence starts;

- (c) 1 February 2017.

Part 11.5 Hire cars

536 Hire car drivers—knowledge and skills

- (1) This section applies if—
- (a) immediately before 1 August 2016, a person holds a public vehicle licence to drive a hire car; and
 - (b) a determination is in force under section 221U (Knowledge and skills to be bookable vehicle driver).
- (2) The person is, on 1 August 2016, taken to have the knowledge and skills required under the determination to be a hire car driver.

Part 11.6 Demand responsive services

537 Applications for DRS authorisations

- (1) This section applies if, immediately before 1 August 2016—
- (a) a person has applied for a DRS authorisation (an *old application*) under section 230 (Application procedure for issue of authorisations); and
 - (b) the old application has not been decided by the Minister.
- (2) The old application is, on 1 August 2016, taken to be an application made to the road transport authority under section 230.
- (3) The Minister must, on 1 August 2016, give any undecided old applications to the road transport authority.

Part 11.7 Expiry

538 Expiry—ch 11

This chapter expires on 1 August 2018.

Note Transitional provisions are kept in the regulation for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

139 Schedule 1 heading

substitute

Schedule 1 Service standards

(see s 20B (2) (a))

140 Schedule 1, part 1.2

substitute

Part 1.2 Transport booking services

2 Standards in relation to the following matters:

- (a) the making, management and auditing (including performance auditing) of records and systems required to be kept under the Act;

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation and standards (see [Legislation Act](#), s 104).

- (b) for the operation of a transport booking service—

- (i) the affiliation of—

- (A) bookable vehicle drivers with the transport booking service, including matters to be included in affiliated driver agreements; and

- (B) taxi service operators and hire car service operators with the transport booking service, including matters to be included in affiliated operator agreements; and
- (ii) systems for ensuring compliance with the [Act](#), section 36G (Transport booking service—responsibilities); and
- (iii) the knowledge and skills required to be a bookable vehicle driver and the training of bookable vehicle drivers; and
- (iv) the monitoring of the safety of bookable vehicle drivers including the use of security devices; and
- (v) the communications technology used by transport booking services; and
- (vi) the operation of transport booking services in particular areas of the ACT; and
- (vii) the maximum waiting times in each area of the ACT for a bookable vehicle; and
- (viii) how contraventions of the road transport legislation, and the [Discrimination Act 1991](#), by affiliated drivers will be handled; and
- (ix) the procedures for processing payments under the taxi subsidy scheme; and
- (x) how customer inquiries (including for lost property), feedback and complaints will be handled; and
- (xi) the handling and disposal of lost property; and
- (xii) the recording of customer feedback and complaints, and resolution of customer complaints; and

- (xiii) ensuring that an adequate number of bookable vehicles (including bookable vehicles equipped with baby capsules) are available to operate; and
- (xiv) if the transport booking service provides transport booking services for wheelchair-accessible taxis—
 - (A) the management and operation of the taxis, including ensuring that preference for hirings is given to wheelchair-dependent people; and
 - (B) how a failure of a driver to comply with section 114 (Wheelchair-accessible taxi driver—special responsibilities) will be handled.

141 Schedule 1, part 1.3 heading

substitute

Part 1.3 Taxi services

142 Schedule 1, part 1.3, section 3 (a) and (b)

substitute

- (a) the inspection and servicing of taxis;
- (b) the maintenance and repair of taxis;

143 Schedule 1, part 1.3, section 3 (f)

substitute

- (f) for the operation of a taxi service—
 - (i) the terms under which drivers will be employed or a taxi will be made available to another person for use as a taxi; and
 - (ii) systems for ensuring compliance with section 97 (Taxi service operator—drivers to be licensed and skilled); and

- (iii) the knowledge and skills required to be a taxi driver and the training of taxi drivers; and
- (iv) the monitoring of the safety of taxi drivers including the use of security devices; and
- (v) if the taxi service includes wheelchair-accessible taxis—how a failure of a driver to comply with section 114 (Wheelchair-accessible taxi driver—special responsibilities) will be handled; and
- (vi) how other contraventions of the road transport legislation by taxi drivers will be handled; and
- (vii) systems for ensuring compliance with the [Act](#), section 111 (Public passenger vehicle insurance compulsory).

144 Schedule 1, new part 1.3A

insert

Part 1.3A Rideshare services

3A Standards in relation to the following:

- (a) the inspection and servicing of rideshare vehicles;
- (b) the maintenance and repair of rideshare vehicles;
- (c) for servicing, maintenance or repairs to a rideshare vehicle carried out by the rideshare vehicle licensee—the operation of the facilities for those activities carried out by the rideshare vehicle licensee and the training of people to carry out the activities;

- (d) for servicing, maintenance or repairs to rideshare vehicles carried out on behalf of a rideshare vehicle licensee—how the rideshare vehicle licensee will ensure that the rideshare vehicle will comply with the Act (including the person by whom, and the place where, the activities will be carried out);
- (e) the advertising of the rideshare service;
- (f) the making and management of records and systems required to be kept under the Act;

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation and service standards (see [Legislation Act](#), s 104).

- (g) the terms under which drivers will be engaged;
- (h) systems for ensuring compliance with section 164Q (Rideshare driver—must hold appropriate driver licence);
- (i) the training of, and knowledge required by, rideshare drivers;
- (j) the monitoring of the safety of rideshare drivers;
- (k) how contraventions of the road transport legislation by rideshare drivers will be handled;
- (l) how customer inquiries (including for lost property) and complaints will be handled;
- (m) the recording and resolution of customer complaints;
- (n) the handling and disposal of lost property;
- (o) systems for ensuring compliance with the [Act](#), section 111 (Public passenger vehicle insurance compulsory).

145 Schedule 1, part 1.4 heading

substitute

Part 1.4 Hire car services

146 Schedule 1, part 1.4, section 4 (a) and (b)

substitute

- (a) the inspection and servicing of hire cars;
- (b) the maintenance and repair of hire cars;

147 Schedule 1, part 1.5

omit

148 Dictionary

substitute

Dictionary

(see s 3)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

Note 2 For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACT
- Australian citizen
- contravene
- Corporations Act
- fail
- found guilty
- home address
- penalty unit (see s 133)
- the Territory.

Note 3 Terms used in this regulation 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 operator (see s 110)
- accredited rideshare driver

- accredited transport booking service
- affiliated driver (see s 35)
- affiliated driver agreement (see s 36)
- affiliated operator (see s 36B)
- affiliated operator agreement (see s 36C)
- authorisation
- bookable vehicle (see s 29)
- bookable vehicle driver (see s 29)
- bus service (see s 11)
- demand responsive service (see s 80)
- demand responsive service vehicle (see s 81)
- fittings
- hire car (see s 67)
- independent taxi service operator
- licensed rideshare vehicle
- public passenger service (see s 10)
- public passenger vehicle
- public passenger vehicle policy (see s 110)
- regular route service (see s 12)
- restricted hire car (see s 68)
- rideshare (see s 60A)
- rideshare driver (see s 60A)
- rideshare service (see s 60A)
- rideshare vehicle (see s 60A)
- rideshare vehicle licence (see s 60J)
- road
- taxi (see s 45)
- taxi licence (see s 37)
- taxi service (see s 47)
- tour and charter service (see s 13)

- transport booking service (see s 28).

Note 4 The *Road Transport (General) Act 1999* contains definitions relevant to this regulation. For example, the following terms are defined in the *Road Transport (General) Act 1999*, dictionary:

- another jurisdiction
- Australian Design Rule
- Australian Road Rules
- driver
- jurisdiction
- motor vehicle
- road transport authority (or authority) (see s 16)
- road transport legislation (see s 6)
- vehicle.

accreditation means accreditation under this regulation to operate services of a kind mentioned in section 4B.

accredited operator, of a public passenger service or transport booking service, means an accredited person who is entitled to operate the service.

Note **Accredited operator**, of a public passenger vehicle—see the *Act*, s 110.

ACT region—see section 221N (1).

affiliated driver, for a transport booking service—see section 70A.

affiliated driver record, for division 3A.1.2 (Transport booking services—records)—see section 70F.

affiliated hire car driver, for a transport booking service—see section 70A.

affiliated operator record, for division 3A.1.2 (Transport booking services—records)—see section 70F.

affiliated taxi driver, for a transport booking service—see section 70A.

applicable vehicle standards, for a vehicle—see the *Road Transport (Vehicle Registration) Regulation 2000*, section 103.

applicant, for accreditation (including renewal)—see section 7 (1).

approved educational qualifications, for a kind of accreditation—see section 19 (1).

approved wheelchair-accessible taxi driver training course—see section 162 (1).

authorised fixed-fare hiring—see section 142A (1).

authorised operator, for part 6.2 (Demand responsive services)—see section 244.

authorised person—see the *Road Transport (General) Act 1999*, dictionary.

available, for subdivision 3A.2.2.2 (Standard and wheelchair-accessible taxi licences)—see section 92.

availability determination, for a taxi licence—see section 92.

availability notice, for a taxi licence—see section 92A.

begins, for a taxi hiring—see section 127.

bookable vehicle licensee, for part 3A.5 (Bookable vehicles generally)—see section 221Q.

bus means a public bus.

Note **Public bus**—see the *Act*, s 10A.

bus driver means the driver of a bus.

bus ticket, for a bus, means anything issued by or on behalf of the accredited operator of a bus service for the purpose of authorising a person to travel in a bus operated for the service.

declared payment methods—see section 221K.

disciplinary notice—see section 323 (1).

drive a public passenger vehicle includes stop or park the vehicle.

driver authority card, for chapter 7 (Driver authority cards)—see section 306.

driver licence—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

DRS means demand responsive service.

DRS authorisation label—see section 236 (1).

DRS ticket, for a DRS vehicle, for division 6.2.4 (Demand responsive service tickets)—see section 279A.

DRS vehicle driver, for part 6.2 (Demand responsive services)—see section 244.

duress alarm, for division 3A.5.1 (Bookable vehicles—security devices, etc)—see section 221A.

ends, for a taxi hiring—see section 127A.

executive officer, of a corporation, means a person, however described and whether or not the person is a director of the corporation, who is concerned with, or takes part in, the corporation's management.

fare, for the hiring of a taxi, for chapter 3A (Bookable vehicles)—see section 127B.

fitted, for a GPS tracking device in a mobile phone, for division 3A.5.1 (Bookable vehicles—security devices, etc)—see section 221A.

goods includes luggage.

hire car driver—see section 178.

hirer, of a taxi, rideshare vehicle or hire car, means the person by whom the taxi, rideshare vehicle or hire car is hired.

immediate suspension notice—see section 324 (3).

in a vehicle includes on the vehicle.

ITSO approval—see section 71.

ITSO eligibility criteria, for an ITSO approval—see section 72.

leased hire car licence means a leased hire car licence issued under section 167.

liquor—see the *Liquor Act 2010*, section 11.

maximum payment surcharge—see section 221K.

member, of an emergency service—see the *Emergencies Act 2004*, dictionary.

multiple hiring, of a taxi, for subdivision 3A.2.3.3 (Taxi hirings)—see section 140A.

operate a public passenger vehicle includes drive a public passenger vehicle.

payment surcharge, for division 3A.5.2 (Bookable vehicles—fees and surcharges)—see section 221J.

perpetual taxi licence—see section 82.

pre-approval, for a taxi licence—see section 83.

pre-approval register—see section 91.

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.

public vehicle licence—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

registered vehicle—see the *Road Transport (Vehicle Registration) Regulation 2000*, dictionary.

registration number, for a vehicle—see the *Road Transport (Vehicle Registration) Regulation 2000*, dictionary.

regulated service, for chapter 2—see section 4B.

relevant person, for accreditation and applications for accreditation—see section 6B.

restricted hire car licence label—see section 168.

rideshare vehicle licence label—see section 164C.

security camera, for division 3A.5.1 (Bookable vehicles—security devices, etc)—see section 221A.

security device, for division 3A.5.1 (Bookable vehicles—security devices, etc)—see section 221A.

service authority, for chapter 8 (Disciplinary action)—see section 320.

service contract, to operate a WTBS—see section 70P.

service standards, for the operation of a regulated service—see section 20B.

standard taxi—see section 82.

standard taxi licence—see section 82.

stand-by hire car—see section 177B.

stand-by hire car permit, for subdivision 3A.4.1.3 (Stand-by hire cars)—see section 177A.

stand-by hire car permit label, for subdivision 3A.4.1.3 (Stand-by hire cars)—see section 177A.

stand-by taxi—see section 109.

taxi includes a stand-by taxi.

Note ***Taxi***—see the [Act](#), s 45.

taxi licence waiting list—see section 84.

taxi zone—

- (a) see the [Australian Road Rules](#), rule 182; and
- (b) includes a temporary taxi zone appointed under section 123.

transferable leased taxi licence—see section 82.

usual hire car—see section 177B.

wheelchair—see the [Australian Road Rules](#), dictionary.

wheelchair-accessible taxi—see section 82.

wheelchair-accessible taxi booking service (WTBS)—see section 70L.

wheelchair-accessible taxi licence—see section 82.

wheelchair-dependent person means a person who is using a wheelchair for mobility.

WTBS—see section 70L.

WTBS operator—see section 70P.

WTBS's approved procedures and rules—see section 70S.

149 Further amendments, mentions of *Minister*

omit

Minister

substitute

road transport authority

in

- section 230 (1) and (2)
- section 230 (3) (1st mention)
- section 230 (4)
- section 231 (1) (1st mention)
- section 231 (2)
- section 231 (3) (1st mention)
- section 232 (1) and (2)
- section 232 (3)
- section 233 (1)
- section 233 (2) (1st mention)
- section 235 (2)
- section 236 (1) (1st mention)
- section 237 (1)
- section 237 (2) (1st mention)
- section 238 (1)
- section 238 (2) (1st mention)
- section 240 (1)
- section 240 (2) (1st mention)
- section 242 (1)
- section 242 (3) (a)
- section 242 (4) (1st mention)

150 Further amendments, mentions of *Minister*

omit

Minister

substitute

authority

in

- section 230 (3) (2nd and 3rd mention)
- section 231 (1) (2nd mention)
- section 231 (3) (2nd mention)
- section 233 (2) (g)
- section 236 (1) (2nd mention)
- section 237 (2) (2nd mention)
- section 238 (2) (2nd mention)
- section 240 (2) (2nd mention)
- section 242 (3) (b)
- section 242 (4) (2nd mention)

151 Further amendments, mentions of *Minister's*

omit

Minister's

substitute

authority's

in

- section 232 (3) (a)
- section 233 heading
- section 233 (1)

152 Legislation repealed

- (1) The following instruments under the *Road Transport (Driver Licensing) Regulation 2000* are repealed:
 - *Road Transport (Driver Licensing) (Hire Car Training Course) Approval 2010 (No 1)* (NI2010-493);
 - *Road Transport (Driver Licensing) Public Vehicle Driver Training Course Approval 2015 (No 1)* (NI2015-45).
- (2) The following instrument under the *Road Transport (General) Act 1999* is repealed:
 - *Road Transport (General) Independent Taxi Operator Exemption Declaration 2016 (No 1)* (DI2016-13).
- (3) The following instruments under the *Road Transport (Public Passenger Services) Act 2001* are repealed:
 - *Road Transport (Public Passenger Services) Exemption 2003* (DI2003-270);
 - *Road Transport (Public Passenger Services) (Maximum Numbers of Taxi Licences) Determination 2011 (No 1)* (NI2011-32).
- (4) The following instruments under the *Road Transport (Public Passenger Services) Regulation 2002* are repealed:
 - *Road Transport (Public Passenger Services) (Defined Right Conditions) Determination 2015 (No 1)* (DI2015-56);
 - *Road Transport (Public Passenger Services) (Minimum Service Standards for Bus Services) Approval 2006 (No 1)* (DI2006-40);
 - *Road Transport (Public Passenger Services) (Minimum Service Standards for Demand Responsive Services) Approval 2006 (No 1)* (DI2006-172);
 - *Road Transport (Public Passenger Services) (Minimum Service Standards for Hire Car Services (Other than Restricted Hire Car Services)) Approval 2013* (DI2013-83);

- *Road Transport (Public Passenger Services) (Minimum Service Standards for Restricted Hire Car Services) Approval 2006 (No 1)* (DI2006-43);
- *Road Transport (Public Passenger Services) (Conditions for a Ballot of Defined Rights) Determination 2015 (No 1)* (NI2015-165);
- *Road Transport (Public Passenger Services) (Taxi Network Livery) Approval 2007 (No 1)* (NI2007-80);
- *Road Transport (Public Passenger Services) (Taxi Network Livery) Approval 2008 (No 1)* (NI2008-312);
- *Road Transport (Public Passenger Services) (Taxi Network Livery) Approval 2010 (No 1)* (NI2010-662);
- *Road Transport (Public Passenger Services) Arrangements with Taxi Networks Exemption* (NI2002-50);
- *Road Transport (Public Passenger Services) Independent Taxi Services Eligibility Criteria Approval 2014 (No 1)* (NI2014-59);
- *Road Transport (Public Passenger Services) Taxi Network Livery Approval 2011 (No 1)* (NI2011-525);
- *Road Transport (Public Passenger Services) Taxi Network Livery Approval 2011 (No 2)* (NI2011-521);
- *Road Transport (Public Passenger Services) Taxi Network Livery Approval 2011 (No 3)* (NI2011-567);
- *Road Transport (Public Passenger Services) Taxi Network Livery Approval 2011 (No 4)* (NI2011-664);
- *Road Transport (Public Passenger Services) Taxi Network Livery Approval 2011 (No 5)* (NI2011-687);
- *Road Transport (Public Passenger Services) Taxi Network Livery Approval 2012 (No 1)* (NI2012-533);
- *Road Transport (Public Passenger Services) Taxi Network Livery Approval 2012 (No 2)* (NI2012-576);
- *Road Transport (Public Passenger Services) Taxi Network Livery Approval 2013 (No 1)* (NI2013-252);

- *Road Transport (Public Passenger Services) Taxi Network Livery Approval 2013 (No 2)* (NI2013-251);
 - *Road Transport (Public Passenger Services) Taxi Network Livery Approval 2013 (No 3)* (NI2013-327);
 - *Road Transport (Public Passenger Services) Taxi Network Livery Approval 2013 (No 4)* (NI2013-434);
 - *Road Transport (Public Passenger Services) Taxi Network Livery Approval 2013 (No 5)* (NI2013-555);
 - *Road Transport (Public Passenger Services) Taxi Network Livery Approval 2014 (No 1)* (NI2014-172);
 - *Road Transport (Public Passenger Services) Taxi Network Livery Approval 2014 (No 2)* (NI2014-287);
- (5) The following instrument under the *Road Transport (Third-Party Insurance) Regulation 2008* is repealed:
- *Road Transport (Third-Party Insurance) (Rideshare Vehicle Class) Declaration 2016 (No 1)* (NI2016-71).

Schedule 1 Other amendments

(see s 3)

Part 1.1 Road Transport (Driver Licensing) Regulation 2000

[1.1] Table 11, item 2

substitute

2	taxi	T
2A	rideshare vehicle	C

[1.2] Section 62

substitute

62 Eligibility to apply for public vehicle licence

- (1) A person is eligible to apply to the road transport authority for the issue of a full licence as, or the variation of a full licence to include, a public vehicle licence for a kind of public vehicle if the person satisfies—
 - (a) the personal eligibility requirements in subsection (3); and
 - (b) the licensing eligibility requirements in subsection (4).
- (2) Subsection (1) is subject to section 66 (Eligibility to apply for licence if disqualified or licence suspended).
- (3) The following requirements are the personal eligibility requirements for a public vehicle licence:
 - (a) the person has the skills to drive the public vehicle in the application;

- (b) the person is a suitable person to drive the public vehicle in the application;

Note Suitability to drive a public vehicle is further dealt with in s 70 (3).

- (c) the person is medically fit to hold a public vehicle licence;

Note **Medically fit**—see s (7).

- (d) the person is—

- (i) an Australian citizen; or
- (ii) a permanent resident; or
- (iii) a temporary resident who holds a visa that allows the person to work as a public vehicle driver;

- (e) for a public vehicle licence to drive a taxi—the person is—

- (i) certified by the road transport authority as meeting the determined minimum English language standards; or

Note For the minimum English language standards, see s (5).

- (ii) a citizen, or passport holder, of any of the following countries:

- (A) Australia;
- (B) Canada;
- (C) New Zealand;
- (D) Republic of Ireland;
- (E) United Kingdom;
- (F) USA.

(4) The following requirements are the licensing eligibility requirements for a public vehicle licence:

(a) for a public vehicle licence to drive a public bus—

(i) the person holds a full licence to drive the kind of public bus in the application or a licence of a higher class; and

Examples

1 A person who applies for a public vehicle licence to drive a small bus (with a GVM not over 4.5t) that is equipped to seat 11 adults (including the driver) requires a full car licence (see table 9, item 2).

2 A person who applies for a public vehicle licence to drive a bus (with a GVM over 4.5t, but not over 8t) that is equipped to seat 15 adults (including the driver) requires a full light rigid vehicle licence (see table 9, item 3).

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).

(ii) the person has held the licence, or an Australian driver licence that corresponds to a licence mentioned in subparagraph (i), for at least 1 year (or for periods totalling 1 year) in the previous 3 years;

(b) for a public vehicle licence to drive a taxi—the person holds a full car licence or a full licence of a higher class;

(c) for a public vehicle licence to drive a hire car—

(i) that is a motorbike—

(A) the person holds a full motorcycle licence; and

(B) the person has held a full motorcycle licence, or an Australian driver licence that corresponds to a full motorcycle licence, for at least 1 year (or periods totalling 1 year) in the previous 3 years; or

- (ii) that is not a motorbike—the person holds a full car licence or a full licence of a higher class;
- (d) for a public vehicle licence to drive a rideshare vehicle—the person holds a full car licence or a full licence of a higher class;
- (e) for a public vehicle licence to drive a DRS vehicle—the person—
 - (i) holds a full car licence or a full licence of a higher class; and
 - (ii) has held the licence, or an Australian driver licence that corresponds to a licence mentioned in subparagraph (i), for at least 1 year (or for periods totalling 1 year) in the previous 3 years;
- (f) if the person does not hold a public vehicle licence to drive the public vehicle in the application—
 - (i) for a public bus or DRS vehicle—the person has successfully completed an approved public vehicle driver training course to drive a public bus or DRS vehicle in the year before the application is made; or
 - Note* **Approved public vehicle driver training course**—see s 65.
 - (ii) for a taxi, hire car or rideshare vehicle—the person has successfully completed any determined training requirements; or
 - Note* **Determined training requirements**—see s 65.
 - (iii) the road transport authority has, under section 67 (4), exempted the person from the requirement in subparagraph (i) or (ii).

Note Under s 68 (1) periods of licence suspension or disqualification are not counted and every other period when the person has, during the 3-year period, held a full licence is counted.

(5) The road transport authority may determine minimum English language standards for taxi drivers.

(6) A standard is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

(7) In this section:

medically fit—a person is *medically fit* to hold a public vehicle licence if the person has been examined by a doctor within the last 6 months in accordance with the required medical standards and the doctor certifies that—

(a) the doctor has personally examined the person on a stated date; and

(b) the person complies with the standards.

[1.3] Section 65

substitute

65 Public vehicle driver training courses and requirements

(1) The road transport authority may approve public vehicle driver training courses (*approved public vehicle driver training courses*) for—

(a) people who wish to hold a public vehicle licence to drive a public bus or DRS vehicle; and

(b) holders of public vehicle licences.

(2) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

- (3) The road transport authority may determine training requirements (*determined training requirements*) for—
- (a) people who wish to hold a public vehicle licence to drive a bookable vehicle; and
 - (b) holders of public vehicle licences for bookable vehicles.

Note **Bookable vehicle**—see the dictionary.

- (4) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

[1.4] Section 67 (1) (e)

omit

[1.5] Section 67 (4)

substitute

- (4) The road transport authority may exempt a person from the eligibility requirement mentioned in section 62 (4) (f) (which is about the successful completion of training).

[1.6] Section 79

substitute

79 Authority may require public vehicle driver to undertake training

The road transport authority may, by written notice given to a person who is the holder of a public vehicle licence, require the person, within a stated period—

- (a) to undertake—
 - (i) for a public vehicle licence to drive a public bus or DRS vehicle—an approved public vehicle driver training course; or

- (ii) for a public vehicle licence to drive a bookable vehicle—determined training requirements; or
- (iii) another form of training; and
- (b) to provide evidence to the authority, in a form acceptable to the authority, that the person has successfully completed the training.

Note **Approved public vehicle driver training course**—see s 65.
Determined training requirements—see s 65.
Bookable vehicle—see the dictionary.

[1.7] New section 88AB

After section 88AA, insert

88AB Public vehicle licence—suspension—knowledge or skills

- (1) This section applies if—
 - (a) a person holds a public vehicle licence to drive a bookable vehicle; and
 - (b) a determination is in force under the *Road Transport (Public Passenger Services) Regulation 2002*, section 221U (Knowledge and skills to be bookable vehicle driver); and
 - (c) the road transport authority is satisfied that the person does not have the knowledge and skills required under the determination to be a bookable vehicle driver.

Note **Bookable vehicle**—see the dictionary.

- (2) The road transport authority must give the person a written notice that states—
 - (a) the date of the notice; and
 - (b) that the person’s authority to drive a bookable vehicle is suspended; and

- (c) the reason for the suspension; and
 - (d) the day when the suspension takes effect, being a day not earlier than 14 days after the date of the notice; and
 - (e) that the suspension continues until the authority is satisfied that the person has the knowledge and skills required under the determination to be a bookable vehicle driver.
- (3) The notice must also state that—
- (a) for a taxi driver—the person must not drive a taxi on a road or road related area for the period of the suspension; or
 - (b) for a rideshare driver—the person must not drive a rideshare vehicle to provide a public passenger service on a road or road related area for the period of the suspension; or
 - (c) for a hire car driver—the person must not drive a hire car on a road or road related area for the period of the suspension.

[1.8] Section 88A (1) (b)

omit

section 62 (3) (e)

substitute

section 62 (3) (d)

[1.9] Section 88B (1) (b)

omit

section 62 (3) (e)

substitute

section 62 (3) (d)

[1.10] Section 94A (3) and (5)

omit

[1.11] Dictionary, new definitions

insert

bookable vehicle—see the *Road Transport (Public Passenger Services) Act 2001*, section 29.

determined training requirements—see section 65.

[1.12] Dictionary, definition of *restricted taxi*

omit

[1.13] Dictionary, new definition of *rideshare vehicle*

insert

rideshare vehicle—see the *Road Transport (Public Passenger Services) Act 2001*, section 60A.

Part 1.2 Road Transport (General) Regulation 2000

[1.14] Section 16 (1) (i)

substitute

- (i) a fee, charge or other amount paid in relation to the issue or transfer of a taxi licence, rideshare vehicle licence or hire car licence under the *Road Transport (Public Passenger Services) Act 2001*.

[1.15] Schedule 1, part 1.8

substitute

Part 1.8 Road Transport (Public Passenger Services) Regulation 2002

column 1 item	column 2 provision	column 3 decision
1	8 (1)	road transport authority—refuse to accredit/renew accreditation
2	9 (1) or (2)	road transport authority—refuse to accredit/renew accreditation
3	10 (1)	road transport authority—issue/renew accreditation subject to condition imposed by authority
4	10 (2)	road transport authority—amend/revoke condition on accreditation
5	10 (2)	road transport authority—refuse to amend/revoke condition on accreditation
6	12 (4)	road transport authority—period of accreditation
7	16 (1)	road transport authority—refuse to issue replacement certificate of accreditation
8	20	road transport authority—direct accredited person to undertake training
9	37 (3) (a)	road transport authority—number of seated/standing passengers bus permitted to carry
10	70 (1) (a)	road transport authority—appointment of a bus stop by authority
11	70 (1) (b)	road transport authority—approve/refuse to approve accredited operator to appoint bus stops
12	70R (1)	road transport authority—refuse to exempt WTBS

column 1 item	column 2 provision	column 3 decision
13	70R (2) (b)	road transport authority—exempt WTBS subject to condition
14	70R (3)	road transport authority—end WTBS exemption
15	70S (1)	road transport authority—refuse to approve WTBS's procedures and rules
16	73 (2)	road transport authority—refuse to issue ITSO approval subject to condition
17	74 (b)	road transport authority—issue ITSO approval
18	75 (2)	road transport authority—period of ITSO approval
19	78 (2) or (3)	road transport authority—refuse to renew ITSO approval
20	78 (4)	road transport authority—renew ITSO approval subject to new/amended condition
21	79 (1)	road transport authority—refuse to issue replacement ITSO approval
22	86 (2)	road transport authority—refuse to issue pre-approval
23	92C (2)	road transport authority—refuse to issue taxi licence
24	92E (1) (b)	road transport authority—issue taxi licence subject to condition
25	92F (2)	road transport authority—period of taxi licence
26	92J (2)	road transport authority—refuse to amend taxi licence
27	92J (3)	road transport authority—amend taxi licence to impose/amend condition
28	92L (2) or (3)	road transport authority—refuse to renew taxi licence
29	92L (4)	road transport authority—renew taxi licence subject to condition
30	92M (1)	road transport authority—refuse to issue replacement taxi licence
31	95A (1)	road transport authority—refuse to exempt taxi from requirement to be fitted with complying taximeter

Schedule 1 Other amendments
Part 1.2 Road Transport (General) Regulation 2000

Amendment [1.15]

column 1 item	column 2 provision	column 3 decision
32	160 (1)	road transport authority—refuse to exempt person from requirement to successfully complete wheelchair-accessible taxi driver training course
33	160 (2)	road transport authority—exempt subject to conditions from requirement to successfully complete wheelchair-accessible taxi driver training course
34	161	road transport authority—require person to undertake approved wheelchair-accessible taxi driver training course
35	162 (1)	road transport authority—refuse to approve wheelchair-accessible taxi driver training course
36	163 (1) (b) (i)	road transport authority—refuse to approve operation of bus as taxi
37	164B (2)	road transport authority—refuse to issue rideshare vehicle licence
38	164D (1)	road transport authority—issue rideshare vehicle licence subject to condition
39	164E (2)	road transport authority—period of rideshare vehicle licence
40	164I (2)	road transport authority—refuse to amend rideshare vehicle licence
41	164I (3)	road transport authority—amend rideshare vehicle licence to impose/amend condition
42	164K (2) or (3)	road transport authority—refuse to renew rideshare vehicle licence
43	164K (4)	road transport authority—renew rideshare vehicle licence subject to condition
44	164N (1)	road transport authority—refuse to issue replacement rideshare vehicle licence
45	164N (2)	road transport authority—refuse to issue replacement rideshare vehicle licence label
46	167	road transport authority—refuse to issue/renew hire car licence

column 1 item	column 2 provision	column 3 decision
47	169 (1)	road transport authority—issue/renew hire car licence subject to condition imposed by authority
48	169 (2)	road transport authority—amend/refuse to amend hire car licence to impose/amend/revoke condition
49	175 (1)	road transport authority—refuse to issue replacement hire car licence
50	231	road transport authority—refuse to issue/renew DRS authorisation
51	232 (1)	road transport authority—issue/renew DRS authorisation subject to condition imposed by authority
52	232 (2)	road transport authority—amend/refuse to amend DRS authorisation to impose/amend/revoke condition
53	240 (1)	road transport authority—refuse to issue replacement DRS authorisation
54	240 (1)	road transport authority—refuse to issue replacement DRS authorisation
55	269 (5) (a)	road transport authority—number of seated/standing passengers DRS vehicle permitted to carry
56	307 (5)	road transport authority—refuse to approve way of displaying driver authority card
57	323 (4) (a)	road transport authority—cancel service authority
58	323 (4) (a) or (b)	road transport authority—suspend service authority
59	323 (4) (a), (b), (c) or (d)	road transport authority—impose/amend condition on service authority
60	323 (4) (c)	road transport authority—disqualify from applying for service authority
61	323 (4) (e)	road transport authority—order to pay financial penalty
62	323 (4) (f)	road transport authority—direct to undertake particular training

Schedule 1 Other amendments
Part 1.2 Road Transport (General) Regulation 2000

Amendment [1.16]

column 1 item	column 2 provision	column 3 decision
63	323 (4) (f)	road transport authority—reprimand
64	324 (3)	road transport authority—immediately suspend service authority

[1.16] Schedule 1, part 1.11, item 9

substitute

9	32AA (2)	road transport authority—refuse to approve application for registration of registrable vehicle as public passenger vehicle
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[1.17] Schedule 3, part 3.1, item 12

substitute

12	a fee, charge or other amount paid in relation to an application for the issue or transfer of a taxi licence, rideshare vehicle licence or hire car licence under the Road Transport (Public Passenger Services) Act 2001 if the application is refused
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[1.18] Schedule 3, part 3.2, item 3

substitute

3	<p>a fee, charge or other amount paid in relation to the issue of any of the following licences under the Road Transport (Public Passenger Services) Act 2001 if the licence is surrendered in accordance with that Act:</p> <ul style="list-style-type: none"> (a) a leased hire car licence; (b) a transferable leased taxi licence; (c) a standard taxi licence; (d) a wheelchair-accessible taxi licence <p><i>Note</i> Transferable leased taxi licences are no longer issued by the road transport authority but may continue to operate under the Road Transport (Public Passenger Services) Regulation 2002.</p>
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Part 1.3 Road Transport (Offences) Regulation 2005

[1.19] Schedule 1, part 1.10, items 5 and 6

substitute

5	32 (1)	operate transport booking service without accreditation	50		
6	33 (1)	accredited transport booking service not comply with condition of accreditation	50		
6A	34	pretend to be accredited transport booking service	30		
6B	36A (1)	pretend to be affiliated driver for transport booking service	30		
6C	36D (1)	pretend to be affiliated operator for transport booking service	30		

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.19]

6D	36E (1)	taxi driver not affiliated driver where service operator neither affiliated operator nor independent taxi service operator	50		
6E	36E (2)	taxi service operator neither affiliated operator nor independent taxi service operator	50		
6F	36F (1)	rideshare driver not affiliated driver	50		
6G	36G (1)	transport booking service not take reasonable steps to ensure affiliated driver holds licence or exemption	20	515	
6H	36G (2)	transport booking service not take reasonable steps to ensure affiliated taxi/hire car service operator accredited	20	515	
6I	36G (3) (b) (i)	transport booking service not take reasonable steps to ensure affiliated rideshare driver accredited	20	515	

6J	36G (3) (b) (ii)	transport booking service not take reasonable steps to ensure rideshare vehicle licensed/insured	20	515	
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[1.20] Schedule 1, part 1.10, items 14 and 15

substitute

14	60E (1)	rideshare driver not accredited	50		
15	60F (1)	pretend to be accredited rideshare driver	30		
15A	60G (1)	rideshare driver use unlicensed vehicle	50		
15B	60L	pretend vehicle is licensed rideshare vehicle	30		
15C	60M	rideshare vehicle licensee not take reasonable steps to ensure rideshare driver holds licence or exemption	20	515	
15D	60N	rideshare vehicle licensee not take reasonable steps to ensure vehicle insured	50	801	

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.21]

[1.21] Schedule 1, part 1.11, item 1

substitute

1	14 (2)	accredited person not notify change in accreditation or service operation	20	515	
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[1.22] Schedule 1, part 1.11, new items 5A and 5B

insert

5A	20C (1)	operator of regulated service not comply with service standard	20	515	
5B	20C (2)	licensee of vehicle used for regulated service not comply with service standard	20	515	

[1.23] Schedule 1, part 1.11, item 33

omit

[1.24] Schedule 1, part 1.11, items 100 to 125

substitute

100	70B	transport booking service not take reasonable steps to ensure affiliated driver has required knowledge and skills	20	515	
101	70C (1)	transport booking service not take reasonable steps to ensure taxi/rideshare vehicle/hire car is licensed	20	515	
102	70D (1)	transport booking service not take reasonable steps to ensure service available to accept/communicate taxi bookings	20	515	
103	70D (2)	transport booking service not take reasonable steps to ensure service available to accept/communicate rideshare bookings	20	515	
104	70E (1)	transport booking service not make option of fare estimate available before hiring	20	650	

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.24]

105	70E (2)	transport booking service not make identifying information for vehicle and driver available before hiring	20	650	
106	70G (1) (b) (i)	transport booking service not take reasonable steps to ensure affiliated driver record	10	336	
107	70G (1) (b) (ii)	transport booking service not keep affiliated driver record up-to-date	10	336	
108	70G (2)	transport booking service not keep affiliated driver record for 2 years after last booking	10	336	
109	70G (3)	transport booking service not provide affiliated driver record to road transport authority/police officer/emergency service member	10	336	
110	70H (1) (b) (i)	transport booking service not keep affiliated operator record	10	336	

111	70H (1) (b) (ii)	transport booking service not take reasonable steps to ensure affiliated operator record up-to-date	10	336	
112	70H (2)	transport booking service not keep affiliated operator record for 2 years after last booking	10	336	
113	70H (3)	transport booking service not provide affiliated operator record to road transport authority/police officer/emergency service member	10	336	
114	70I (1) (b) (i)	transport booking service not keep bookable vehicles record	10	336	
115	70I (1) (b) (ii)	transport booking service not take reasonable steps to ensure bookable vehicle record up-to-date	10	336	
116	70I (2)	transport booking service not keep bookable vehicle record for 2 years after last booking	10	336	

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.24]

117	70I (3)	transport booking service not provide bookable vehicle record to road transport authority/police officer/emergency service member	10	336	
118	70J (1)	transport booking service not make booking record	10	336	
119	70J (2)	transport booking service not keep booking record for 2 years	10	336	
120	70J (3)	transport booking service not provide booking record to road transport authority/police officer/emergency service member	10	336	
121	70M (1)	transport booking service not, without delay, direct booking request to WTBS	10	336	
122	70N (1)	transport booking service not, without delay, direct driver to accept booking	10	336	
123	70O (1)	transport booking service not, without delay, tell passenger estimated arrival time	10	336	

124	70Q (2)	person operate WTBS without entitlement	20		
125	70T (1)	WTBS not, without delay, direct driver to accept booking	10	336	
125A	80 (1)	independent taxi service operator not give road transport authority notice of change of name or address	20	515	
125B	92E (3)	taxi licensee not comply with condition of licence	20	515	
125C	92N (1)	taxi licensee not produce licence for inspection	5	160	
125D	92P (1)	taxi licensee not give road transport authority notice of change of name or address	20	515	
125E	94	affiliated taxi service operator not tell road transport authority about affiliation/name of transport booking service	5	336	

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.25]

[1.25] Schedule 1, part 1.11, items 128 to 132

substitute

128	97 (1)	taxi service operator not take reasonable steps to ensure taxi driver is licensed/ exempted	20	336	
129	97 (2)	independent taxi service operator not take reasonable steps to ensure taxi driver has required knowledge and skills	20	515	
130	98	taxi operator not ensure wheelchair-accessible taxi driver trained/exempted	20	515	
131	99 (2)				
131.1	<ul style="list-style-type: none"> by contravening 99 (1) (a) 	taxi operator not record driver's name and address	10	336	
131.2	<ul style="list-style-type: none"> by contravening 99 (1) (b) 	taxi operator not record prescribed driver authority information	10	336	

131.3	<ul style="list-style-type: none"> by contravening 99 (1) (ba) 	independent taxi operator not record evidence that driver has required knowledge and skills	10	336	
131.4	<ul style="list-style-type: none"> by contravening 99 (1) (c) 	taxi operator not record wheelchair-accessible taxi training/exemption information	10	336	
131.5	<ul style="list-style-type: none"> by contravening 99 (1) (d) 	taxi operator not record driving times	10	336	
131.6	<ul style="list-style-type: none"> by contravening 99 (1) (e) 	taxi operator not record registration number of taxi driven by driver	10	336	

[1.26] Schedule 1, part 1.11, items 134 to 137

substitute

134	101A (2)	wheelchair-accessible taxi operator not have arrangements with WTBS operator for booking service	10	336	
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Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.27]

135	101A (3)	wheelchair-accessible taxi operator not have communications equipment fitted	10	336	
136	101B (1)	wheelchair-accessible taxi operator not comply with WTBS's approved procedures and rules	20	515	

[1.27] Schedule 1, part 1.11, items 139 to 146

substitute

139	107 (3)	accredited taxi operator of taxi not fitted with signs/livery identifying taxi/complying with taxi signs and livery requirements	10	336	
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[1.28] Schedule 1, part 1.11, items 148 to 167

substitute

148	114 (1)	wheelchair-accessible taxi driver not tell booking service of hiring availability	10	336	
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149	114 (2)	wheelchair-accessible taxi driver not comply with direction to accept booking	10	336	
150	115 (1)	wheelchair-accessible taxi driver not operate communications appropriately	10	205	
151	116 (1)	wheelchair-accessible taxi driver not comply with WTBS's approved procedures and rules	10	336	

[1.29] Schedule 1, part 1.11, items 174 to 182, 185, 186 and 193 to 200

omit

[1.30] Schedule 1, part 1.11, item 205

substitute

205	141	taxi driver accept multiple hiring without hirer's agreement	5	186	
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Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.31]

[1.31] Schedule 1, part 1.11, items 224 and 225

substitute

224	144B (1)	ineligible person pay for taxi hiring under taxi subsidy scheme	5	186	
225	144B (2)	make false or misleading statement in paying for taxi under taxi subsidy scheme	5	186	

[1.32] Schedule 1, part 1.11, items 228 and 229

omit

[1.33] Schedule 1, part 1.11, items 232 to 242

substitute

232	164D (2)	rideshare vehicle licensee not comply with condition of licence	20	515	
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233	164L (1)	rideshare vehicle licensee not give road transport authority notice of change of name or address and licence	20	515	
234	164O (1)	rideshare vehicle licensee not give label to rideshare driver before rideshare begins	20	515	
235	164P (1)	rideshare vehicle licensee advertise vehicle used to provide a rideshare service	10	336	
236	164Q (1)	rideshare driver not hold public vehicle licence/exemption	20	515	
237	164R (1)	rideshare driver accept booking other than from accredited transport booking service	20		
238	164S (1)	rideshare driver for rideshare vehicle with rideshare label not displayed so information readable/on windscreen or window	20	515	
239	164T (1)	rideshare vehicle driver not produce licence for inspection	5	160	

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.34]

240	164T (3)	rideshare vehicle driver not produce label for inspection	5	160	
241	164U (1)	rideshare driver advertise on rideshare vehicle that they are rideshare driver	10	336	
242	173 (1)	hire car licensee not notify change in name/address	10	336	

[1.34] Schedule 1, part 1.11, items 250 to 256

substitute

250	180	affiliated hire car service operator not tell road transport authority about affiliation/name of transport booking service	5	336	
251	181 (1)	hire car service operator not take reasonable steps to ensure hire car driver is licensed/exempt	20	515	

252	181 (2)	hire car service operator not take reasonable steps to ensure hire car driver has required knowledge and skills	20	515	
253	182 (1) (a)	hire car operator not record driver's name and address	10	336	
254	182 (1) (b)	hire car operator not record prescribed driver authority information	10	336	
255	182 (1) (ba)	hire car operator not record evidence that driver has required knowledge and skills	10	336	

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.35]

[1.35] Schedule 1, part 1.11, items 259, 260 and 265

omit

[1.36] Schedule 1, part 1.11, items 270 to 309

substitute

270	221B (1)	transport booking service not take reasonable steps to ensure taxi has duress alarm	20	515	
271	221B (2)	taxi service operator for taxi without duress alarm	20	515	
272	221C (1)	transport booking service not take reasonable steps to ensure bookable vehicle has GPS tracking	20		
273	221C (2)	taxi service operator for taxi without GPS tracking	20		
274	221C (3)	rideshare driver accept hiring for rideshare vehicle not fitted with GPS tracking	20		

275	221C (4)	hire car driver accept hiring for hire car not fitted with GPS tracking	20		
276	221D (1)	taxi driver stand/ply for hire in vehicle without security camera	20	515	
277	221D (2)	interfere with security camera recording in taxi	20		
278	221E (1) (a)	interfere with security device in bookable vehicle	20		
279	221E (1) (b)	interfere with electronic device in bookable vehicle	20		
280	221E (1) (c)	interfere with thing supporting security or electronic device in bookable vehicle	20		
281	221F (5)	contravene security device standard	20	650	
282	221G (1)	transport booking service accept jump-the-queue fee for taxi booking	20	515	

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.36]

283	221G (2)	transport booking service provide way for taxi driver to accept jump-the-queue fee for taxi booking	20	515	
284	221G (3)	taxi driver accept jump-the-queue fee for taxi booking	20	515	
285	221H (1)	transport booking service accept up-front tip for taxi/rideshare booking	20	515	
286	221H (2) (b) (i)	transport booking service provide way for taxi driver to accept up-front tip for taxi booking	20	515	
287	221H (2) (b) (ii)	transport booking service provide way for rideshare driver to accept up-front tip for rideshare booking	20	515	
288	221H (3)	taxi driver accept up-front tip for taxi booking	20	515	
289	221H (4)	rideshare driver accept up-front tip for rideshare booking	20	515	

290	221I (1) (b) (i)	transport booking service accept jump-the-queue fee for bookable vehicle booking during emergency	20	515	
291	221I (1) (b) (ii)	transport booking service provide way for bookable vehicle driver to accept jump-the-queue fee for bookable vehicle booking during emergency	20	515	
292	221I (1) (b) (iii)	transport booking service apply surge pricing for bookable vehicle during emergency	20	515	
293	221I (2) (b) (i)	bookable vehicle driver accept jump-the-queue for bookable vehicle booking during emergency	20	515	
294	221I (2) (b) (ii)	bookable vehicle driver apply surge pricing for bookable vehicle booking during emergency	20	515	

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.36]

295	221L (1)	defined person if payment surcharge imposed that exceeds maximum payment surcharge	20	515	
296	221M (1)	initiate collection of/collect payment surcharge that exceeds maximum payment surcharge	20	515	
297	221R (1)	bookable vehicle licensee for bookable vehicle with indecent/insulting/offensive advertisement/document displayed	10	336	
298	221R (3)	bookable vehicle licensee not comply with direction of authority/police officer/ authorised person to remove advertisement/document	10	336	
299	221S (1)	bookable vehicle licensee for bookable vehicle used while noncompliance notice in force	20	515	
300	221T (1)	bookable vehicle driver not have required knowledge and skills	20	515	

301	221T (2) (c) (i)	bookable vehicle driver not record evidence of required knowledge and skills	10	336	
302	221T (2) (c) (ii)	bookable vehicle driver not provide record of required knowledge and skills to road transport authority	10	336	
303	221V (1)	bookable vehicle driver allow passenger to have thing in vehicle endangering someone	5	200	
304	221W (1)	bookable vehicle driver allow passenger to have unconfined animal in vehicle	5	200	
305	221X (1)	bookable vehicle driver with indecent/insulting/offensive advertisement/document displayed in bookable vehicle	10	336	
306	221X (3)	bookable vehicle driver not comply with direction of authority/police officer/ authorised person to remove advertisement/document	10	336	

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.36]

307	222 (1)	bookable vehicle driver tout for passengers/hiring for bookable vehicle	20	515	
308	223 (1)	bookable vehicle driver not give required notice of notifiable accident within 24 hours	20	362	
309	223 (2)	bookable vehicle driver not give required notice of notifiable accident within 5 days	20	362	
309A	224 (1)	bookable vehicle driver use vehicle for hiring while noncompliance notice in force	20	515	
309B	225 (3)	bookable vehicle driver not comply with direction of police officer/authorised person	5	251	
309C	226 (1)	bookable vehicle passenger behave in offensive way/use offensive language	10	336	
309D	227 (1)	bookable vehicle passenger place/carry unconfined animal in bookable vehicle	5	196	

309E	228 (1)	bookable vehicle passenger not give found thing to owner/bookable vehicle driver/transport booking service/police officer/authorised person	5	196	
309F	229 (3)	person not comply with direction of bookable vehicle driver/police officer/ authorised person to not to get into, or to get out of, a bookable vehicle	5	251	

[1.37] Schedule 1, part 1.11, item 314

substitute

314	238 (1)	DRS authorisation-holder not notify change in name/address	1		
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Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.38]

[1.38] Schedule 1, part 1.11, item 416

substitute

416	326 (1)	not return suspended/cancelled certificate of accreditation/taxi licence/rideshare vehicle licence/hire car licence/ITSO approval as required	5	159	
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Part 1.4

Road Transport (Safety and Traffic Management) Regulation 2000

[1.39] New section 11A

insert

11A ARR r 158 (2) (c)—other vehicles permitted to travel in bicycle lanes

A driver of a rideshare vehicle or hire car may drive for up to 50m in a bicycle lane if—

- (a) the driver is dropping off, or picking up, passengers; and
- (b) there is not another law of this jurisdiction prohibiting the driver from driving in the bicycle lane.

Note A similar provision applies to taxi drivers and bus drivers (see [ARR, r 153 \(3\)](#)).

[1.40] New section 12A

insert

12A ARR r 176—stopping on a clearway

Despite the [Australian Road Rules](#), rule 176 (1), a driver of a rideshare vehicle or hire car may stop on a length of road to which a clearway sign applies if—

- (a) the driver is dropping off, or picking up, passengers; and

- (b) there is not another law of this jurisdiction prohibiting the driver from stopping on a length of road to which a clearway sign applies.

Note A similar provision applies to taxi drivers and bus drivers (see [ARR](#), r 176 (2) and (3)).

[1.41] Section 13A

substitute

13A ARR r 179 (1) (c) and (2) (c)—stopping in loading zone—bookable vehicles

- (1) For the [Australian Road Rules](#), rule 179 (1) (c), a bookable vehicle that is dropping off, or picking up, a passenger is permitted to stop in a loading zone if—
- (a) the bookable vehicle driver does not leave the bookable vehicle unattended, other than to comply with a passenger assistance requirement; and
- (b) the driver complies with subsection (2).
- (2) For the [Australian Road Rules](#), rule 179 (2) (c), the driver must complete the dropping off, or picking up, of the passenger, and drive on—
- (a) within 2 minutes; or
- (b) if the driver is required to comply with a passenger assistance requirement—as soon as possible after the driver complies with the requirement.
- (3) In this section:

bookable vehicle—see the [Road Transport \(Public Passenger Services\) Act 2001](#), section 29.

Note ***Bookable vehicle*** means a taxi, rideshare vehicle or hire car.

passenger assistance requirement means a requirement under the *Road Transport (Public Passenger Services) Regulation 2002*, section 132 (5) (which requires a wheelchair-accessible taxi driver to provide reasonable assistance in loading and unloading a wheelchair, or a person in a wheelchair, into or from the taxi).

unattended—a driver leaves a bookable vehicle *unattended* if the driver leaves the bookable vehicle so the driver is over 3m from the closest point of the bookable vehicle.

[1.42] Dictionary, new definition of *rideshare vehicle*

insert

rideshare vehicle—see the *Road Transport (Public Passenger Services) Act 2001*, section 60A.

Part 1.5 Road Transport (Third-Party Insurance) Regulation 2008

[1.43] Section 13

omit

[1.44] Schedule 1, section 1.1, definition of *rideshare vehicle*

substitute

rideshare vehicle—see the *Road Transport (Public Passenger Services) Act 2001*, section 60A.

Part 1.6 Road Transport (Vehicle Registration) Regulation 2000

[1.45] Section 32AA

substitute

32AA Deciding applications for registration—public passenger vehicles

- (1) This section applies if the road transport authority is deciding an application for registration of a registrable vehicle as 1 of the following kinds of public passenger vehicle:
 - (a) a public bus;
 - (b) a taxi;
 - (c) a hire car;
 - (d) a demand responsive service vehicle.

Note A rideshare vehicle is also a public passenger vehicle but it is not required to be registered as a rideshare vehicle.

- (2) The road transport authority may refuse to approve the application if the applicant—
 - (a) is not the accredited operator of the vehicle; or
 - (b) has failed to comply with a requirement under a territory law about the condition of the vehicle.
- (3) In this section:

accredited operator, of a public passenger vehicle—see the [Road Transport \(Public Passenger Services\) Act 2001](#), section 110.

[1.46] Section 84 (1) (g)

omit

if the vehicle is a public passenger vehicle—

substitute

if the vehicle is a public passenger vehicle other than a rideshare vehicle—

[1.47] Schedule 1, division 1.5.3

omit

[1.48] Dictionary, definition of *bus*

substitute

bus—see the [Road Transport \(Public Passenger Services\) Act 2001](#), section 10A.

Part 1.7 Workers Compensation Regulation 2002

[1.49] New section 4A

insert

4A Regular contractors and casuals—Act, s 11 (2) (c)

(1) For the [Act](#), section 11 (2) (c), the following contracts are prescribed:

- (a) a contract between the individual who is a bookable vehicle driver and the principal that prevents the individual from having an affiliated driver agreement with more than 1 transport booking service;

(b) if the individual is a bookable vehicle driver and does not have a contract mentioned in paragraph (a)—a contract of bailment between the individual and the principal under which the individual has the use of a bookable vehicle.

(2) In this section:

affiliated driver agreement—see the *Road Transport (Public Passenger Services) Act 2001*, section 36.

bookable vehicle—see the *Road Transport (Public Passenger Services) Act 2001*, section 29.

bookable vehicle driver—see the *Road Transport (Public Passenger Services) Act 2001*, section 29.

transport booking service—see the *Road Transport (Public Passenger Services) Act 2001*, section 28.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 26 July 2016.

2 Republications of amended laws

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