

2006

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Urban Services)

Road Transport Legislation Amendment Bill 2006

Contents

| | Page |
|---------------|---|
| Part 1 | Preliminary |
| 1 | Name of Act 2 |
| 2 | Commencement 2 |
| Part 2 | Road Transport (Public Passenger Services) Act 2001 |
| 3 | Legislation amended—pt 2 3 |
| 4 | Offences against Act—application of Criminal Code etc Section 4A, note 1, new dot points 3 |
| 5 | Taxi network providers—regulations about accreditation system Section 31 (1) (a) 3 |
| 6 | Section 31 (1) (b) to (d) 3 |

J2006-27

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Contents

| | Page | |
|---------------|--|----|
| 7 | Sections 32 and 33 | 3 |
| 8 | Pretending to be an accredited taxi network provider Section 34 (2) | 4 |
| 9 | Section 41 | 4 |
| 10 | Regulations about taxi licences Section 44 (1) (b) | 5 |
| 11 | Entitlement to operate taxi services Section 51 (c) | 5 |
| 12 | Section 54 | 5 |
| 13 | Miscellaneous Part 9 | 6 |
| 14 | New part 9 heading | 6 |
| 15 | Dictionary, new definitions | 6 |
| Part 3 | Road Transport (Public Passenger Services) Regulation 2002 | |
| 16 | Legislation amended—pt 3 | 7 |
| 17 | Accreditations that may be approved Section 5 (2) | 7 |
| 18 | Enforcement Chapter 7 heading | 7 |
| 19 | Purpose of powers under ch 7 Section 229 heading | 7 |
| 20 | Section 229 | 8 |
| 21 | Section 229 (a) | 8 |
| 22 | Power to inspect maintenance facilities Section 231 (1) | 8 |
| 23 | Section 231 (4) (b) and (c) | 8 |
| 24 | Section 231 (5) | 9 |
| 25 | Section 231 (7) | 9 |
| 26 | Power to inspect and test vehicles Section 232 (2) (b) | 9 |
| 27 | Attachment and removal of noncompliance notices Section 234 (1) | 9 |
| 28 | Section 234 | 10 |

| | Page | |
|---------------|---|----|
| 29 | Police officer or authorised person—power to require name and address etc Section 235 (1) | 10 |
| 30 | Section 235 (1), new note | 10 |
| 31 | Sections 229 to 235 (as amended) | 10 |
| 32 | New part 8.7 | 11 |
| 33 | Dictionary, definitions of <i>inspect</i> , <i>noncompliance notice</i> and <i>time of effect</i> | 11 |
| | | |
| Part 4 | Road Transport (Vehicle Registration) Act 1999 | |
| 34 | Legislation amended—pt 4 | 12 |
| 35 | Sections 3, 4 and 5 | 12 |
| 36 | New section 5 | 12 |
| 37 | New division 2.3 | 13 |
| 38 | Dictionary | 15 |
| 39 | Dictionary, new definition of <i>approved premises</i> | 15 |
| | | |
| Part 5 | Road Transport (Vehicle Registration) Regulation 2000 | |
| 40 | Legislation amended—pt 5 | 16 |
| 41 | Inspections Section 151 | 16 |
| 42 | Inspection of approved premises and equipment Section 151A | 16 |

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(As presented)

(Minister for Urban Services)

Road Transport Legislation Amendment Bill 2006

A Bill for

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:

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1 **Part 1 Preliminary**

2 **1 Name of Act**

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

4 **2 Commencement**

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

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

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

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

1 **Part 2** **Road Transport (Public**
2 **Passenger Services) Act 2001**

3 **3 Legislation amended—pt 2**

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

6 **4 Offences against Act—application of Criminal Code etc**
7 **Section 4A, note 1, new dot points**

8 *insert*

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

12 **5 Taxi network providers—regulations about accreditation**
13 **system**
14 **Section 31 (1) (a)**

15 *omit*

16 **6 Section 31 (1) (b) to (d)**

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

18 **7 Sections 32 and 33**

19 *substitute*

20 **32 Entitlement to operate taxi networks**

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

1 **33 Operating taxi network without entitlement**

- 2 (1) A person commits an offence if—
- 3 (a) the person operates, in or partly in the ACT, a taxi network;
- 4 and
- 5 (b) the person is not accredited under the regulation to operate a
- 6 taxi network.
- 7 Maximum penalty: 50 penalty units.
- 8 (2) An offence against this section is a strict liability offence.

9 **8 Pretending to be an accredited taxi network provider**

10 **Section 34 (2)**

11 *omit*

12 **9 Section 41**

13 *substitute*

14 **41 Transferability of taxi licences**

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

1 (b) a restricted taxi licence.

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

6 **Example of transfer of licence**

7 The licence-holder hiring the licence to someone else.

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

11 **10 Regulations about taxi licences**
12 **Section 44 (1) (b)**

13 *substitute*

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

15 **11 Entitlement to operate taxi services**
16 **Section 51 (c)**

17 *substitute*

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

20 **12 Section 54**

21 *substitute*

22 **54 Taxi service operators to be affiliated with taxi network**

23 (1) The accredited operator of a taxi service commits an offence if—

24 (a) the operator operates a taxi service; and

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

3 Maximum penalty: 50 penalty units.

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

5 **13 Miscellaneous**
6 **Part 9**

7 *renumber as part 10*

8 **14 New part 9 heading**

9 *insert*

10 **Part 9 Enforcement**

11 **15 Dictionary, new definitions**

12 *insert*

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

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

17 *noncompliance notice*—see section 120 (1).

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

1 **Part 3** **Road Transport (Public**
2 **Passenger Services) Regulation**
3 **2002**

4 **16** **Legislation amended—pt 3**

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

7 **17** **Accreditations that may be approved**
8 **Section 5 (2)**

9 *substitute*

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

12 **18** **Enforcement**
13 **Chapter 7 heading**

14 *omit*

15 **19** **Purpose of powers under ch 7**
16 **Section 229 heading**

17 *omit*

18 **ch 7**

19 *substitute*

20 **pt 9**

1 **20 Section 229**

2 *omit*

3 chapter

4 *substitute*

5 part

6 **21 Section 229 (a)**

7 *substitute*

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

11 **22 Power to inspect maintenance facilities**
12 **Section 231 (1)**

13 *omit*

14 chapter

15 *substitute*

16 part

17 **23 Section 231 (4) (b) and (c)**

18 *substitute*

19 (b) require the person apparently in charge of the premises to give
20 the police officer or authorised person any information the
21 police officer or authorised person reasonably needs to inspect
22 or test any equipment in the premises;

23 (c) require the person apparently in charge of the premises to do
24 anything else the police officer or authorised person reasonably
25 needs to inspect or test any equipment in the premises.

| | | |
|----|-----------|---|
| 1 | 24 | Section 231 (5) |
| 2 | | <i>omit</i> |
| 3 | | request |
| 4 | | <i>substitute</i> |
| 5 | | requirement |
| 6 | 25 | Section 231 (7) |
| 7 | | <i>after</i> |
| 8 | | identity card |
| 9 | | <i>insert</i> |
| 10 | | for inspection |
| 11 | 26 | Power to inspect and test vehicles |
| 12 | | Section 232 (2) (b) |
| 13 | | <i>substitute</i> |
| 14 | | (b) get into or onto the vehicle and remain in or on the vehicle; |
| 15 | 27 | Attachment and removal of noncompliance notices |
| 16 | | Section 234 (1) |
| 17 | | <i>omit</i> |
| 18 | | chapter |
| 19 | | <i>substitute</i> |
| 20 | | part |

- 1 **28 Section 234**
- 2 *omit*
- 3 this regulation
- 4 *substitute*
- 5 this Act
- 6 **29 Police officer or authorised person—power to require**
- 7 **name and address etc**
- 8 **Section 235 (1)**
- 9 *omit*
- 10 this regulation
- 11 *substitute*
- 12 this Act
- 13 **30 Section 235 (1), new note**
- 14 *insert*
- 15 *Note* A reference to an Act includes a reference to the statutory instruments
- 16 made or in force under the Act, including any regulation (see
- 17 Legislation Act, s 104).
- 18 **31 Sections 229 to 235 (as amended)**
- 19 *relocate to Road Transport (Public Passenger Services) Act 2001,*
- 20 *part 9 as sections 115 to 121*

1 **32 New part 8.7**

2 *insert*

3 **Part 8.7 Taxi network accreditations**

4 **521 Accreditations to operate taxi network**

5 (1) This section applies in relation to an accreditation to operate a taxi
6 network that was in force immediately before the commencement of
7 this section.

8 (2) Despite section 5 (2) (Accreditations that may be approved), the
9 accreditation continues in force for the remainder of its term unless
10 it is sooner ended under this regulation.

11 **522 Expiry of pt 8.7**

12 This part expires on 11 August 2011.

13 **33 Dictionary, definitions of *inspect*, *noncompliance notice*
14 and *time of effect***

15 *omit*

1 **Part 4** **Road Transport (Vehicle**
2 **Registration) Act 1999**

3 **34** **Legislation amended—pt 4**

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

6 **35** **Sections 3, 4 and 5**

7 *renumber as sections 2, 3 and 4*

8 **36** **New section 5**

9 *in part 1, insert*

10 **5** **Offences against Act—application of Criminal Code etc**

11 Other legislation applies in relation to offences against this Act.

12 *Note 1* *Criminal Code*

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

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

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

21 *Note 2* *Penalty units*

22 The Legislation Act, s 133 deals with the meaning of offence penalties
23 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

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

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

7 (3) For subsection (2) (a), the police officer or authorised person may—

8 (a) require the person apparently in charge of the premises, or
9 anyone else who has the custody or control of the records, to
10 produce them to the police officer or authorised person for
11 inspection; and

12 (b) make copies of, or take extracts from, a record and, for that
13 purpose, may take possession of the record and, if necessary,
14 keep it for not longer than 7 days.

15 (4) For subsection (2) (c), the police officer or authorised person may
16 do any 1 or more of the following:

17 (a) operate any equipment in the premises;

18 (b) require the person apparently in charge of the premises to give
19 the police officer or authorised person any information the
20 police officer or authorised person reasonably needs to inspect
21 or test any equipment in the premises;

22 (c) require the person apparently in charge of the premises to do
23 anything else the police officer or authorised person reasonably
24 needs to inspect or test any equipment in the premises.

25 (5) A person must take all reasonable steps to comply with a
26 requirement made of the person by a police officer or authorised
27 person under this section.

28 Maximum penalty: 20 penalty units.

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

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

5 **38 Dictionary**

6 *omit*

7 (see s 4)

8 *substitute*

9 (see s 3)

10 **39 Dictionary, new definition of *approved premises***

11 *insert*

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

1 **Part 5** **Road Transport (Vehicle**
2 **Registration) Regulation 2000**

3 **40** **Legislation amended—pt 5**

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

6 **41** **Inspections**
7 **Section 151**

8 *omit*

9 **42** **Inspection of approved premises and equipment**
10 **Section 151A**

11 *omit*

Endnotes

1 **Presentation speech**

Presentation speech made in the Legislative Assembly on 2006.

2 **Notification**

Notified under the Legislation Act on 2006.

3 **Republications of amended laws**

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