

2005

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

ROAD TRANSPORT (GENERAL) ACT 1999

**ROAD TRANSPORT (GENERAL) (HIRE CAR)
EXEMPTION 2005 (No 1)**

EXPLANATORY STATEMENT

Circulated by the authority of

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AUSTRALIAN CAPITAL TERRITORY

ROAD TRANSPORT (GENERAL) ACT 1999

ROAD TRANSPORT (GENERAL) (HIRE CAR) EXEMPTION 2005 (No 1)

DISALLOWABLE INSTRUMENT - DI 2005-137

EXPLANATORY STATEMENT

Overview

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

The principle impact of the exemptions will allow a “stretched” limousine that is constructed with more than 9 seats (including the driver) to operate as a hire car.

Details

Section 67 of the *Road Transport (Public Passenger Services) Act 2001* describes a hire car as a vehicle (other than a bus or taxi) that is used, or is intended to be used, for the transport of passengers under a contract; and does not stand or ply for hire for the transport of passengers along a road or road related area; and includes a restricted hire car.

The dictionary to the *Road Transport (Public Passenger Services) Act 2001* describes a bus as a motor vehicle built mainly to carry people that seats over 9 adults including the driver.

Subsection 20 (2) of the *Road Transport (Public Passenger Services) Act 2001* precludes a person from operating a tour and charter service unless the person is accredited under the regulations to operate tour and charter services.

As the vehicle Mr Little wishes to operate has more than 9 seats it must be registered as a bus.

To enable the vehicle to operate as a hire car the vehicle is exempted from the provisions of the road transport legislation that would prevent this.

Mr Little is exempted from the provisions of the road transport law that would require him to be accredited to operate tour and charter services as the vehicle will be operated for hire and reward under a hire car licence.

The exemptions are limited to matters affecting the vehicle, AU Ford Fairlane with Vehicle Identification Number 6FPFAAJGWL47816.

Disallowable instrument DI 2002-22 that exempted the previous owner of the vehicle from similar provisions is revoked as it is not appropriate for those exemptions to remain in place.