



Australian Capital Territory

Road Transport Legislation Amendment Act 2006

A2006-26

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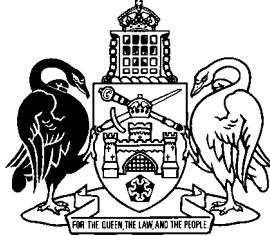
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Australian Capital Territory

Road Transport Legislation Amendment Act 2006

A2006-26

*An Act to amend the *Road Transport (Public Passenger Services) Act 2001*, the *Road Transport (Public Passenger Services) Regulation 2002*, the *Road Transport (Vehicle Registration) Act 1999* and the *Road Transport (Vehicle Registration) Regulation 2000**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

J2006-27

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Part 1 Preliminary

1 Name of Act

This Act is the *Road Transport Legislation Amendment Act 2006*.

2 Commencement

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

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

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

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

Part 2 Road Transport (Public Passenger Services) Act 2001

3 Legislation amended—pt 2

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

4 Offences against Act—application of Criminal Code etc Section 4A, note 1, new dot points

insert

- s 33 (Operating taxi network without entitlement)
- s 54 (Taxi service operators to be affiliated with taxi network)
- a provision of pt 9 (Enforcement)

5 Taxi network providers—regulations about accreditation system Section 31 (1) (a)

omit

6 Section 31 (1) (b) to (d)

renumber as paragraphs 31 (1) (a) to (c)

7 Sections 32 and 33

substitute

32 Entitlement to operate taxi networks

A person is entitled to operate a taxi network, in or partly in the ACT, if the person is accredited under the regulations to operate a taxi network.

33 Operating taxi network without entitlement

- (1) A person commits an offence if—
 - (a) the person operates, in or partly in the ACT, a taxi network; and
 - (b) the person is not accredited under the regulation to operate a taxi network.

Maximum penalty: 50 penalty units.

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

**8 Pretending to be an accredited taxi network provider
Section 34 (2)**

omit

9 Section 41

substitute

41 Transferability of taxi licences

- (1) A taxi licence (other than a restricted taxi licence) issued before the commencement of the *Road Transport Legislation Amendment Act 2006* (the **amendment Act**) is transferable.
- (2) A taxi licence (other than a restricted taxi licence) issued after the commencement of the amendment Act may be issued as a transferable or non-transferable taxi licence.
- (3) If the holder of a taxi licence mentioned in subsection (1), or of a taxi licence issued as a transferable taxi licence, asks the road transport authority to transfer the licence to someone else, the authority must transfer the licence to the person.
- (4) The following taxi licences are not transferable:
 - (a) a taxi licence issued as a non-transferable taxi licence;

- (b) a restricted taxi licence.
- (5) A taxi licence mentioned in subsection (4) that is issued after the commencement of the amendment Act is issued subject to the condition that the licence-holder must not transfer the licence to anyone else.

Example of transfer of licence

The licence-holder hiring the licence to someone else.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

**10 Regulations about taxi licences
Section 44 (1) (b)**

substitute

- (b) the term (if any) of taxi licences; and

**11 Entitlement to operate taxi services
Section 51 (c)**

substitute

- (c) the person is affiliated with an accredited taxi network provider.

12 Section 54

substitute

54 Taxi service operators to be affiliated with taxi network

- (1) The accredited operator of a taxi service commits an offence if—
- (a) the operator operates a taxi service; and

(b) the operator is not affiliated with an accredited taxi network provider.

Maximum penalty: 50 penalty units.

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

**13 Miscellaneous
Part 9**

renumber as part 10

14 New part 9 heading

insert

Part 9 Enforcement

15 Dictionary, new definitions

insert

fittings, of a vehicle, includes the seats, seat covers and floor coverings of the vehicle.

inspect a vehicle includes observe the performance of the vehicle or any of its equipment, with or without the use of instruments.

noncompliance notice—see section 120 (1).

time of effect, for a noncompliance notice—see section 120 (2) (b).

Part 3

Road Transport (Public Passenger Services) Regulation 2002

16 Legislation amended—pt 3

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

17 Accreditations that may be approved Section 5 (2)

substitute

- (2) The road transport authority may accredit people to operate taxi networks.

18 Enforcement Chapter 7 heading

omit

19 Purpose of powers under ch 7 Section 229 heading

omit

ch 7

substitute

pt 9

20 Section 229

omit

chapter

substitute

part

21 Section 229 (a)

substitute

- (a) there has been compliance with, or a contravention of, this Act (including, for example, the conditions of an accreditation, taxi licence or hire car licence); or

**22 Power to inspect maintenance facilities
Section 231 (1)**

omit

chapter

substitute

part

23 Section 231 (4) (b) and (c)

substitute

- (b) require the person apparently in charge of the premises to give the police officer or authorised person any information the police officer or authorised person reasonably needs to inspect or test any equipment in the premises;
- (c) require the person apparently in charge of the premises to do anything else the police officer or authorised person reasonably needs to inspect or test any equipment in the premises.

24 Section 231 (5)

omit

request

substitute

requirement

25 Section 231 (7)

after

identity card

insert

for inspection

**26 Power to inspect and test vehicles
Section 232 (2) (b)**

substitute

(b) get into or onto the vehicle and remain in or on the vehicle;

**27 Attachment and removal of noncompliance notices
Section 234 (1)**

omit

chapter

substitute

part

28 Section 234

omit

this regulation

substitute

this Act

**29 Police officer or authorised person—power to require name and address etc
Section 235 (1)**

omit

this regulation

substitute

this Act

30 Section 235 (1), new note

insert

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

31 Sections 229 to 235 (as amended)

relocate to Road Transport (Public Passenger Services) Act 2001, part 9 as sections 115 to 121

32 New part 8.7

insert

Part 8.7 Taxi network accreditations**521 Accreditations to operate taxi network**

- (1) This section applies in relation to an accreditation to operate a taxi network that was in force immediately before the commencement of this section.
- (2) Despite section 5 (2) (Accreditations that may be approved), the accreditation continues in force for the remainder of its term unless it is sooner ended under this regulation.

522 Expiry of pt 8.7

This part expires on 11 August 2011.

33 Dictionary, definitions of *inspect*, *noncompliance notice* and *time of effect*

omit

Part 4 Road Transport (Vehicle Registration) Act 1999

34 Legislation amended—pt 4

This part amends the *Road Transport (Vehicle Registration) Act 1999*.

35 Sections 3, 4 and 5

renumber as sections 2, 3 and 4

36 New section 5

in part 1, insert

5 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 Criminal Code

The Criminal Code, ch 2 applies to the following offence against this Act (see Code, pt 2.1):

- s 17B (5) (Power to inspect approved premises, records and equipment).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

37 New division 2.3

insert

Division 2.3 Enforcement—approved premises**17A Purpose of powers under div 2.3**

The powers under this division may be exercised by a police officer or authorised person to decide whether—

- (a) there has been compliance with, or a contravention of, this Act in relation to the inspection and testing of registrable vehicles; or
- (b) approved premises and any equipment in the premises used or proposed to be used in, or in relation to, the inspection and testing of vehicles comply with this Act.

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

17B Power to inspect approved premises, records and equipment

- (1) For this division, a police officer or authorised person may, at any reasonable time, enter approved premises.
- (2) The police officer or authorised person may—
 - (a) inspect records in the premises relating to inspections and tests of vehicles carried out at the premises for this Act; and
 - (b) inspect the premises; and

- (c) inspect or test any equipment in the premises used or proposed to be used in, or in relation to, the inspection and testing of vehicles for this Act.

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

- (3) For subsection (2) (a), the police officer or authorised person may—
 - (a) require the person apparently in charge of the premises, or anyone else who has the custody or control of the records, to produce them to the police officer or authorised person for inspection; and
 - (b) make copies of, or take extracts from, a record and, for that purpose, may take possession of the record and, if necessary, keep it for not longer than 7 days.
- (4) For subsection (2) (c), the police officer or authorised person may do any 1 or more of the following:
 - (a) operate any equipment in the premises;
 - (b) require the person apparently in charge of the premises to give the police officer or authorised person any information the police officer or authorised person reasonably needs to inspect or test any equipment in the premises;
 - (c) require the person apparently in charge of the premises to do anything else the police officer or authorised person reasonably needs to inspect or test any equipment in the premises.
- (5) A person must take all reasonable steps to comply with a requirement made of the person by a police officer or authorised person under this section.

Maximum penalty: 20 penalty units.
- (6) An offence against this section is a strict liability offence.

- (7) An authorised person who enters approved premises under this section is not authorised to remain on the premises if, when asked by the person in charge of the premises, the authorised person does not produce his or her identity card for inspection.

38 Dictionary

omit

(see s 4)

substitute

(see s 3)

39 Dictionary, new definition of *approved premises*

insert

approved premises—see section 15 (3) (b).

Part 5 Road Transport (Vehicle Registration) Regulation 2000

40 Legislation amended—pt 5

This part amends the *Road Transport (Vehicle Registration) Regulation 2000*.

41 Inspections Section 151

omit

42 Inspection of approved premises and equipment Section 151A

omit

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 30 March 2006.

2 Notification

Notified under the Legislation Act on 14 June 2006.

3 Republications of amended laws

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

I certify that the above is a true copy of the Road Transport Legislation Amendment Bill 2006, which was passed by the Legislative Assembly on 6 June 2006.

Clerk of the Legislative Assembly

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