

2002

**THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

ROAD TRANSPORT (GENERAL) ACT 1999

**EXEMPTION OF PERSON & VEHICLE FROM ROAD TRANSPORT
LEGISLATION**

EXPLANATORY STATEMENT

Circulated by authority of

Bill Wood MLA
Minister for Urban Services

AUSTRALIAN CAPITAL TERRITORY

ROAD TRANSPORT (GENERAL) ACT 1999

EXEMPTION OF PERSON & VEHICLE FROM ROAD TRANSPORT LEGISLATION

DISALLOWABLE INSTRUMENT - DI 2002 -22

EXPLANATORY STATEMENT

Overview

The Road Transport (General) Act 1999 permits the Minister to exclude vehicles, persons or animals from road transport legislation pursuant to sub-section 13(1) of the Road Transport (General) Act 1999.

The principal impact of the exemptions will allow a “stretch” limousine that is constructed with more than 9 seats to operate as a private hire car.

Details

A private hire car is defined under section 100 of the *Road Transport (General) Act 1999* as a motor vehicle that does not ply for hire and is used for the transport of passengers under contract giving the hirer the exclusive use of the vehicle, but does not include a motor vehicle that is a bus. Under the *Road Transport (Public Passenger Services) Act 2001* a bus is defined as a motor vehicle built mainly to carry people that seats over nine adults (including the driver).

As the stretch limousine has been built to carry 10 people, it must be registered as a bus. This precludes the limousine from operating as a private hire car. Pursuant to sub-section 13(1) of the *Road Transport (General) Act 1999* the vehicle is exempted from the definition of a private hire car to allow the vehicle to operate on an existing private hire car operator’s licence issued under section 120 of the *Road Transport (General) Act 1999*.

As the limousine comes under the definition of a bus, when transporting passengers for a fare or other consideration the vehicle is deemed to be conducting a bus service for tour and charter services pursuant to sections 11 and 13 of the *Road Transport (Public Passenger Services) Act 2001* respectively.

In accordance with sub-section 20(2) of the *Road Transport (Public Passenger Services) Act 2001*, a person must not operate a tour and charter service unless the person is accredited to operate those services. Pursuant to sub-section 13(1) of the *Road Transport (General) Act 1999* the operator is exempted from the requirement to be accredited.