



Australian Capital Territory

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

Subordinate Law SL2019-15

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

Dated 26 June 2019.

SHANE RATTENBURY  
Minister

CHRIS STEEL  
Minister

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[Road Transport \(Public Passenger Services\) Act 2001](#)

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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](#), 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](#).

*Note* This regulation also amends the [Road Transport \(Offences\) Regulation 2005](#) (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*, 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*, 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](#).

**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](#), 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](#), 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<br>rideshare vehicle label to rideshare driver<br>before rideshare begins       | 20 | 581 |  |
| 268A | 164O (3) | transport booking service not give<br>approved identifier to affiliated rideshare<br>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 |  |
|-----|----------|---|---|-----|--|

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## Endnotes

**1 Notification**

Notified under the [Legislation Act](#) 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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