

Australian Capital Territory

Road Transport (Public Passenger Services) Amendment Regulation 2019 (No 1)

Subordinate Law SL2019-15

The Australian Capital Territory Executive makes the following regulation under the [Road Transport (Public Passenger Services) Act 2001](http://www.legislation.act.gov.au/a/2001-62).

Dated 26 June 2019.

Shane Rattenbury

Minister

Chris Steel

Minister



Australian Capital Territory

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1 Name of regulation

This regulation is the *Road Transport (Public Passenger Services) Amendment Regulation 2019 (No 1)*.

2 Commencement

 (1) This regulation (other than sections 5 to 7) commences on the 14th day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

 (2) Sections 5 to 7 commence on 18 September 2019.

3 Legislation amended

This regulation amends the [Road Transport (Public Passenger Services) Regulation 2002](http://www.legislation.act.gov.au/sl/2002-3).

Note This regulation also amends the [Road Transport (Offences) Regulation 2005](http://www.legislation.act.gov.au/sl/2005-11) (see sch 1).

4 New division 3A.3.1A

before division 3A.3.1, insert

Division 3A.3.1A Definitions—pt 3A.3

163A Definitions—pt 3A.3

In this part:

approved identifier—see section 164C (3).

rideshare vehicle identifier, for a rideshare vehicle, means—

 (a) if an approval under section 164C (3) is in force for the vehicle—an approved identifier; or

 (b) in any other case—a rideshare vehicle label.

rideshare vehicle label—see section 164C (2).

5 Section 164B (4), new definition of heavy vehicle

insert

heavy vehicle—see the [Road Transport (Vehicle Registration) Act 1999](https://www.legislation.act.gov.au/a/1999-81/), dictionary.

6 Section 164B (4), definition of motorcycle

omit

7 Section 164B (4), definitions of police vehicle and suitable vehicle

substitute

police vehicle—see the [Road Transport (Vehicle Registration) Regulation 2000](https://www.legislation.act.gov.au/sl/2000-12/), dictionary.

suitable vehicle—

 (a) means a motor vehicle with 4 or more doors and seats for 4 or more adults (including the driver); but

 (b) does not include the following:

 (i) an ambulance;

 (ii) a bus;

 (iii) a demand responsive service vehicle;

 (iv) a heavy vehicle;

 (v) a police vehicle.

8 Section 164C

substitute

164C Rideshare vehicle licence—rideshare vehicle identifier

 (1) This section applies if the road transport authority issues a rideshare vehicle licence to a person for a rideshare vehicle.

 (2) The road transport authority must issue a label for the rideshare vehicle (a rideshare vehicle label) to the person, unless there is an approved identifier for the vehicle.

 (3) The road transport authority may approve an identifier (an approved identifier) for a rideshare vehicle and any requirements for displaying the identifier.

 (4) An approval under subsection (3) is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14).

9 Section 164M (2) (a)

substitute

 (a) the—

 (i) licence; and

 (ii) if a rideshare vehicle label has been issued to the licensee—rideshare vehicle label; or

10 Section 164N (2)

omit

 rideshare vehicle licence label

substitute

rideshare vehicle label

11 Section 164O

substitute

164O Rideshare vehicle licensee or transport booking service—must give rideshare vehicle identifier to rideshare driver

 (1) A person commits an offence if—

 (a) the person is the rideshare vehicle licensee of a rideshare vehicle; and

 (b) the road transport authority has issued a rideshare vehicle label for the vehicle to the person; and

 (c) the person does not give the label to the vehicle’s rideshare driver before the driver carries out a rideshare in the vehicle.

Maximum penalty: 20 penalty units.

 (2) Subsection (1) does not apply to a rideshare vehicle licensee of a rideshare vehicle if there is an approved identifier for the vehicle.

 (3) A person commits an offence if—

 (a) the person is a transport booking service; and

 (b) an identifier is approved under section 164C (3); and

 (c) the person does not give an approved identifier to each affiliated rideshare driver for the service before the driver carries out a rideshare for the service.

Maximum penalty: 20 penalty units.

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

12 Section 164S

substitute

164S Rideshare driver—must display rideshare vehicle identifier

 (1) A person commits an offence if—

 (a) the person is the rideshare driver of a rideshare vehicle; and

 (b) the rideshare vehicle identifier for the vehicle is not, during the rideshare, displayed in or on the vehicle—

 (i) for an approved identifier—as required under the approval for the vehicle; or

 (ii) for a rideshare vehicle label—so the label is readable.

Maximum penalty: 20 penalty units.

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

 (3) In this section:

readable, for a rideshare vehicle label on a rideshare vehicle, means—

 (a) the information on the label is able to be read from the outside of the vehicle; and

 (b) if the vehicle has a windscreen or fixed window—the label is displayed on—

 (i) the lower left side (or nearside) of the windscreen; or

 (ii) a fixed window on the left side (or nearside) of the vehicle.

13 Section 164T heading

substitute

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

14 Section 164T (3) and (4)

substitute

 (3) A person commits an offence if—

 (a) the person is the rideshare driver of a rideshare vehicle; and

 (b) a police officer or authorised person requires the person to produce the rideshare vehicle identifier for the vehicle for inspection; and

 (c) the person fails to produce the identifier for inspection.

Maximum penalty: 5 penalty units.

 (4) Subsection (3) does not apply if the person—

 (a) has a reasonable excuse for failing to produce the rideshare vehicle identifier when required to do so; and

 (b) within 3 days after being required to produce the identifier, produces the identifier 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 (4) (see [Criminal Code](http://www.legislation.act.gov.au/a/2002-51), s 58).

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

15 New section 164V

in division 3A.3.2, insert

164V Rideshare driver—end of affiliated driver agreement

 (1) This section applies to a person if—

 (a) the person is a rideshare driver who is affiliated with a transport booking service; and

 (b) the person has been given an approved identifier by the service; and

 (c) the person’s affiliated driver agreement with the service ends.

 (2) The person must give the road transport authority a statement verifying that the approved identifier has been returned to the service 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](http://www.legislation.act.gov.au/a/2002-51), pt 3.4).

16 Dictionary, new definitions

insert

approved identifier, for part 3A.3 (Ridesharing)—see section 164C (3).

rideshare vehicle identifier, for a rideshare vehicle, for part 3A.3 (Ridesharing)—see section 163A.

rideshare vehicle label, for part 3A.3 (Ridesharing)—see section 164C (2).

17 Dictionary, definition of rideshare vehicle licence label

omit

Schedule 1 Road Transport (Offences) Regulation 2005—Consequential amendments

(see s 3)

[1.1] Schedule 1, part 1.11, item 268

substitute

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 268 | 164O (1) | rideshare vehicle licensee not give rideshare vehicle label to rideshare driver before rideshare begins | 20 | 581 |  |
| 268A | 164O (3) | transport booking service not give approved identifier to affiliated rideshare driver before rideshare begins | 20 | 581 |  |

[1.2] Schedule 1, part 1.11, item 272

substitute

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 272 | 164S (1) | rideshare driver for rideshare vehicle with rideshare vehicle identifier not displayed as required | 20 | 581 |  |

[1.3] Schedule 1, part 1.11, item 274

substitute

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 274 | 164T (3) | rideshare driver does not produce rideshare vehicle identifier for inspection | 5 | 182 |  |

Endnotes

1 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 1 July 2019.

2 Republications of amended laws

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

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