



Australian Capital Territory

# **Road Transport (Public Passenger Services) Act 2001 No 62**

## **Republication No 1**

Republication date: 5 December 2001

Last amendment made by Act 2001 No 94

Amendments incorporated to 1 December 2001

Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Road Transport (Public Passenger Services) Act 2001* as in force on 5 December 2001. It includes any amendment, repeal or expiry affecting the republished law to 1 December 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to  
1 December 2001



Australian Capital Territory

# Road Transport (Public Passenger Services) Act 2001

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Amendments incorporated to  
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Australian Capital Territory

# Road Transport (Public Passenger Services) Act 2001

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An Act to regulate public transport services, and for other purposes

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## Part 1 Preliminary

*Note* This Act (including the regulations) forms part of the road transport legislation. Other road transport legislation includes the *Road Transport (Alcohol and Drugs) Act 1977*, the *Road Transport (Dimensions and Mass) Act 1990*, the *Road Transport (Driver Licensing) Act 1999*, the *Road Transport (General) Act 1999*, the *Road Transport (Safety and Traffic Management) Act 1999*, the *Road Transport (Vehicle Registration) Act 1999* and the regulations made under those Acts. As part of the road transport legislation, this Act is subject to various provisions in the *Road Transport (General) Act 1999* about the administration and enforcement of the road transport legislation generally.

### 1 Name of Act

This Act is the *Road Transport (Public Passenger Services) Act 2001*.

### **U** 3 Objects (NSW s 4)

The objects of this Act include—

- (a) to provide for the accreditation of the operators of public passenger services that operate within or partly within the ACT; and
- (b) to provide for the operation of regular route services under service contracts; and
- (c) to encourage public passenger services that meet the reasonable expectations of the community for safe, reliable and efficient public passenger services.

### 4 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost*



*definitions*) to other words and expressions defined elsewhere in this Act or in the road transport legislation.

For example, the signpost definition ‘*bus service*—see section 11 (Meaning of *bus service*).’ means that the expression ‘bus service’ is defined in section 11 of this Act.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

## **U** 5 Notes

(1) A note included in this Act is explanatory and is not part of this Act.

*Note* See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

(2) In this Act:

*note* includes material enclosed in brackets in section headings.

*Note* For comparison, a number of sections contain bracketed notes in their headings drawing attention to equivalent or comparable (though not necessarily identical) provisions of other legislation. The notes include the following abbreviation:

NSW: *Passenger Transport Act 1990* (NSW).

## **U** 6 Functions of road transport authority

The functions of the road transport authority under this Act are—

- (a) to administer the accreditation scheme established under this Act for the accreditation of operators of public passenger services; and
- (b) to keep an accredited bus operators register under this Act; and
- (c) to provide information about accredited people in accordance with this Act and other laws in force in the Territory; and

- (d) to administer service contracts for regular route services entered into under this Act; and
- (e) to exercise any other functions given to the authority under this Act.

**U 7 Register of accredited people**

- (1) The accredited bus operators register may include information given to the road transport authority under this Act and any other information the authority considers appropriate.

*Note* Section 6 (b) requires a register of accredited bus service operators to be kept.

- (2) The register may be kept in the form of, or as part of, 1 or more computer databases or in any other form the road transport authority considers appropriate.
- (3) The road transport authority may correct any mistake, error or omission in the register subject to the requirements (if any) of the regulations.
- (4) This section does not limit the functions of the road transport authority in relation to the register.

**U 8 Disclosure of information in registers**

The road transport authority must ensure that information in the accredited bus operators register that is of a personal nature or has commercial sensitivity for a person about whom it is kept is released only in accordance with this Act or another law in force in the Territory.

**9 Trade Practices Act authorisation**

For the *Trade Practices Act 1974* (Cwlth) and the Competition Code of the Australian Capital Territory, the following are authorised by this Act:

- (a) everything done under this Act;
- (b) all service contracts made under this Act;
- (c) everything done under a service contract, or a provision of a service contract, authorised by this Act.

*Note 1* For the Competition Code of the Australian Capital Territory, see the *Competition Policy Reform Act 1996*, s 5 and s 10.

*Note 2* A reference to an Act includes a reference to statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

## **U** 9A Combinations of accreditations and licences

### 10 What is a *public passenger service*?

A *public passenger service* is a service for the transport of passengers for a fare or other consideration by public passenger vehicles along a road or road related area.

## Part 2                      Bus services

### Division 2.1              Basic concepts

**11      Meaning of *bus service***  
(NSW s 3, def of *regular passenger service*)

A *bus service* is a service for the transport of passengers for a fare or other consideration by a bus along a road or road related area.

**12      What is a *regular route service*?**  
(NSW s 3, def of *regular passenger service*)

A bus service is a *regular route service* if it is conducted according to regular routes and timetables, but does not include—

- (a) a bus service designed mainly to transport tourists; or
- (b) a long-distance service.

**13      What is a *tour and charter service*?**

A bus service is a *tour and charter service* if the bus service is not a regular route service or a long-distance service.

**14      What is a *long-distance service*?**  
(NSW s 3, def of long-distance service)

A bus service is a *long-distance service* if—

- (a) it is conducted according to regular routes and timetables; and
- (b) each passenger travels at least 40km.

## Division 2.2                      Accreditation of bus service operators

### 15      Bus operators—purposes of accreditation (NSW s 7 (2))

The purpose of accreditation under the regulations to operate a bus service is to ensure that—

- (a) the accredited person has the financial capacity to meet the service standards for the service; and
- (b) the accredited person, and each person who is concerned with, or takes part in, the management of the service, are suitable people to operate the service; and
- (c) the accredited person, and each person who is concerned with, or takes part in, the management of the service, have demonstrated the capacity to comply with the relevant regulations and, in particular, the regulations about—
  - (i) the safety of passengers and the public; and
  - (ii) the maintenance of public buses.

### 16      Regulations about accreditation system

- (1) The regulations are to provide a system for the accreditation of operators of bus services, including, for example—
  - (a) the kinds of accreditations; and
  - (b) the bus services that a person who holds a kind of accreditation is entitled to operate; and
  - (c) the conditions of accreditations; and
  - (d) matters relating to the giving, refusal or surrender of accreditations; and
  - (e) the action that may be taken in relation to accreditations in circumstances prescribed under the regulations, including—

- (i) the suspension or cancellation of an accreditation; and
  - (ii) the imposition of a condition on, or the amendment of a condition of, an accreditation; and
  - (iii) an order that an accredited person pay to the Territory an amount of not more than—
    - (A) for an individual—\$5 000; or
    - (B) for a corporation—\$25 000; and
  - (iv) the reprimanding of an accredited person.
- (2) The regulations may make provision in relation to the accreditation of people to operate bus services, including, for example—
- (a) requirements about the suitability of the applicant and each person who will be concerned with, or take part in, the management of the network; and
  - (b) capacity to meet service standards; and
  - (c) financial viability.
- (3) For subsection (1) (a), the regulations must provide for the accreditation of people to operate the following kinds of bus services:
- (a) regular route services;
  - (b) tour and charter services.
- (4) However, this section does not require the regulations to provide an accreditation system for all kinds of bus services.

## Division 2.3                      Service contracts for regular route services

### 17      Service contracts (NSW s 16 (1), s 17, s 21 (3), (5))

- (1) The road transport authority may, on behalf of the Territory, enter into a contract (a service contract) for the operation of a regular route service with a person accredited to operate regular route services.
- (2) A service contract must state whether the right given under the contract to operate a route is an exclusive right to operate the route or a stated part of the route.
- (3) A service contract may make provision for or with respect to the operation of a regular route service 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 in relation to any contract fees; and
  - (e) financial or other penalties for breaches of the contract; and
  - (f) the records (including accounts) to be made and kept by the holder of the contract, how they are to be made and kept, and their inspection; and
  - (g) the provision by the holder of the contract of information and reports about the regular route service and the verification of the information and reports; and
  - (h) the publication and the collection of fares payable by passengers; and

- (i) the sale of tickets and the conditions under which tickets must be sold; and
  - (j) free or reduced fares for travel; and
  - (k) the issue and acceptance of free or concession passes.
- (4) Subsection (3) does not limit the matters about which a service contract may make provision.

## **Division 2.4 Entitlement to operate certain bus services**

### **18 Entitlement to operate regular route services**

A person is entitled to operate a regular route service, within or partly within the ACT, if—

- (a) the person is accredited under the regulations to operate regular route services; and
- (b) the person holds a service contract for the service.

### **19 Entitlement to operate tour and charter services**

A person is entitled to operate a tour and charter service, within or partly within the ACT, if the person is accredited under the regulations to operate tour and charter services.

### **20 Unaccredited operators not to operate certain bus services (NSW s 7 (1))**

- (1) A person must not operate, within or partly within the ACT, a regular route service unless the person is accredited under the regulations to operate regular route services.

Maximum penalty: 50 penalty units.



- (2) A person must not operate, within or partly within the ACT, a tour and charter service unless the person is accredited under the regulations to operate tour and charter services.

Maximum penalty: 50 penalty units.

### **21 Pretending to be accredited**

A person must not pretend to be accredited.

Maximum penalty: 30 penalty units.

### **22 Operators of regular route services to hold service contracts (NSW s 16 (3))**

- (1) A person must not operate, within or partly within the ACT, a regular route service unless the person holds a service contract for the service.

Maximum penalty: 50 penalty units.

- (2) However, if a regular route service is discontinued because of a variation or termination of a service contract, the road transport authority may make arrangements with an appropriately accredited person to operate a temporary regular route service to replace the discontinued service even though the person does not hold a service contract for the replacement service.

## **Division 2.5 Regulation of bus services**

### **23 Regular route services—power to determine maximum fares**

- (1) The Minister may determine maximum fares, and ways of calculating maximum fares, payable by passengers on regular route services.

- (2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified and presented to the Legislative Assembly, under the *Legislation Act 2001*.

## **24 Regulations about operation of bus services by accredited people**

The regulations may make provision in relation to the operation of bus services by accredited bus service operators, including, for example—

- (a) the conduct of bus services, including, for example—
  - (i) the safety of passengers and the public; and
  - (ii) the qualifications, training and experience of bus drivers and other people providing services on behalf of accredited bus service operators; and
  - (iii) maximum driving times and minimum rest times of bus drivers; and
  - (iv) insurance; and
  - (v) the issue of tickets; and
  - (vi) customer complaints and inquiries; and
- (b) the preparation and publication of, and compliance with, timetables for regular route services; and
- (c) the obligations of drivers of public buses and other people providing services on behalf of accredited bus service operators; and
- (d) the requirements that public buses, and their equipment and fittings (internal and external), must comply with; and
- (e) the maintenance and cleaning of public buses; and
- (f) maintenance, parking and other facilities for public buses; and

- (g) the making and keeping of records and their inspection; and
- (h) the auditing of records and systems; and
- (i) the provision of information and reports to the road transport authority.

## **25 Regulations about operation of public buses**

The regulations may make provision in relation to the operation of public buses, including, for example—

- (a) the regulation or prohibition of the use of public buses on certain roads or road related areas; and
- (b) the picking-up and dropping-off of passengers and other matters relating to the transport of passengers; and
- (c) the records to be made and kept by drivers, how they are to be made and kept, and their inspection; and
- (d) the transport of passengers' luggage or other goods, and animals; and
- (e) the regulation or prohibition of the transportation of passengers standing in or on any part of a public bus; and
- (f) the maximum speed of public buses; and
- (g) the prohibition of anyone from soliciting for passengers or for a hiring; and
- (h) the design, equipment and fittings (internal or external) of public buses; and
- (i) the sections, terminal points and bus stops on bus routes; and
- (j) the regulation or prohibition of notices, signs and advertisements inside or on the outside of public buses.

**26 Regulations about bus drivers**

The regulations may make provision for or with respect to drivers of public buses, including, for example—

- (a) the powers, duties and conduct of drivers; and
- (b) how drivers must dress.

**27 Regulations about conduct of passengers**

The regulations may make provision for or with respect to the conduct of passengers on public buses, including, for example—

- (a) the regulation or prohibition of eating and drinking; and
- (b) the authority of public bus drivers, police officers and authorised people to direct people contravening a regulation to leave a bus and to remove them if they fail to leave.

**U 28 Regulations about enforcement**

The regulations may make provision for or with respect to the powers and duties of police officers and authorised officers in relation to bus services, including, for example, in relation to buses, drivers of public buses and passengers.

## **U** Part 3                      **Miscellaneous**

### **U** 29      **Regulation-making power (NSW s 63 (1), (4))**

- (1) The Executive may make regulations for this Act.

*Note*      Regulations must be notified and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may create offences for contraventions of the regulations and prescribe maximum penalties of not more than 20 penalty units for offences against the regulations.

### **U** 30      **Regulations may apply certain documents etc**

The regulations may apply, adopt or incorporate (with or without change) an instrument, or a provision of an instrument, as in force from time to time.

*Note 1*      A statutory instrument may also apply, adopt or incorporate (with or without change) a law or instrument (or a provision of a law or instrument) as in force at a particular time (see *Legislation Act 2001*, s 47 (1)).

*Note 2*      If a statutory instrument applies, adopts or incorporates a law or instrument (or a provision of a law or instrument), the law, instrument or provision may be taken to be a notifiable instrument that must be notified under the *Legislation Act 2001* (see s 47 (2)-(6)).

### **U** 31      **Minister may exclude vehicles and people from Act**

- (1) The Minister may, in writing, exempt a vehicle or person from this Act (or a stated provision of this Act).
- (2) An exemption is a disallowable instrument.

*Note*      A disallowable instrument must be notified and presented to the Legislative Assembly, under the *Legislation Act 2001*.

**U 32 Regulations may exclude vehicles and people from Act (NSW s 63 (3))**

- (1) The regulations may—
  - (a) exempt a vehicle or person, or a kind of vehicle or person, prescribed under the regulations from this Act (or a stated provision of this Act); or
  - (b) authorise the road transport authority to exempt a vehicle or person, or a kind of vehicle or person, prescribed under the regulations from this Act (or a stated provision of this Act).
- (2) An exemption given under a regulation mentioned in subsection (1) may be conditional.
- (3) The regulations may provide for the road transport authority to—
  - (a) suspend the operation of a regulation mentioned in subsection (1) (a) in the way and circumstances prescribed under the regulations; or
  - (b) suspend the operation of an exemption given by the authority to a vehicle or person in the way and circumstances prescribed under the regulations.

**U Part 4 Licensing of taxi vehicles**

**U Part 5 Taxi services**

**U Part 6 Miscellaneous**

**U** **Part 4** **Transitional provisions**

**U** **Division 4.1** **General**

**U** **33** **Definitions for pt 4**

In this part:

*bus operator's licence*—see the General Act, section 138 (1).

*bus service licence*—see the General Act, section 142 (1).

*commencement* means the commencement of this part.

*General Act* means the *Road Transport (General) Act 1999*.

*Motor Omnibus Act* means the *Motor Omnibus Services Act 1955*.

*motor omnibus service* means a motor omnibus service conducted under the Motor Omnibus Act.

**34** **Transitional regulations**

- (1) The regulations may prescribe savings or transitional matters necessary or convenient to be prescribed because of the enactment of this Act.
- (2) Without limiting the scope of subsection (1), the regulations may prescribe matters necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.
- (3) Regulations made for this section must not be taken to be inconsistent with—
  - (a) this Act as far as they can operate concurrently with this Act; or
  - (b) any other provision of the road transport legislation as far as they can operate concurrently with the provision.

- (4) This section is additional to, and does not limit, section 35.

**35 Modification of pt 4's operation**

The regulations may modify the operation of this part to make provision with respect to any matter that is not, or not adequately, dealt with in this part.

**36 Expiry of div 4.1**

This division expires 18 months after it commences.

**U Division 4.2 Bus services under Motor Omnibus Act**

**37 Existing bus services operated under the Motor Omnibus Act**

- (1) The section applies to motor omnibus services conducted under the Motor Omnibus Act immediately before the commencement.
- (2) The Minister is taken, after the commencement—
  - (a) to be accredited under the regulations to operate regular route services; and
  - (b) to hold a service contract with the road transport authority for the operation of the motor omnibus services mentioned in subsection (1) as regular route services.
- (3) The contract the Minister is taken to hold under subsection (2) (b) may be varied or ended by the road transport authority.
- (4) Without limiting subsection (3), the contract may be varied to give the Minister an exclusive right to operate a route or a stated part of a route.
- (5) The accreditation and, if the contract has not been ended under subsection (3), the contract expire 12 months after this section commences.



- (6) For subsection (2) (b) and section 17 (2) (Service contracts) does not apply to the contract.

**38 Fares, concession cards and refunds under Motor Omnibus Act**

- (1) A determination under the Motor Omnibus Act, section 4 in force immediately before the commencement continues to apply, after the commencement, in relation to the bus services mentioned in section 37 despite the repeal of the Act.
- (2) A notification of a class of concession cards or documents under the Motor Omnibus Act, section 4BA (2) (a) in force immediately before the commencement continues to apply, after the commencement, in relation to the bus services mentioned in section 37 despite the repeal of the Act.
- (3) The Minister may make arrangements for the refund of tickets sold for travel on a bus service mentioned in section 37.

**39 Expiry of div 4.2**

This division expires 12 months after it commences.

**U Division 4.3 Infringement notices under Motor Omnibus Act**

**40 Existing infringement notices**

An infringement notice served on a person in accordance with the Motor Omnibus Act, section 12 (Infringement notices) is taken, after the commencement, to be an infringement notice served on the person in accordance with the General Act, section 24 (Service of infringement notices generally).

**41 Existing final notices**

A final notice served on a person in accordance with the Motor Omnibus Act, section 13 (Final infringement notices) is taken, after

the commencement, to be a reminder notice served on a person in accordance with the General Act, section 33 (Reminder notices).

**42 Existing notices disputing liability under infringement notices**

An application lodged by a person in accordance with the Motor Omnibus Act, section 16 is taken, after the commencement, to be a notice given by the person in accordance with the General Act, section 51 (Disputing liability for an infringement notice offence).

**43 Existing applications for extension of time**

An application lodged by a person in accordance with the Motor Omnibus Act, section 18 is taken, after the commencement, to be an application given by the person in accordance with the General Act, section 52 (Extension of time to dispute liability).

**44 Suspension of concession card in force under Motor Omnibus Act**

- (1) The suspension of a concession card under the Motor Omnibus Act, section 4BB continues, after the commencement, in relation to the bus services mentioned in section 37 (Existing bus services operated under the Motor Omnibus Act), despite the repeal of the Act, until—
  - (a) the amounts payable under the infringement notice are paid; or
  - (b) the institution of a proceeding to prosecute the person for the offence.
- (2) A person whose concession card was suspended under the Motor Omnibus Act, section 4BB is not entitled to apply for the issue of another concession card while the suspension is in force.

**45 Expiry of div 4.3**

This division expires 6 months after it commences.

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**U** **Division 4.4**                      **Bus operator's licences**

**46**    **Existing bus operator's licences**

- (1) This section applies to a person who, immediately before the commencement, was the holder of—
  - (a) a bus operator's licence (including a licence that is taken under the General Act, section 271 to be a bus operator's licence); or
  - (b) if the person operates a bus service designed mainly to transport tourists—a bus service licence.
- (2) The person is taken, after the commencement, to be accredited under the regulations to operate a tour and charter service.
- (3) The accreditation the person is taken to hold under subsection (2) may be varied or ended by the road transport authority in accordance with the regulations.
- (4) If the accreditation the person is taken to hold under subsection (2) has not been ended in accordance with the regulations, the accreditation expires 12 months after this section commences.

**47**    **Expiry of div 4.4**

This division expires 12 months after it commences.

**U** **Division 4.5**                      **Bus service licences**

**48**    **Existing bus service licences**

- (1) This section applies to a person (other than a person who operates a bus service designed mainly to transport tourists) who, immediately before the commencement, was the holder of a bus service licence (including a licence that is taken under the General Act, section 274 to be a bus service licence).
- (2) The person is taken, after the commencement—

- (a) to be accredited under the regulations to operate a regular route service; and
  - (b) to hold a service contract for the operation of the service as a regular route service.
- (3) If the bus service licence held by the person was issued subject to conditions, the accreditation the person is taken to hold under subsection (2) (a) is taken to be subject to the conditions.
- (4) The accreditation the person is taken to hold under subsection (2) (a) may be varied or ended by the road transport authority in accordance with the regulations.
- (5) If the accreditation the person is taken to hold under subsection (2) (a) has not been ended in accordance with the regulations, the accreditation expires 12 months after this section commences.
- (6) The contract the person is taken to hold under subsection (2) (b) may be varied or ended by agreement between the road transport authority and the person.
- (7) If the contract the person is taken to hold under subsection (2) (b) has not been ended in accordance with subsection (6), the contract expires 12 months after this section commences.

#### **49 Expiry of div 4.5**

This division expires 12 months after it commences.

### **U Division 4.6 Small buses**

#### **50 Existing small buses**

- (1) This section applies to a person who, immediately before the commencement, operated a registered vehicle built mainly to carry people that seated up to 9 adults (including the driver) and had a distinguishing registration number with the letters 'MO' followed by 1 to 3 numerals.

- (2) The person is taken, after the commencement, to be accredited under the regulations to operate a tour and charter service.
- (3) The accreditation the person is taken to hold under subsection (2) may be varied or ended by the road transport authority in accordance with the regulations.
- (4) If the accreditation the person is taken to hold under subsection (2) has not been ended in accordance with the regulations, the accreditation expires 18 months after it commences.

**51 Expiry of div 4.6**

This division expires 18 months after it commences.

**U Division 7.7 Taxis**

## **U** Dictionary

(see s 4)

**accredited**, in relation to a person, means accredited under the regulations to operate a bus service.

**accredited bus operators register** means the register required to be kept under section 6 (b) (Functions of road transport authority).

**another jurisdiction** means a jurisdiction other than the ACT.

**authority**—see **road transport authority**.

**bus** means a motor vehicle built mainly to carry people that seats over 9 adults (including the driver).

**bus service**—see section 11 (Meaning of **bus service**).

**fare** means the amount payable by passengers for transport, or for the transport of passengers' luggage or other goods, on public passenger vehicles.

**function** includes power.

**holder**, of a service contract, means the person who (apart from the road transport authority) is a party to the contract.

**jurisdiction** means a State, the Commonwealth or an internal Territory, including the ACT.

**long-distance service**—see section 14 (What is a **long-distance service**?).

**motor vehicle** means a vehicle built to be propelled by a motor that forms part of the vehicle.

**public bus** means a bus used to provide a bus service.

**public passenger service**—see section 10 (What is a **public passenger service**?).

**public passenger vehicle** means a bus.

**regular route service**—see section 12 (What is a **regular route service**?).

**road** means an area that is open to or used by the public and is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles, but does not include an area that would otherwise be a road so far as an order under the *Road Transport (General) Act 1999*, section 15 (Power to include or exclude areas in road transport legislation) declares that this Act does not apply to the area.

**road related area** means—

- (a) an area that divides a road; or
- (b) a footpath or nature strip adjacent to a road; or
- (c) an area that is open to the public and is designated for use by cyclists or animals; or
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles; or
- (e) a shoulder of a road; or
- (f) any other area that is open to or used by the public so far as an order under the *Road Transport (General) Act 1999*, section 15 (Power to include or exclude areas in road transport legislation) declares that this Act applies to the area;

but does not include an area that would otherwise be a road related area so far as an order under that section declares that this Act does not apply to the area.

**road transport authority** (or **authority**) means the Australian Capital Territory Road Transport Authority.

*Note* The chief executive of the department responsible for the *Road Transport (General) Act 1999* is the road transport authority (see *Road Transport (General) Act 1999*, s 16).

*service contract*—see section 17 (Service contracts).

*tour and charter service*—see section 13 (What is a *tour and charter service*?).

*vehicle* means—

- (a) any description of vehicle on wheels, other than a vehicle used on railways or tramways; or
- (b) any other vehicle prescribed under the regulations;

and includes anything else that, under the regulations, is to be treated as a vehicle.



## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnotes.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
o = order	sub = substituted
om = omitted/repealed	SL = Subordinate Law
	<u>underlining</u> = whole or part not commenced

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Road Transport (Public Passenger Services) Act 2001 No 62**

notified 10 September 2001 (Gaz 2001 No S66)

s 1, s 2 commenced 10 September 2001 (IA s 10B)

remainder (ss 3-51) commenced 1 December 2001 (s 2 and CN 2001 No 2)

as amended by

#### **Road Transport (Public Passenger Services) Amendment Act 2001 No 94**

notified LR 27 September 2001

s 1, s 2 commenced 27 September 2001 (LA s 75)

remainder (ss 3-17) awaiting commencement (s 2)

### 4 Amendment history

#### **Commencement**

s 2 om R1 LA (s 89 (4))

#### **Objects**

s 3 sub 2001 No 94 s 4

#### **Notes**

s 5 sub 2001 No 94 s 5

(2), (3) and section heading notes exp 30 June 2002 (s 5 (3))

#### **Functions of road transport authority**

s 6 sub 2001 No 94 s 5

#### **Registers of accredited people and licences**

s 7 sub 2001 No 94 s 5

#### **Disclosure of information in registers**

s 8 sub 2001 No 94 s 5

#### **Combinations of accreditations and licences**

s 9A ins 2001 No 94 s 6

#### **Regulations about enforcement**

s 28 om 2001 No 94 s 7

#### **Taxi networks**

pt 3 sub 2001 No 94 s 8

#### **Basic concepts**

div 3.1 hdg ins 2001 No 94 s 8

**Meaning of taxi network**s 29 sub 2001 No 94 s 8**Meaning of taxi booking service**s 29A ins 2001 No 94 s 8**Accreditation of taxi network providers**div 3.2 hdg ins 2001 No 94 s 8**Taxi network providers—purposes of accreditation**s 29B ins 2001 No 94 s 8**Taxi network providers—regulations about accreditation system**s 29C ins 2001 No 94 s 8**Entitlement to operate taxi networks**div 3.3 hdg ins 2001 No 94 s 8**Entitlement to operate taxi networks**s 29D ins 2001 No 94 s 8**Unaccredited persons not to operate taxi network**s 29E ins 2001 No 94 s 8**Pretending to be an accredited taxi network provider**s 29F ins 2001 No 94 s 8**Regulation of taxi networks**div 3.4 hdg ins 2001 No 94 s 8**Regulations about operation of taxi networks by accredited people**s 29G ins 2001 No 94 s 8**Regulations about operation of taxi networks**s 29H ins 2001 No 94 s 8**Licensing of taxi vehicles**pt 4 hdg orig pt 4 hdg renum as pt 7  
ins 2001 No 94 s 8**Basic concepts**div 4.1 hdg orig div 4.1 hdg renum as div 7.1 hdg  
ins 2001 No 94 s 8**Meaning of taxi licence**s 30 sub 2001 No 94 s 8**Meaning of restricted taxi licence**s 30A ins 2001 No 94 s 8**Taxi licences**div 4.2 hdg orig div 4.2 hdg renum as div 7.2 hdg  
ins 2001 No 94 s 8

## Endnotes

4 Amendment history

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**Maximum numbers of taxi licences**

s 30B ins 2001 No 94 s 8

**Issue of taxi licences**

s 30C ins 2001 No 94 s 8

**Transferability of taxi licences**

s 30D ins 2001 No 94 s 8

**Use of vehicles as taxis**

s 30E ins 2001 No 94 s 8

**Pretending vehicles are licensed taxis**

s 30F ins 2001 No 94 s 8

**Regulations about taxi licences**

s 30G ins 2001 No 94 s 8

**Infringement notices under Motor Omnibus Act**

div 4.3 hdg renum as div 7.3 hdg

**Bus operator's licences**

div 4.4 hdg renum as div 7.4 hdg

**Bus service licences**

div 4.5 hdg renum as div 7.5 hdg

**Small buses**

div 4.6 hdg renum as div 7.6 hdg

**Taxi services**

pt 5 hdg orig pt 5 hdg om R1 LA (s 89 (3)) but see s 54  
ins 2001 No 94 s 8

**Basic concepts**

div 5.1 hdg ins 2001 No 94 s 8

**Meaning of taxi**

s 31 sub 2001 No 94 s 8

**Meaning of restricted taxi**

s 31A ins 2001 No 94 s 8

**Meaning of taxi service**

s 31B ins 2001 No 94 s 8

**Meaning of restricted taxi service**

s 31C ins 2001 No 94 s 8

**Accreditation of taxi service operators**

div 5.2 hdg ins 2001 No 94 s 8

**Taxi service operators—purposes of accreditation**

s 31D ins 2001 No 94 s 8

**Taxi service operators—regulations about accreditation system**s 31E ins 2001 No 94 s 8**Entitlement to operate taxi services**div 5.3 hdg ins 2001 No 94 s 8**Entitlement to operate taxi services**s 31F ins 2001 No 94 s 8**Unaccredited operators not to operate taxi services**s 31G ins 2001 No 94 s 8**Pretending to be an accredited taxi service operator**s 31H ins 2001 No 94 s 8**Taxi service operators to be affiliated with taxi network**s 31I ins 2001 No 94 s 8**Pretending to be affiliated with taxi network**s 31J ins 2001 No 94 s 8**Regulation of taxi services**div 5.4 hdg ins 2001 No 94 s 8**Regulations about operation of taxi services by accredited people**s 31K ins 2001 No 94 s 8**Regulations about operation of taxis**s 31L ins 2001 No 94 s 8**Regulations about taxi drivers**s 31M ins 2001 No 94 s 8**Regulations about conduct of taxi passengers**s 31N ins 2001 No 94 s 8**Power to determine maximum taxi fares**s 31O ins 2001 No 94 s 8**Miscellaneous**pt 6 ins 2001 No 94 s 8**Regulation-making power**s 32 sub 2001 No 94 s 8**Regulations may apply certain documents etc**s 32A ins 2001 No 94 s 8**Regulations about enforcement**s 32B ins 2001 No 94 s 8**Minister may exempt vehicles and people from Act**s 32C ins 2001 No 94 s 8

## Endnotes

4 Amendment history

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### **Regulations may exempt vehicles and people from Act**

s 32D ins 2001 No 94 s 8

### **Transitional Provisions**

pt 7 hdg (prev pt 4 hdg) renum as pt 7 hdg 2001 No 94 s 9

### **General**

div 7.1 hdg (prev div 4.1 hdg) renum as div 7.1 hdg 2001 No 94 s 9  
exp 1 June 2003 (s 36)

### **Definitions for pt 4**

s 33 am 2001 No 94 s 10  
exp 1 June 2003 (s 36)

### **Transitional regulations**

s 34 exp 1 June 2003 (s 36)

### **Modification of pt 4's operation**

s 35 exp 1 June 2003 (s 36)

### **Expiry of div 7.1**

s 36 exp 1 June 2003 (s 36)

### **Bus services under Motor Omnibus Act**

div 7.2 hdg (prev div 4.2 hdg) renum as div 7.2 hdg 2001 No 94 s 9  
exp 1 December 2002 (s 39)

### **Existing bus services operated under the Motor Omnibus Act**

s 37 exp 1 December 2002 (s 39)

### **Fares, concession cards and refunds under Motor Omnibus Act**

s 38 exp 1 December 2002 (s 39)

### **Expiry of div 7.2**

s 39 exp 1 December 2002 (s 39)

### **Infringement notices under Motor Omnibus Act**

div 7.3 hdg (prev div 4.3 hdg) renum as div 7.3 hdg 2001 No 94 s 9  
exp 1 June 2002 (s 45)

### **Existing infringement notices**

s 40 exp 1 June 2002 (s 45)

### **Existing final notices**

s 41 exp 1 June 2002 (s 45)

### **Existing notices disputing liability under infringement notices**

s 42 exp 1 June 2002 (s 45)

### **Existing applications for extension of time**

s 43 exp 1 June 2002 (s 45)

### **Suspension of concession card in force under Motor Omnibus Act**

s 44 exp 1 June 2002 (s 45)

**Expiry of div 7.3**

s 45 [exp 1 June 2002 \(s 45\)](#)

**Bus operator's licences**

div 7.4 hdg [\(prev div 4.4 hdg\) renum as div 7.4 hdg 2001 No 94 s 9  
exp 1 December 2002 \(s 47\)](#)

**Existing bus operator's licences**

s 46 [exp 1 December 2002 \(s 47\)](#)

**Expiry of div 7.4**

s 47 [exp 1 December 2002 \(s 47\)](#)

**Bus service licences**

div 7.5 hdg [\(prev div 4.5 hdg\) renum as div 7.5 hdg 2001 No 94 s 9  
exp 1 December 2002 \(s 49\)](#)

**Existing bus service licences**

s 48 [exp 1 December 2002 \(s 49\)](#)

**Expiry of div 7.5**

s 49 [exp 1 December 2002 \(s 49\)](#)

**Small buses**

div 7.6 hdg [\(prev div 4.6 hdg\) renum as div 7.6 hdg 2001 No 94 s 9  
exp 1 June 2003 \(s 51\)](#)

**Existing small buses**

s 50 [exp 1 June 2003 \(s 51\)](#)

**Expiry of div 7.6**

s 51 [exp 1 June 2003 \(s 51\)](#)

**Taxis**

div 7.7 hdg [ins 2001 No 94 s 11  
exp 1 year after commencement \(s 51H\)](#)

**Existing approved taxi networks**

s 51A [ins 2001 No 94 s 11  
exp 1 year after commencement \(s 51H\)](#)

**Existing taxi licences and restricted taxi licences**

s 51B [ins 2001 No 94 s 11  
exp 1 year after commencement \(s 51H\)](#)

**Interim accreditation of existing taxi operators**

s 51C [ins 2001 No 94 s 11  
exp 1 year after commencement \(s 51H\)](#)

**Determination about maximum number of taxi licences**

s 51D [ins 2001 No 94 s 11  
exp 1 year after commencement \(s 51H\)](#)

## Endnotes

4 Amendment history

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### **Determination about maximum number of restricted taxi licences**

s 51E ins 2001 No 94 s 11  
exp 1 year after commencement (s 51H)

### **Application to transfer taxi licence**

s 51F ins 2001 No 94 s 11  
exp 1 year after commencement (s 51H)

### **Determination about maximum taxi fares**

s 51G ins 2001 No 94 s 11  
exp 1 year after commencement (s 51H)

### **Expiry of div 7.7**

s 51H ins 2001 No 94 s 11  
exp 1 year after commencement (s 51H)

### **Consequential amendments**

sch 1 om R1 LA (s 89 (3)) but see s 54

### **Dictionary**

dict

- def **accredited** sub 2001 No 94 s 12
- def **accredited bus operators register** om 2001 No 94 s 13
- def **accredited taxi network provider** ins 2001 No 94 s 13
- def **accredited taxi service operator** ins 2001 No 94 s 13
- def **affiliated** ins 2001 No 94 s 13
- def **holder** sub 2001 No 94 s 12
- def **licence** ins 2001 No 94 s 13
- def **public passenger vehicle** sub 2001 No 94 s 12
- def **public vehicle licence** ins 2001 No 94 s 13
- def **restricted taxi** ins 2001 No 94 s 13
- def **restricted taxi licence** ins 2001 No 94 s 13
- def **restricted taxi service** ins 2001 No 94 s 13
- def **taxi** ins 2001 No 94 s 13
- def **taxi booking service** ins 2001 No 94 s 13
- def **taxi driver** ins 2001 No 94 s 13
- def **taxi licence** ins 2001 No 94 s 13
- def **taxi network** ins 2001 No 94 s 13
- def **taxi service** ins 2001 No 94 s 13
- def **taxi zone** ins 2001 No 94 s 13



## 5 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

### Road Transport (Public Passenger Services) Amendment Act 2001 No 94 (ss 4-14)

#### 4 Section 3

*substitute*

#### 3 Objects (NSW s 4)

The objects of this Act include—

- (a) to provide for the accreditation of the operators of public passenger services and taxi networks that operate within or partly within the ACT; and
- (b) to provide for the licensing of vehicles used as taxis within or partly within the ACT; and
- (c) to encourage public passenger services that meet the reasonable expectations of the community for safe, reliable and efficient public passenger services.

#### 5 Sections 5 to 8

*substitute*

#### 5 Notes

- (1) A note included in this Act is explanatory and is not part of this Act.

*Note* See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

- (2) In this Act:

*note* includes material enclosed in brackets in section headings.

*Note* For comparison, a number of sections contain bracketed notes in their headings drawing attention to equivalent or comparable (though not

## Endnotes

### 5 Uncommenced amendments

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necessarily identical) provisions of other legislation. The notes include the following abbreviations:

- ACT: *Road Transport (General) Act 1999*
- ACT Taxi: *Road Transport (Taxi Services) Regulations 2000*
- NSW: *Passenger Transport Act 1990* (NSW).

- (3) Subsection (2), the notes mentioned in subsection (2) and this subsection expire on 30 June 2002.

## 6 Functions of road transport authority

The functions of the road transport authority under this Act are—

- (a) to administer the accreditation schemes established under this Act for the accreditation of the operators of public passenger services and taxi networks; and
- (b) to administer the licensing schemes established under this Act for the licensing of taxis; and
- (c) to keep registers of accreditations given, and licences issued, under this Act; and
- (d) to provide information about accredited and licensed people in accordance with this Act and other laws in force in the Territory; and
- (e) to exercise any other functions given to the authority under this Act.

## 7 Registers of accredited people and licences

- (1) A register of accreditations given, and licences issued, under this Act may include information given to the road transport authority under this Act and any other information the authority considers appropriate.

*Note* Section 6 (c) requires registers for the following to be kept:

- accredited bus service operators;

- 
- accredited taxi service operators;
  - accredited taxi network providers;
  - taxi licences;
  - restricted taxi licences.
- (2) A register may be kept in the form of, or as part of, 1 or more computer databases or in any other form the road transport authority considers appropriate.
- (3) The road transport authority may correct any mistake, error or omission in a register subject to the requirements (if any) of the regulations.
- (4) This section does not limit the functions of the road transport authority in relation to a register.

## **8 Disclosure of information in registers**

The road transport authority must ensure that information in a register of accreditations or licences that is of a personal nature or has commercial sensitivity for a person about whom it is kept is released only in accordance with this Act or another law in force in the Territory.

## **6 New section 9A**

*insert*

## **9A Combinations of accreditations and licences**

This Act does not prevent a person from holding any combination of accreditations and licences under this Act.

## **7 Regulations about enforcement Section 28**

*omit*

## Endnotes

5 Uncommenced amendments

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## 8 Part 3

*substitute*

### Part 3 Taxi networks

#### Division 3.1 Basic concepts

**29 Meaning of *taxi network*** (ACT Taxi reg, dict, def of *taxi network*, NSW s 29A, def of *taxi-cab network*)

A *taxi network* is an entity that provides taxi related services to affiliated accredited taxi service operators, including providing (directly or through another entity) a taxi booking service for the network.

**29A Meaning of *taxi booking service*** (ACT Taxi reg, dict, def of *booking service*, NSW s 29A, def of *taxi-cab booking service*)

A *taxi booking service* is a service provided by or for an accredited taxi network provider that—

- (a) accepts bookings for taxis from people; and
- (b) sends messages about bookings to taxi drivers by electromagnetic energy to equipment in taxis that can receive such messages.

#### Division 3.2 Accreditation of taxi network providers

**29B Taxi network providers—purposes of accreditation** (NSW s 34 (3))

The purpose of accreditation under the regulations to operate a taxi network is to ensure that—

- 
- (a) the accredited person has the financial capacity to meet the service standards for the network; and
  - (b) the accredited person, and each person who is concerned with, or takes part in, the management of the network, are suitable people to operate the network; and
  - (c) the accredited person, and each person who is concerned with, or takes part in, the management of the network, have demonstrated the capacity to comply with the relevant regulations and, in particular, the regulations about—
    - (i) the operation of the network; and
    - (ii) the supervision and monitoring of affiliated accredited taxi service operators and drivers of taxis operated by affiliated accredited taxi service operators.

**29C Taxi network providers—regulations about accreditation system (NSW s 34 (4) (a), 34E (6))**

- (1) The regulations are to provide a system for the accreditation of people to operate taxi networks, including, for example—
  - (a) the kind or kinds of taxi services in relation to which an accredited person is entitled to provide taxi related services; and
    - Note* For kinds of taxi services, see s 31B and s 31C.
  - (b) the conditions of an accreditation; and
  - (c) matters relating to the giving, refusal or surrender of an accreditation; and
  - (d) the action that may be taken in relation to an accredited person in circumstances prescribed under the regulations, including—
    - (i) the suspension or cancellation of an accreditation; and

## Endnotes

5 Uncommenced amendments

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- (ii) the imposition of a condition on, or the amendment of a condition of, an accreditation; and
  - (iii) an order that an accredited person pay to the Territory an amount of not more than—
    - (A) for an individual—\$5,000; or
    - (B) for a corporation—\$25,000; and
  - (iv) the reprimanding of an accredited person.
- (2) The regulations may make provision in relation to the accreditation of people to operate taxi networks, including, for example—
- (a) requirements about the suitability of the applicant and each person who will be concerned with, or take part in, the management of the network; and
  - (b) capacity to meet service standards; and
  - (c) financial viability.

## **Division 3.3 Entitlement to operate taxi networks**

### **29D Entitlement to operate taxi networks**

A person is entitled to operate a taxi network, within or partly within the ACT, for a particular kind of taxi service if the person is accredited under the regulations to operate a taxi network for that kind of taxi service.

### **29E Unaccredited persons not to operate taxi network (NSW s 34 (2))**

A person must not operate, within or partly within the ACT, a taxi network for a particular kind of taxi service unless the person is accredited under the regulations to operate a taxi network for that kind of taxi service.

Maximum penalty: 50 penalty units.

### **29F Pretending to be an accredited taxi network provider**

- (1) A person must not pretend to be accredited under the regulations to operate a taxi network.

Maximum penalty: 30 penalty units.

- (2) A person must not pretend to be accredited under the regulations to operate a taxi network for a particular kind of taxi service.

Maximum penalty: 30 penalty units.

## **Division 3.4 Regulation of taxi networks**

### **29G Regulations about operation of taxi networks by accredited people (NSW s 34 (4) (b), 34E (4)-(5))**

The regulations may make provision in relation to the operation of taxi networks by accredited people, including, for example—

- (a) the affiliation of accredited taxi service operators with networks; and
- (b) network rules for affiliated accredited taxi service operators and drivers of taxis operated by affiliated accredited taxi service operators; and
- (c) the specifications for equipment operated by or for networks for sending messages (including messages sent through a taxi booking service) to taxi drivers; and
- (d) the specifications for taximeters; and
- (e) the circumstances in which networks must accept applications for affiliation from, and maintain affiliation with, accredited taxi service operators; and
- (f) the operation of, and service standards for, taxi booking services operated by or for networks (including, for example,

## Endnotes

5 Uncommenced amendments

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service standards about when a booking must be transferred to another taxi or a taxi booking service for another taxi network); and

- (g) the numbers and kinds of taxis, and the numbers of taxis with particular equipment (including, for example, baby capsules), operated by affiliated accredited taxi service operators that are to be available at particular times and places; and
- (h) directions that networks may give to affiliated accredited taxi service operators and drivers of taxis operated by affiliated accredited taxi service operators; and
- (i) the supervision and monitoring of affiliated accredited taxi service operators, and drivers of taxis operated by affiliated accredited taxi service operators, for compliance with network service standards and other requirements and the responsibilities of networks in relation to a failure to comply with the standards; and
- (j) the management of particular kinds of taxis (including, for example, taxis with wheelchair access) and taxi services; and
- (k) customer complaints and inquiries; and
- (l) the making and keeping of records and their inspection; and
- (m) the auditing of records and systems; and
- (n) the provision of information and reports to the road transport authority.

### **29H Regulations about operation of taxi networks**

The regulations may make provision in relation to the obligations that an accredited taxi network provider must ensure that affiliated accredited taxi service operators, and drivers of taxis operated by affiliated accredited taxi service operators, must comply with, including, for example—



- (a) service standards for booked taxis;
- (b) the safety of drivers and passengers (including, for example, particular kinds of security devices); and
- (c) the qualifications, training and experience of affiliated accredited taxi service operators, taxi drivers and other people providing services on behalf of networks; and
- (d) the operation of equipment for sending messages between a network (including messages sent through a taxi booking service) and taxi drivers; and
- (e) the maintenance and cleaning of taxis.

## Part 4                      Licensing of taxi vehicles

### Division 4.1              Basic concepts

#### 30      Meaning of *taxi licence* (ACT s 106 (1))

A *taxi licence* is a licence issued under the regulations to use a vehicle as a taxi.

*Note*      References to *taxi licence* include *restricted taxi licence* unless the contrary intention otherwise appears (see *Legislation Act 2001*, s 155).

#### 30A    Meaning of *restricted taxi licence* (ACT s 108 (1))

A *restricted taxi licence* is a licence issued under the regulations to use a vehicle as a restricted taxi.

### Division 4.2              Taxi licences

#### 30B    Maximum numbers of taxi licences (ACT s 102 (3) (b), 107)

- (1) The Minister may, in writing, determine the number of taxi licences or restricted taxi licences.
- (2) A determination is a notifiable instrument.

## Endnotes

5 Uncommenced amendments

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*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

### **30C Issue of taxi licences (ACT s 106 (4), 108 (2))**

The road transport authority must not issue a taxi licence or a restricted taxi licence if the number of taxi licences or restricted taxi licences (as appropriate) would exceed the relevant number determined by the Minister.

### **30D Transferability of taxi licences (ACT s 108 (6), 109 (1)-(2))**

- (1) If the holder of a taxi licence (other than a restricted taxi licence) asks the road transport authority to transfer the licence to someone else, the authority must transfer the licence to the person.
- (2) A restricted taxi licence is not transferable (including, for example, by hiring the licence to another person).

### **30E Use of vehicles as taxis (ACT s 101)**

- (1) A person must not use a vehicle as a taxi (other than a restricted taxi) unless the vehicle is licensed under the regulations as a taxi.

Maximum penalty: 50 penalty units.

- (2) A person must not use a vehicle as a restricted taxi unless the vehicle is licensed under the regulations as a restricted taxi.

Maximum penalty: 50 penalty units.

- (3) However, this section does not apply to a person who is using—
  - (a) a vehicle that is licensed as a taxi under the law of another jurisdiction if the vehicle completes in the ACT a hiring begun in another jurisdiction; or
  - (b) a substitute vehicle as a licensed taxi in accordance with the regulations.

### **30F Pretending vehicles are licensed taxis**

- 
- (1) A person must not pretend that a vehicle is licensed under the regulations as a taxi (other than a restricted taxi).

Maximum penalty: 30 penalty units.

- (2) A person must not pretend that a vehicle is licensed under the regulations as a restricted taxi.

Maximum penalty: 30 penalty units.

### **30G Regulations about taxi licences**

(ACT s 157 (b), NSW s 32 (4), 32F (1) (a))

- (1) The regulations are to provide a system for the licensing of taxis and restricted taxis, including, for example—

(a) matters relating to the giving, refusal or surrender of licences; and

(b) the term of restricted taxi licences; and

(c) the conditions of licences; and

(d) the circumstances in which a substitute vehicle may be used as a licensed taxi; and

(e) the action that may be taken in relation to licences in circumstances prescribed under the regulations, including—

(i) the suspension or cancellation of a licence; and

(ii) the imposition of a condition on, or the amendment of a condition of, a licence; and

(iii) an order that the holder of a licence pay to the Territory an amount of not more than—

(A) for an individual—\$5,000; or

(B) for a corporation—\$25,000; and

(iv) the reprimanding of the holder of a licence.

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### Example of conditions for restricted taxi licences—s (1) (c)

- 1 How the vehicle to which the restricted taxi licence relates must be equipped.
  - 2 The kinds of restricted taxi services that may be operated using the vehicle.
- (2) The regulations may place different requirements on the person to whom a taxi licence (other than a restricted taxi licence) is issued and a person to whom the licence is hired.

## Part 5 Taxi services

### Division 5.1 Basic concepts

#### 31 Meaning of *taxi* (ACT s 100, def of *taxi*, NSW s 3, def of *taxi-cab*)

A *taxi* is a vehicle (other than a bus) that stands or plies for hire for the transport of passengers along a road or road related area.

*Note* References to *taxi* includes *restricted taxi* unless the contrary intention otherwise appears (see *Legislation Act 2001*, s 155).

#### 31A Meaning of *restricted taxi* (ACT s 100, def of *restricted taxi*)

A *restricted taxi* is a vehicle (other than a bus) that stands or plies for hire for the transport of passengers along a road or road related area and that is licensed under the regulations as a restricted taxi.

#### 31B Meaning of *taxi service* (NSW s 29A, def of *taxi-cab service*)

A *taxi service* is a public passenger service operated using 1 or more taxis (including restricted taxis).

#### 31C Meaning of *restricted taxi service*

A *restricted taxi service* is a public passenger service operated using only 1 or more restricted taxis.

**Examples of kinds of restricted taxi services**

- 1 A service that must give priority to the transport of people with disabilities.
- 2 A service with no requirement to give priority to the transport of people with disabilities.

## **Division 5.2                      Accreditation of taxi service operators**

### **31D    Taxi service operators—purposes of accreditation (NSW s 31 (2))**

The purpose of accreditation under the regulations to operate a taxi service is to ensure that—

- (a) the accredited person has the financial capacity to meet the service standards for the service; and
- (b) the accredited person, and each person who is concerned with, or takes part in, the management of the service, are suitable people to operate the service; and
- (c) the accredited person, and each person who is concerned with, or takes part in, the management of the service, have demonstrated the capacity to comply with the relevant regulations and, in particular, the regulations about—
  - (i) the safety of passengers and the public; and
  - (ii) the maintenance of taxis.

### **31E    Taxi service operators—regulations about accreditation system (ACT s 157, NSW s 31 (3) (a), 31E (5))**

- (1) The regulations are to provide a system for the accreditation of people to operate taxi services, including, for example—
  - (a) the kinds of accreditations; and

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- (b) the kinds of taxis and taxi services that a person who holds a particular kind of accreditation is entitled to operate; and
  - (c) the conditions of accreditations; and
  - (d) matters relating to the giving, refusal or surrender of accreditations; and
  - (e) the action that may be taken in relation to an accredited person in circumstances prescribed under the regulations, including—
    - (i) the suspension or cancellation of an accreditation; and
    - (ii) the imposition of a condition on, or the amendment of a condition of, an accreditation; and
    - (iii) an order that an accredited person pay to the Territory an amount of not more than—
      - (A) for an individual—\$5 000; or
      - (B) for a corporation—\$25 000; and
    - (iv) the reprimanding of an accredited person.
- (2) The regulations may make provision in relation to the accreditation of people to operate taxi services, including, for example—
- (a) requirements about the suitability of the applicant and each person who will be concerned with, or take part in, the management of the service; and
  - (b) capacity to meet service standards; and
  - (c) financial viability.
- (3) For subsection (1) (a), the regulations must provide for the accreditation of people to operate—
- (a) a taxi service (other than a restricted taxi service); and
  - (b) a restricted taxi service.

*Note* For examples of kinds of restricted taxi services, see s 31C.

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## **Division 5.3                      Entitlement to operate taxi services**

### **31F    Entitlement to operate taxi services (NSW s 30 (1))**

A person is entitled to operate a particular kind of taxi service, within or partly within the ACT, if—

- (a) the person is accredited under the regulations to operate a taxi service of that kind; and
- (b) the vehicles used to operate the service are licensed under the regulations as taxis for that kind of taxi service; and
- (c) the person is affiliated with an accredited taxi network provider who is entitled to provide taxi related services to that kind of taxi service.

### **31G    Unaccredited operators not to operate taxi services (NSW s 30 (1))**

- (1) A person must not operate, within or partly within the ACT, a taxi service of a particular kind unless the person is accredited under the regulations to operate the taxi service of that kind.

Maximum penalty: 50 penalty units.

- (2) However, subsection (1) does not apply to a person who is authorised to operate a taxi service under the law of another jurisdiction if a taxi operated by the person completes in the ACT a hiring begun in another jurisdiction.

### **31H    Pretending to be an accredited taxi service operator**

- (1) A person must not pretend to be accredited under the regulations to operate a taxi service.

Maximum penalty: 30 penalty units.

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- (2) A person must not pretend to be accredited under the regulations to operate a particular kind of taxi service.

Maximum penalty: 30 penalty units.

### **31I Taxi service operators to be affiliated with taxi network**

An accredited taxi service operator must not operate a taxi service of a particular kind unless the person is affiliated with an accredited taxi network provider who is entitled to provide taxi related services to that kind of taxi service.

Maximum penalty: 50 penalty units.

### **31J Pretending to be affiliated with taxi network**

A person must not pretend to be affiliated with an accredited taxi network provider.

Maximum penalty: 30 penalty units.

## **Division 5.4 Regulation of taxi services**

### **31K Regulations about operation of taxi services by accredited people**

(ACT s 157, NSW s 31 (3) (b), 31E (2), (3))

The regulations may make provision in relation to the operation of taxi services by accredited taxi service operators, including, for example—

- (a) the specifications for, and operation of, equipment in taxis operated by accredited taxi service operators to receive messages from the accredited taxi network provider with which the operator is affiliated and for taximeters; and
- (b) compliance with the requirements of the accredited taxi network provider with which an accredited taxi service operator is affiliated; and



- (c) the supervision and monitoring of drivers of taxis operated by an accredited taxi service operator for compliance with the service standards and other requirements of the operator's affiliated taxi network provider and the responsibilities of the operator in relation to a failure to comply with the standards; and
  - (d) the safety of passengers (including, for example, particular kinds of security devices) and the public; and
  - (e) the qualifications, training and experience of accredited taxi service operators and taxi drivers (including, for example, in relation to particular kinds of taxi services); and
  - (f) maximum driving times and minimum rest times of taxi drivers; and
  - (g) insurance; and
  - (h) customer complaints and inquiries; and
- Note* For the vehicle age limitations on the registration of a motor vehicle as a taxi, see the *Road Transport (Vehicle Registration) Regulations 2000*, reg 32.
- (i) lost property; and
  - (j) the obligations of accredited taxi network providers and taxi drivers and other people providing services to or on behalf of accredited taxi service operators; and
  - (k) the operation of particular kinds of taxis (including, for example, taxis with wheelchair access) and taxi services; and
  - (l) the requirements that taxis, and their equipment and fittings (internal and external) (including, for example, baby capsules), must comply with; and
  - (m) the maintenance and cleaning of taxis; and
  - (n) the making and keeping of records and their inspection; and

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- (o) the auditing of records and systems; and
- (p) the provision of information and reports to the road transport authority.

### **31L Regulations about operation of taxis**

The regulations may make provision in relation to the operation of taxis, including, for example—

- (a) the solicitation of passengers or hirings; and
- (b) the hiring of vehicles and the payment of fares; and
- (c) the picking-up and dropping-off of passengers and other matters relating to the transport of passengers; and
- (d) the transport of passengers' luggage or other goods, and animals; and
- (e) the regulation or prohibition of the use of vehicles on certain roads or road related areas; and
- (f) the maximum speed of a vehicle; and
- (g) the design, equipment and fittings (internal or external) of vehicles; and
- (h) the regulation or prohibition of notices, signs and advertisements inside or on the outside of vehicles; and
- (i) the records to be made and kept by drivers, how they are to be made and kept, and their inspection; and
- (j) the provision, use and operation of taxi zones.

### **31M Regulations about taxi drivers**

The regulations may make provision in relation to taxi drivers, including, for example—

- (a) the powers, duties and conduct of taxi drivers; and

- (b) the training of drivers; and
- (c) how taxi drivers must dress.

*Note* For the licensing of people to drive taxis, see the *Road Transport (Driver Licensing) Regulations 2000*.

### **31N Regulations about conduct of taxi passengers**

The regulations may make provision in relation to the conduct of passengers being carried by taxis, including, for example—

- (a) the regulation or prohibition of eating and drinking; and
- (b) the authority of taxi drivers, police officers and authorised people to direct people contravening a regulation to leave a taxi and to remove them if they fail to leave.

### **31O Power to determine maximum taxi fares (ACT s 115)**

- (1) The Minister may, in writing, determine maximum fares, and ways of calculating maximum fares, relating to hiring or using a taxi.
- (2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (3) This section does not require the Minister to determine maximum fares for hiring or using a taxi.

*Note* The Independent Competition and Regulatory Commission may give price directions for regulated industries, see the *Independent Competition and Regulatory Commission Act 1997*, s 20.

- (4) In this section:

*fare* includes a charge relating to hiring or using a taxi.

## Part 6 Miscellaneous

### 32 Regulation-making power (NSW s 63 (1), (4))

- (1) The Executive may make regulations for this Act.

*Note* Regulations must be notified and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may create offences for contraventions of the regulations and prescribe maximum penalties of not more than 20 penalty units for offences against the regulations.

### 32A Regulations may apply certain documents etc

The regulations may apply, adopt or incorporate, entirely or in part and with or without changes, a publication (including an Act or regulation of another jurisdiction), as in force from time to time.

*Note 1* A statutory instrument may also apply, adopt or incorporate (with or without change) a law or instrument (or a provision of a law or instrument) as in force at a particular time (see *Legislation Act 2001*, s 47 (1)).

*Note 2* If a statutory instrument applies, adopts or incorporates a law or instrument (or a provision of a law or instrument), the law, instrument or provision may be taken to be a notifiable instrument that must be notified under the *Legislation Act 2001* (see s 47 (2)-(6)).

### 32B Regulations about enforcement

The regulations may make provision in relation to the powers and duties of police officers and authorised officers in relation to public passenger services, including, for example, in relation to public passenger vehicles, drivers of public passenger vehicles and passengers.

### 32C Minister may exempt vehicles and people from Act

- (1) The Minister may exempt a vehicle or person from this Act (or a stated provision of this Act).

- (2) An exemption is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

**32D Regulations may exempt vehicles and people from Act (NSW s 63 (3))**

- (1) The regulations may—
- (a) exempt a vehicle or person, or a kind of vehicle or person, prescribed under the regulations from this Act (or a stated provision of this Act); or
  - (b) authorise the road transport authority to exempt a vehicle or person, or a kind of vehicle or person, prescribed under the regulations from this Act (or a stated provision of this Act).
- (2) An exemption given under a regulation mentioned in subsection (1) may be conditional.
- (3) The regulations may provide for the road transport authority to—
- (a) suspend the operation of a regulation mentioned in subsection (1) (a) in the way and circumstances prescribed under the regulations; or
  - (b) suspend the operation of an exemption given by the authority to a vehicle or person in the way and circumstances prescribed under the regulations.

**9 Part 4**

*renumber as part 7*

**10 Section 33, new definitions of *taxi operator's licence* and *restricted taxi operator's licence***

*insert*

*restricted taxi operator's licence*—see the General Act, section 108 (1).

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*taxi operator's licence*—see the General Act, section 106 (1).

## 11 New division 7.7

*insert*

### Division 7.7 Taxis

#### 51A Existing approved taxi networks

- (1) This section applies to a person who, immediately before the commencement, held an authority to operate a taxi network under the *Road Transport (Taxi Services) Regulations 2000*, regulation 57 (Taxi network authorities).
- (2) The person is taken, after the commencement, to be accredited under the regulations to operate a taxi network.
- (3) The accreditation the person is taken to hold under subsection (2) may be varied or ended by the road transport authority in accordance with the regulations.
- (4) If the accreditation the person is taken to hold under subsection (2) has not been ended in accordance with the regulations, the accreditation expires 1 year after this section commences.

#### 51B Existing taxi licences and restricted taxi licences

- (1) This section applies to a person who, immediately before the commencement, was the holder of—
  - (a) a taxi operator's licence; or
  - (b) a restricted taxi operator's licence.
- (2) The person is taken, after the commencement—
  - (a) for a person mentioned in subsection (1) (a)—to be the holder of a taxi licence (other than a restricted taxi licence) issued under this Act; or

- 
- (b) for a person mentioned in subsection (1) (b)—to be the holder of a restricted taxi licence issued under this Act.
  - (3) If the licence held by the person was, immediately before the commencement, subject to conditions, the licence the person is taken to hold under subsection (2) is taken to be subject to the conditions.
  - (4) The period of a restricted taxi operator's licence that is taken to be a restricted taxi licence issued under this Act is taken to be the unexpired period of the licence before the commencement.

### **51C Interim accreditation of existing taxi operators**

- (1) This section applies to a person who, immediately before the commencement—
  - (a) operated a taxi service (other than a restricted taxi service) within the meaning of this Act; or
  - (b) was the holder of a restricted taxi operator's licence.
- (2) The person is taken, after the commencement—
  - (a) for a person mentioned in subsection (1) (a)—to be accredited under the regulations to operate a taxi service; or
  - (b) for a person mentioned in subsection (1) (b)—to be accredited under the regulations to operate a restricted taxi service.
- (3) The accreditation the person is taken to hold under subsection (2) may be varied or ended by the road transport authority in accordance with the regulations.
- (4) If the accreditation the person is taken to hold under subsection (2) has not been ended in accordance with the regulations, the accreditation expires 1 year after this section commences.

**51D Determination about maximum number of taxi licences**

- (1) This section applies to a determination in force under the General Act, section 106 (4) immediately before the commencement (including a determination that was taken under the General Act, section 253 to be a determination under section 106 (4)).
- (2) The determination is taken, after the commencement, to be a determination under section 30B (Maximum numbers of taxi licences) of the maximum number of taxi licences (other than restricted taxi licences).

**51E Determination about maximum number of restricted taxi licences**

- (1) This section applies to a determination in force under the General Act, section 107 immediately before the commencement (including a determination that was taken under the General Act, section 254 to be a determination under section 107).
- (2) The determination is taken, after the commencement, to be a determination under section 30B (Maximum numbers of taxi licences) of the maximum number of restricted taxi licences.

**51F Application to transfer taxi licence**

An application under the General Act, section 109 (1) in relation to a taxi licence that had not been finally dealt with immediately before the commencement is taken, after the commencement, to be an application made to the road transport authority under section 30E (1) (Transferability of taxi licences).

**51G Determination about maximum taxi fares**

A determination in force under the General Act, section 115 immediately before the commencement is taken, after the commencement, to be a determination under section 31O (1) (Power to determine maximum taxi fares).



**51H Expiry of div 7.7**

This division expires 1 year after it commences.

**12 Dictionary, definitions of *accredited*, *holder* and *public passenger vehicle***

*substitute*

*accredited*, in relation to a kind of public passenger service, means accredited under the regulations to operate that kind of public passenger service.

*holder* means—

- (a) of a service contract—the person who (apart from the road transport authority) is a party to the contract; or
- (b) of a taxi licence—the person to whom the licence was issued.

*public passenger vehicle* means a bus or taxi.

**13 Dictionary, new definitions**

*insert*

*accredited taxi network provider* means accredited under the regulations to operate a taxi network.

*accredited taxi service operator* means accredited under the regulations to operate a taxi service.

*affiliated*, in relation to an accredited taxi service operator, means affiliated with an accredited taxi network provider.

*licence*, in relation to a taxi, means a licence issued under the regulations to use a vehicle as a taxi.

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

*restricted taxi*—see section 31A (Meaning of *restricted taxi*).

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*restricted taxi licence*—see section 30A (Meaning of *restricted taxi licence*).

*restricted taxi service*—see section 31C (Meaning of *restricted taxi service*).

*taxi*—see section 31 (Meaning of *taxi*).

*taxi booking service*—see section 29A (Meaning of *taxi booking service*).

*taxi driver* means the person driving a taxi if the person holds a public vehicle licence authorising the person to drive the taxi for hire or reward.

*taxi licence*—see section 30 (Meaning of *taxi licence*).

*taxi network*—see section 29 (Meaning of *taxi network*).

*taxi service*—see section 31B (Meaning of *taxi service*).

*taxi zone*—see the Australian Road Rules, rule 182.

## 14 Dictionary, definition of *accredited bus operators register* *omit*

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