



Australian Capital Territory

Road Transport Legislation (Hire Cars) Amendment Regulation 2005 (No 1)

Subordinate Law SL2005-4

The Australian Capital Territory Executive makes the following regulation under the *Road Transport (Driver Licensing) Act 1999*, the *Road Transport (General) Act 1999*, the *Road Transport (Public Passenger Services) Act 2001*, the *Road Transport (Safety and Traffic Management) Act 1999* and the *Road Transport (Vehicle Registration) Act 1999*.

Dated 4 March 2005.

JOHN HARGREAVES
Minister

SIMON CORBELL
Minister



Australian Capital Territory

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1 Name of regulation

This regulation is the *Road Transport Legislation (Hire Cars) Amendment Regulation 2005 (No 1)*.

2 Commencement

This regulation commences on the commencement of the *Road Transport (Public Passenger Services) (Hire Cars) Amendment Act 2004*, section 13.

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

3 Legislation amended

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

Note This regulation also repeals and amends other legislation (see s 18 and sch 2).

4 New section 5 (4)

insert

- (4) The road transport authority may accredit people to operate the following kinds of hire car services:
- (a) a hire car service (other than a restricted hire car service);
 - (b) a restricted hire car service.

5 Sections 6, 7 and 8

substitute

6 Definitions for pt 2.2

In this part:

applicant, for accreditation (including renewal)—see section 7 (1).

executive officer, of a corporation, means a person, by whatever name called and whether or not the person is a director of the corporation, who is concerned with, or takes part in, the corporation's management.

mandatory disqualifying offence means—

- (a) an offence against a law of any jurisdiction, an external territory or foreign country—
 - (i) involving dishonesty, bribery, misrepresentation, blackmail, or actual or threatened violence; or
 - (ii) of a sexual nature; or
 - (iii) involving the use or possession, or the supply to someone else, of a drug; or
- (b) an offence against a law of any jurisdiction, an external territory or foreign country for which a person is sentenced to imprisonment.

Note ***Jurisdiction*** means a State, the Commonwealth or an internal territory, including the ACT (see the Act, dict).

proposed service standards, for an application for accreditation (including renewal)—see section 6A.

regulated service means—

- (a) a public passenger service; or

- (b) a taxi network.

relevant person, in relation to an application for accreditation (including renewal) by a person or an accreditation held by a person—see section 6B.

6A Meaning of *proposed service standards* for pt 2.2

- (1) For this part, the *proposed service standards* for an application for accreditation (including renewal) are—
- (a) a written statement by the applicant about how the applicant will provide a safe, reliable and efficient regulated service and comply with the approved minimum service standards for the regulated service to which the application relates; and
 - (b) if amended proposed service standards are accepted by the road transport authority under section 7 (5)—the amended standards.
- (2) However, if there are no approved minimum service standards for the regulated service to which the application relates, the *proposed service standards* for the application are—
- (a) a written statement by the applicant in relation to the matters mentioned in schedule 1, for the regulated service to which the application relates, about how the applicant will provide a safe, reliable and efficient regulated service; and
 - (b) if amended proposed service standards are accepted by the road transport authority under section 7 (5)—the amended standards.
- (3) This subsection and subsection (2) expire on 10 March 2006.

6B Meaning of *relevant person* for pt 2.2

In this part:

relevant person, in relation to an application for accreditation (including renewal) by a person or an accreditation held by a person, means—

- (a) if the person is an individual—the person and any employee of the person who is concerned with, or takes part in, the management of the regulated service to which the application relates; or
- (b) if the person is a corporation—each executive officer of the corporation.

7 Application procedure for accreditation

- (1) A person (the *applicant*) may apply to the road transport authority for accreditation (including renewal) to operate a particular kind of regulated service.

Note A fee for the application may be determined under the *Road Transport (General) Act 1999*, s 96.

- (2) The applicant must give the road transport authority—
 - (a) a completed application form for the kind of accreditation applied for; and
 - (b) the proposed service standards for the regulated service to which the application relates; and
 - (c) a statement supplied by a police officer about the criminal history (if any) of, and the infringement notices (if any) served on, each relevant person.
- (3) The road transport authority may require the applicant to give the authority further stated information or a stated document that the authority reasonably needs to decide the application.

- (4) The road transport authority may refuse to consider the application further if the requirement is made in writing and the applicant does not comply with the requirement.
- (5) The applicant may, with the road transport authority's agreement, give the authority amended proposed service standards for the application.
- (6) In this section:

infringement notice—

- (a) means a notice served under the *Road Transport (General) Act 1999*, section 24 (Service of infringement notices generally) or section 36 (Service of infringement notices on responsible persons for vehicles); and
- (b) includes a notice (however described) served on a person under the law of another jurisdiction that gives the person the option of paying an amount for an offence instead of being charged with the offence.

8 Mandatory refusal of accreditation

- (1) The road transport authority must refuse an application for accreditation (including renewal) if the authority believes, on reasonable grounds, that—
 - (a) the applicant is not a suitable person to operate the kind or size of regulated service to which the application relates; or
 - (b) the applicant does not have the capacity to meet the applicant's proposed service standards; or
 - (c) the proposed service standards do not adequately state how the applicant will comply with the approved minimum service standards for the regulated service to which the application relates; or

- (d) compliance by the applicant with the proposed service standards will not ensure that the applicant will provide a safe, reliable and efficient regulated service.
- (2) The matters to which the road transport authority may have regard in deciding whether the applicant is a suitable person include—
- (a) the knowledge and experience of the relevant people in relation to the operation of a regulated service of the kind and size to which the application relates; and
 - (b) for an application for accreditation to operate a bus service, taxi network or taxi service—the financial capacity of the applicant to operate the kind and size of regulated service to which the application relates; and
 - (c) for an application for accreditation to operate a regulated service (other than a restricted hire car service)—whether a relevant person is or has been an executive officer of a corporation that is or has been placed in administration or liquidation or wound up under an Australian or foreign law.
- (3) However, the applicant is not a suitable person to operate the regulated service to which the application relates if—
- (a) a relevant person has been convicted or found guilty of a mandatory disqualifying offence; or
 - (b) a relevant person is disqualified under chapter 6 (Disciplinary action) from holding or applying for the accreditation; or
 - (c) for an application for a kind of accreditation for which educational qualifications have been approved by the road transport authority under section 19—at least 1 relevant person does not hold the approved educational qualifications; or
 - (d) the applicant is a corporation and—

-
- (i) a receiver or receiver and manager within the meaning of the Corporations Act has been appointed in relation to the applicant; or
 - (ii) a court has made an order under the Corporations Act for the winding-up of the applicant; or
- (e) for an application for accreditation to operate a regulated service (other than a restricted hire car service)—
- (i) a relevant person is an undischarged bankrupt under an Australian or foreign law; or
 - (ii) a relevant person is disqualified (however described) from managing a corporation under an Australian or foreign law (including, for example, the Corporations Act, part 2D.6 (Disqualification from managing corporations)); or
 - (iii) a relevant person has been convicted or found guilty of an offence against the Corporations Act, section 209 (3) (which is about a public company giving financial benefits to a related party) or part 5.8 (which relates to companies under external administration etc); or
 - (iv) a relevant person has been convicted or found guilty of an offence against another Australian law or a foreign law that corresponds to a provision mentioned in paragraph (iii).

Note An example is part of the regulation, 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).

6 Section 9 (b)

substitute

- (b) the person has contravened an accepted service standard or an approved minimum service standard for the accreditation; or

7 Section 12 (1) (b)

substitute

- (b) a copy of the accepted service standards in relation to which accreditation was given.

8 Section 12 (4) (c)

substitute

- (c) for a taxi network—6 years;
- (d) for a hire car service—6 years.

9 New section 18A

in part 2.2, insert

18A Recovery of lost or stolen certificate of accreditation

- (1) This section applies to a person who is or was an accredited person if the person has told the road transport authority that the person's certificate of accreditation has been lost or stolen.
- (2) If the person recovers the lost or stolen certificate, the person must, as soon as practicable (but within 14 days) after the day the person recovers the certificate—
 - (a) tell the road transport authority about the recovery of the certificate; and
 - (b) give the certificate to the authority.Maximum penalty: 20 penalty units.
- (3) Subsection (2) (b) does not apply to the person if the road transport authority tells the person that the certificate need not be given to the authority.
- (4) An offence against this section is a strict liability offence.

10 New section 18B

in part 2.3, insert

18B Minimum service standards for regulated services

- (1) The road transport authority must, in writing, approve minimum service standards (the *approved minimum service standards*) for the operation of a regulated service.
- (2) The approved minimum service standards for a regulated service—
 - (a) must include standards in relation to the things mentioned in schedule 1 for the regulated service; and
 - (b) may include standards about anything else in relation to the safe, reliable or efficient provision of the regulated service.

Note A statutory instrument may make different provision about different matters and apply differently by reference to stated exceptions or factors (see Legislation Act, s 48).

- (3) The approved minimum service standards for a regulated service may include standards in relation to monitoring an accredited operator's compliance with the operator's accepted service standards or the approved minimum service standards, including, for example—
 - (a) the making, management and auditing (including performance auditing) of records and systems required to be kept under the Act; and
 - (b) the reporting requirements in relation to the operator's accepted service standards.

Note An example is part of the regulation, 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).

- (4) An approval under subsection (1) is a disallowable instrument.

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

- (5) In this section:

regulated service means—

- (a) a public passenger service; or
- (b) a taxi network.
- (6) Despite subsection (1), the road transport authority may, but is not required to, approve minimum service standards under that subsection for the operation of a regulated service.
- (7) This subsection and subsection (6) expire on 10 March 2006.

11 New sections 163 and 164

in division 4.3.5, insert

163 Exemption of certain taxis—Act, s 65 (1) (a)

- (1) This section applies to a motor vehicle if—
- (a) the vehicle is built mainly to carry over 9, but less than 16, adults (including the driver); and
- (b) the road transport authority has approved, in writing, the operation of the vehicle as a taxi (other than a restricted taxi).
- (2) The vehicle is exempt from that part of the Act, section 45 (Meaning of *taxi*) that prevents a bus being a taxi.

164 Exemption of certain wheelchair accessible taxis—Act, s 65 (1) (a)

- (1) This section applies to a motor vehicle if—

- (a) the vehicle is built mainly to carry over 9, but less than 16, adults (including the driver); and
 - (b) the vehicle is operated as a wheelchair accessible taxi by the holder of a restricted taxi licence.
- (2) The vehicle is exempt from that part of the Act, section 46 (Meaning of *restricted taxi*) that prevents a bus being a restricted taxi.

12 Chapters 5 to 7

substitute

Chapter 5 Hire cars

Part 5.1 Hire car licences

Division 5.1.1 Kinds of hire car licences

165 Hire car licences that may be issued

- (1) The road transport authority may issue the following kinds of hire car licences:
- (a) leased hire car licences;
 - (b) restricted hire car licences.

Note A **hire car licence** is a licence to use a vehicle as a hire car (see the Act, s 60A). A general reference in this regulation to a hire car licence includes each of the above kinds of licences (see Legislation Act, s 155).

- (2) A restricted hire car licence may only authorise the licensee to operate the vehicle to which the licence relates as a restricted hire car to transport people along a road or road related area to or from—
- (a) a wedding ceremony or wedding reception; or

- (b) a function known as a school formal conducted by a school.
- (3) To remove any doubt, the transport of people to a wedding ceremony or wedding reception is not limited to people who are members of the bridal party.

Division 5.1.2 Hire car licensing procedure

166 Application procedure for issue of hire car licences

- (1) A person (the *applicant*) may apply to the road transport authority for—
 - (a) the issue (including renewal) of a leased hire car licence; or
 - (b) the issue of a restricted hire car licence.

Note 1 A fee for the application may be determined under the *Road Transport (General) Act 1999*, s 96.

Note 2 The above licences are not transferable (see the Act, s 60C).

- (2) The applicant must give the road transport authority a completed application form for the kind of licence applied for.
- (3) The road transport authority may require the applicant to give the authority further stated information or a stated document that the authority reasonably needs to decide the application.
- (4) The road transport authority may refuse to consider the application further if the requirement is made in writing and the applicant does not comply with the requirement.

167 Issue of hire car licences

- (1) The road transport authority may refuse to issue (including renew) a hire car licence to an applicant if the authority believes, on reasonable grounds, that the applicant—

- (a) has contravened a condition of another hire car licence held by the person or, for a licence renewal, a condition of the licence being renewed; or
- (b) has not complied with a requirement of the Act relating to the application.

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).

- (2) The road transport authority must refuse to issue a hire car licence of the kind applied for by the applicant if—
 - (a) the applicant is not accredited to operate a hire car service of that kind; or
 - (b) the applicant is disqualified under chapter 6 (Disciplinary action) from holding or applying for a hire car licence of that kind; or
 - (c) for an application for a leased hire car licence—the vehicle to which the application relates must be refused registration under the *Road Transport (Vehicle Registration) Regulation 2000*, section 32C (Deciding applications for registration— certain hire cars).
- (3) The road transport authority must issue a hire car licence to the applicant if—
 - (a) the applicant makes an application to the authority under section 166; and
 - (b) the authority does not refuse the application under this section.
- (4) A leased hire car licence must be issued for a minimum period of 1 year and a maximum period of 6 years.
- (5) A restricted hire car licence must be issued for a minimum period of 3 months and a maximum period of 1 year.

- (6) The road transport authority must not renew a restricted hire car licence.
- (7) Despite subsection (3), the road transport authority must not issue a leased hire car licence to a person before the day declared, in writing, by the Minister for this subsection.
- (8) A declaration for subsection (7) is a notifiable instrument.
Note A notifiable instrument must be notified under the Legislation Act.
- (9) This subsection and subsections (7) and (8) expire 30 days after the day declared for subsection (7).

168 Restricted hire car licences—issue of licence labels

- (1) If the road transport authority issues a restricted hire car licence to a person, the authority must also issue to the licensee a label (a *restricted hire car licence label*) for the vehicle to which the licence relates.
Note The label must be attached to the vehicle (see s 186).
- (2) Despite subsection (1), the road transport authority may, but is not required to, issue a restricted hire car licence label under that section for a restricted hire car.
- (3) This subsection and subsection (2) expire on 10 March 2006.

169 Issue or amendment of hire car licence subject to conditions

- (1) A hire car licence may be issued (including renewed) subject to a condition imposed by the road transport authority.
- (2) A hire car licence may be amended by the road transport authority to impose a condition to which the licence is to be subject or to amend or revoke a condition to which the licence is already subject.
- (3) A condition mentioned in subsection (1) or (2) may be imposed, amended or revoked by the road transport authority—

- (a) on the authority's own initiative or on the application of the applicant for a licence or the licensee; and
- (b) for a stated period or indefinitely.

170 Hire car licences—procedure for imposition etc of conditions on authority's initiative

- (1) This section applies to a licensee if the road transport authority proposes, on its own initiative, to take action under section 169 (2) to amend the hire car licence to impose, amend or revoke a condition (the *proposed action*).
- (2) The road transport authority must give the licensee a written notice stating—
 - (a) the proposed action; and
 - (b) if the proposed action is to impose a condition—the proposed condition; and
 - (c) if the proposed action is to amend a condition—the condition as proposed to be amended; and
 - (d) an explanation for the proposed action; and
 - (e) if appropriate, any action that must be taken by the licensee to avoid or reverse the proposed action; and
 - (f) the date when the proposed imposition, amendment or revocation of the condition takes effect (the *date of effect*); and
 - (g) that the proposed action takes effect on the date of effect unless the notice is revoked by the authority before that date.
- (3) The notice may, but need not, provide an opportunity for the licensee to make representations about why the proposed action should not be taken.
- (4) The date of effect must not be earlier than 14 days after the notice is given to the licensee.

- (5) This section does not affect the taking of action under chapter 6 (Disciplinary action).

171 Conditions of hire car licences

A hire car licence is subject to the conditions (if any) stated in the licence or in a document stated by the licence to form part of the licence.

172 Form of hire car licences

- (1) A hire car licence issued to a person must show—
- (a) for a leased hire car licence—the hire car licence number allocated to the person; and
 - (b) for a restricted hire car licence—the registration number of the vehicle; and
 - (c) the person’s full name and address; and
 - (d) the kind of licence; and
 - (e) the expiry date (if any) of the licence.
- (2) A hire car licence may also include any additional information that the road transport authority considers appropriate.
- (3) If the road transport authority issues a restricted hire car licence to a person, the authority must also issue a duplicate restricted hire car licence to the person.

Note The duplicate licence must be carried in the vehicle while it is operating as a hire car (see s 185 and s 204).

173 Hire car licensees to notify change of name or address

- (1) If a hire car licensee’s name or residential address changes, the licensee must, as soon as practicable but no later than 14 days after the change happens, give the road transport authority—

- (a) written notice of the change; and
- (b) the licence and any duplicate restricted hire car licence issued to the licensee.

Maximum penalty: 20 penalty units.

- (2) If a hire car licence (including a duplicate restricted hire car licence) is returned to the road transport authority, the authority must amend the licence or issue another licence for the remainder of the period of the licence that it replaces.
- (3) An offence against this section is a strict liability offence.

174 Hire car licensee to comply with conditions

- (1) A hire car licensee must not contravene a condition to which the licence is subject.

Maximum penalty: 20 penalty units.

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

175 Replacement of hire car licence

- (1) The road transport authority may issue a replacement hire car licence to a licensee if satisfied that the licence has been lost, stolen or destroyed.
- (2) For subsection (1), the road transport authority may require the licensee to give the authority a statement, verified by statutory declaration, that the licence has been lost, stolen or destroyed.

Note 1 A fee for the application may be determined under the *Road Transport (General) Act 1999*, s 96.

Note 2 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

176 Production of hire car licence

- (1) A hire car licensee must not fail to produce the person's hire car licence for inspection when required to do so by the road transport authority, a police officer or an authorised person.

Maximum penalty: 5 penalty units.

Note If the licence is a duplicate restricted hire car licence, see also s 204.

- (2) Subsection (1) does not apply if—
- (a) the licensee has a reasonable excuse for failing to produce the hire car licence when required to do so; and
 - (b) within 3 days after being required to produce the licence, the licensee produces the licence at the place directed by the road transport authority, police officer or authorised person.
- (3) An offence against this section is a strict liability offence.

177 Surrender of hire car licence

- (1) A hire car licensee may apply to the road transport authority to surrender the licence.
- (2) The application may be made personally by the licensee or by an agent who produces written evidence of his or her appointment as agent.
- (3) The person must, with the application—
- (a) return the hire car licence to the road transport authority; or
 - (b) if the licence has been lost, stolen or destroyed—give the authority a statement, verified by statutory declaration, that the licence has been lost, stolen or destroyed.

Note The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

- (4) If the licence is a restricted hire car licence, the licensee or agent must also, with the application—
 - (a) return to the road transport authority the duplicate restricted hire car licence issued to the licensee; and
 - (b) give the road transport authority a statement, signed by the licensee or agent, that the restricted hire car licence label for the hire car has been destroyed.
- (5) If the person complies with this section, the road transport authority must approve the application unless the authority is taking action to suspend or cancel the person's licence.

Part 5.2 Hire car services

Division 5.2.1 Preliminary

178 Meaning of *hire car driver*

In this regulation:

hire car driver means a person who is driving a hire car while it is operating as a hire car.

Division 5.2.2 Hire car operators

179 Maintenance of hire cars

- (1) The accredited operator of a hire car must not use the vehicle, or allow someone else to use the vehicle, to operate a hire car service if the vehicle has not been serviced and maintained in accordance with the vehicle manufacturer's maintenance standards (however described) relating to the vehicle.

Maximum penalty: 20 penalty units.

- (2) However, subsection (1) does not apply to the accredited operator if there are no manufacturer's maintenance standards for the vehicle but the vehicle complies with the *Road Transport (Vehicle Registration) Act 1999*.

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) The accredited operator of a hire car must not use the vehicle, or allow someone else to use the vehicle, to operate a hire car service if—
- (a) the vehicle does not comply with the applicable vehicle standards for the vehicle; or
 - (b) the use of the vehicle by the accredited operator or other person would contravene the *Road Transport (Vehicle Registration) Act 1999*.

Maximum penalty: 20 penalty units.

Example for par (b)

The vehicle must be maintained in a condition that enables it to be driven safely (see *Road Transport (Vehicle Registration) Regulation 2000*, s 107 (2)).

Note An example is part of the regulation, 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).

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

180 Condition of hire cars

- (1) The accredited operator of a hire car must not operate, or allow someone else to operate, the vehicle as a hire car if—
- (a) the vehicle's exterior and interior are not clean and undamaged; and

- (b) the vehicle's fittings are not clean and undamaged, properly fitted and securely in place and, if appropriate, fully operational.

Maximum penalty: 10 penalty units.

Examples for par (b) of fittings to be fully operational

- 1 interior lights and window-winding mechanisms
- 2 fire-extinguisher
- 3 if the hire car is fitted with a security camera, the security camera

Note 1 The accredited operator must also comply with any standards about security cameras in hire cars, see s 219 (5).

Note 2 An example is part of the regulation, 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).

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

exterior, of a hire car, includes the body, door panels, bumper bars, trim and wheels of the hire car.

interior, of a hire car, includes the interior of the boot of the hire car.

181 Hire car drivers to hold appropriate driver licence or authority

- (1) The accredited operator of a hire car service must ensure that a hire car driver is—
 - (a) the holder of a public vehicle licence authorising the person to drive the hire car for hire or reward; or

- (b) exempt from holding a public vehicle licence under the *Road Transport (Driver Licensing) Regulation 2000*, section 94A (Exemption of drivers of public vehicles driven for hire or reward—Act, s 31 (1) (b)).

Maximum penalty: 20 penalty units.

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

182 Records of hire car drivers to be made

- (1) The accredited operator of a hire car must make a written record of the following particulars for each hire car driver for the vehicle:
 - (a) the driver's full name and home address;
 - (b) the prescribed driver authority information for the driver;
 - (c) the dates and times when the hire car was driven by the driver;
 - (d) the registration number of the hire car driven by the driver.

Maximum penalty: 10 penalty units.

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

- (3) In this section:

prescribed driver authority information, for a hire car driver, means—

- (a) if the driver is the holder of a public vehicle licence—the driver's public vehicle licence number and its expiry date; or
- (b) in any other case—
 - (i) the driver's Australian driver licence number and its expiry date; and
 - (ii) the number of the authority mentioned in the *Road Transport (Driver Licensing) Regulation 2000*, section 94A (1) (b) held by the driver and its expiry date.

183 Keeping and inspection etc of records about hire cars

- (1) This section applies to a person who is or has been the accredited operator of a hire car.
- (2) The person must—
 - (a) keep every record required to be made by the person under the Act for at least 4 years after the making of the last entry in it; and
 - (b) produce the record for inspection when required by a police officer or authorised person; and
 - (c) provide the record, or a copy of the record, to the road transport authority for inspection within a stated reasonable time when required to do so, in writing, by the authority.

Maximum penalty: 10 penalty units.

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) The road transport authority, police officer or authorised person may take copies of any record produced or provided under subsection (2) (b) or (c).
- (4) This section does not apply to a recording made by a security camera in a hire car.

Note For the keeping and destruction of security camera recordings, see s 194 (2).
- (5) An offence against this section is a strict liability offence.

184 Annual return of hiring statistics

- (1) An accredited hire car operator must, within 14 days after the end of each financial year, give the road transport authority a written

statement of the number of times on each day in the financial year that each hire car operated by the accredited operator was hired.

Maximum penalty: 10 penalty units.

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

185 Restricted hire cars—carriage of duplicate licence

- (1) The accredited operator of a restricted hire car must ensure that the duplicate restricted hire car licence for the vehicle is kept in the vehicle while it is operating as a hire car.

Maximum penalty: 20 penalty units.

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

186 Restricted hire cars—display of licence labels

- (1) The accredited operator of a restricted hire car must attach the restricted hire car licence label issued to the person under section 168—

(a) so the information on the label is readable from the outside of the hire car; and

(b) if the hire car has a windscreen or fixed window—

(i) to the lower left side (or nearside) of the windscreen; or

(ii) to a fixed window on the left side (or nearside) of the hire car; and

(c) if the hire car does not have a windscreen or fixed window—on or next to the hire car's rear numberplate so the characters on the numberplate are not obscured.

- (2) A person must not operate a restricted hire car on a road or road related area if—

-
- (a) the hire car does not have the restricted hire car licence label issued for it attached to the hire car; or
 - (b) the label is not attached in accordance with subsection (1); or
 - (c) any information on the label cannot, for any reason, be readily read.

Maximum penalty: 20 penalty units.

- (3) The accredited operator of a restricted hire car operated by someone else in contravention of subsection (2) also commits an offence if the accredited operator failed to take reasonable precautions to prevent the contravention.

Maximum penalty: 20 penalty units.

- (4) An offence against this section is a strict liability offence.
- (5) This section applies only to something done or not done on or after 10 March 2006.
- (6) This subsection and subsection (5) expire on 10 March 2006.

187 Restricted hire cars—replacement of licence label

- (1) The road transport authority may issue a replacement licence label to a restricted hire car licensee if satisfied that the label has been lost, stolen or destroyed.
- (2) For subsection (1), the road transport authority may require the licensee to give the authority a statement, verified by statutory declaration, that the licence label has been lost, stolen or destroyed.

Note 1 A fee for the application may be determined under the *Road Transport (General) Act 1999*, s 96.

Note 2 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

188 Advertisements for hire car services to display accreditation number

- (1) The accredited operator of a hire car service must ensure that an advertisement for the service identifies the service by its accreditation number.

Maximum penalty: 10 penalty units.

Note A person who pretends to be accredited to operate a hire car service, or a hire car service of a particular kind, commits an offence under the Act, s 60O.

- (2) Subsection (1) does not apply to an advertisement appearing in a vehicle used to operate the hire car service.

Note The dictionary definition of *in* a vehicle includes on the vehicle.

- (3) An offence against this section is a strict liability offence.
- (4) This section applies only to something done or not done on or after 10 March 2007.
- (5) This subsection and subsection (4) expire on 10 March 2007.

189 Presence of security camera in hire car to be indicated

- (1) The accredited operator of a hire car fitted with a security camera must ensure that signs telling people that they may be under video surveillance while in or near the hire car are conspicuously placed inside and outside the hire car.

Maximum penalty: 5 penalty units.

Note If the National Privacy Principles under the *Privacy Act 1988* (Cwlth) apply to the accredited operator, the operator must collect personal information in accordance with the principles or another provision of the Privacy Act (including, for example, a code of practice).

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

190 Airconditioning of hire cars

- (1) This regulation applies if a hire car (other than a restricted hire car) is fitted with airconditioning.
- (2) The accredited operator of the hire car must ensure that the airconditioning is in good condition and fully operational.

Maximum penalty: 10 penalty units.

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

191 Advertisements in or on hire cars

- (1) The accredited operator of a hire car must ensure that an advertisement for anything other than the hire car service operated by the person is not displayed in the hire car.

Maximum penalty: 10 penalty units.

Note The dictionary definition of *in* a vehicle includes on the vehicle.

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

192 Offensive material etc in or on hire cars

- (1) The accredited operator of a hire car must ensure that an advertisement or other document that a reasonable adult would consider indecent, insulting or offensive is not displayed in the hire car.

Maximum penalty: 10 penalty units.

Note The dictionary definition of *in* a vehicle includes on the vehicle.

- (2) The road transport authority, a police officer or an authorised person may direct the accredited operator of a hire car to remove an advertisement or other document that the authority, officer or person believes, on reasonable grounds, contravenes subsection (1).

- (3) The accredited operator must comply with a direction under subsection (2).

Maximum penalty: 10 penalty units.

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

193 Compliance with dress code of practice

- (1) The accredited operator of a hire car (other than a restricted hire car) commits an offence if—

- (a) a code of practice approved under section 218 (Code of practice—dress of hire car drivers) is in force; and
- (b) the accredited operator allows a person to drive the hire car while it is operating as a hire car; and
- (c) the person does not comply with the code of practice.

Maximum penalty: 10 penalty units.

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

194 Hire car operator's responsibilities for security camera recordings

- (1) This section applies to the accredited operator of a hire car if the hire car is fitted with a security camera.

- (2) If a recording made by the security camera has not been given to a police officer or the road transport authority under subsection (4), the accredited operator must ensure that the recording is—

- (a) kept by the person for 30 days after the day it is made; and
- (b) destroyed as soon as practicable after the end of the 30-day period.

- (3) An accredited operator of a hire car must comply with subsection (2).

Maximum penalty: 10 penalty units.

Note The accredited operator must also comply with any standards about security cameras in hire cars, see s 219 (5).

- (4) If a police officer or the road transport authority asks an accredited hire car operator to give the police officer or authority a recording made by the security camera, the operator must comply with the request.

Maximum penalty: 10 penalty units.

- (5) An accredited hire car operator must maintain, in good condition and fully operational, equipment that can display a recording made by the security camera.

Maximum penalty: 5 penalty units.

Note If the National Privacy Principles under the *Privacy Act 1988* (Cwlth) apply to the hire car operator, the operator must collect, store, use and disclose the recordings in accordance with the principles. For example, the principles authorise the use or disclosure of personal information if—

- (a) there is reason to suspect that unlawful activity has been, is being or may be engaged in, and the hire car operator uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant people or authorities (see principle 2.1 (f)); or
 - (b) the use or disclosure is required or authorised by or under law (see principle 2.1 (g)).
- (6) An offence against this section is a strict liability offence.

195 Hire car operators to comply with service standard for lost property

- (1) This section applies to the accredited operator of a hire car service who is given lost property found in or near a hire car used to operate the service.
- (2) The accredited operator must deal with the property in accordance with the operator's accepted service standard for the handling and disposal of lost property.

Maximum penalty: 5 penalty units.

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

196 Effect of noncompliance notices—hire car operators

- (1) This section applies to the accredited operator of a hire car if a noncompliance notice under section 234 (Attachment and removal of noncompliance notices) has been attached to the vehicle.
- (2) The accredited operator commits an offence if the notice is attached to the vehicle and the accredited operator uses, or allows someone else to use, the vehicle to operate a hire car service after the time of effect of the notice.

Maximum penalty: 20 penalty units.

Note 1 For the *time of effect*, see s 234 (2) (b).

Note 2 Unauthorised removal of a noncompliance notice is an offence (see s 234 (4)).

- (3) The accredited operator commits an offence if—
 - (a) the accredited operator uses, or allows someone else to use, the vehicle to operate a hire car service after the time of effect of the notice; and

- (b) the accredited operator knows the notice has been removed other than in accordance with section 234.

Maximum penalty: 20 penalty units.

- (4) This section does not apply to the accredited operator if a police officer or authorised person has directed under section 234 that the notice be taken to have been removed.
- (5) Strict liability applies to subsections (2) and (3) (a).

Division 5.2.3 Hire car drivers

Note For the licensing of hire car drivers, see the *Road Transport (Driver Licensing) Regulation 2000*.

197 Responsibility of drivers for condition of hire car

- (1) A hire car driver must ensure that the hire car is clean and tidy.

Maximum penalty: 5 penalty units.

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

198 Responsibilities of hire car drivers for security cameras

- (1) This section applies to a hire car driver if the vehicle is fitted with a security camera.

- (2) The driver must—

(a) at the beginning of each shift of the driver, check whether the security camera is operating; and

(b) if the camera is not operating—tell the accredited operator of the hire car that the camera is not operating.

Maximum penalty: 5 penalty units.

Note The hire car driver must also comply with any standards about security cameras in hire cars, see s 219 (5).

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

199 Restrictions on carriage of goods in hire cars

- (1) A hire car driver must not allow anyone to place or carry a thing in the hire car if, because of its size or dimensions, the thing cannot be carried in the hire car without inconvenience or danger to anyone.

Maximum penalty: 5 penalty units.

- (2) Subsection (1) does not apply if the person has a disability and the thing is used by the person to alleviate the effect of the disability.
- (3) An offence against this section is a strict liability offence.

200 Carriage of animals in hire cars

- (1) A hire car driver must not allow a person to place or carry a dog, cat, bird or any other animal in the hire car if the animal is not suitably confined in a box, basket or other container.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) does not apply if—
- (a) the person has a disability and is accompanied by an animal trained to help the person to alleviate the effect of the disability; or
 - (b) the person is training an animal to help to alleviate the effect of a disability.

Note If a person is treated unfavourably because the person is accompanied by an animal trained to help the person alleviate the effect of a disability, the person is discriminated against (see *Discrimination Act 1991*, s 9).

201 Responsibility of hire car drivers for lost property

- (1) This section applies to a hire car driver if the driver finds lost property in the hire car or is given lost property under section 217 (Lost property found by hire car passengers).
- (2) The driver must give the property to—
 - (a) its owner; or
 - (b) if the owner cannot be identified—the accredited operator of the hire car within 24 hours after finding or being given the property.

Maximum penalty: 5 penalty units.

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

202 Behaviour of hire car drivers generally

- (1) A hire car driver must not—
 - (a) move the hire car while a door is open; or
 - (b) start or stop the hire car in a way that subjects a passenger or anyone else to unnecessary risk of injury; or
 - (c) eat or drink in the hire car while the hire car is hired.

Maximum penalty: 10 penalty units.

Note 1 Soliciting for passengers is prohibited under s 206.

Note 2 A hire car driver may not smoke in the hire car (see *Smoke-free Areas (Enclosed Public Places) Act 1994*).

- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) (c) does not apply if the driver is eating or drinking for medical reasons.

203 Dress and conduct of hire car drivers

- (1) A hire car driver must—
 - (a) be clean and tidy; and
 - (b) behave in an orderly way and with politeness and propriety towards every passenger, police officer and authorised person and other road users; and
 - (c) comply with every reasonable request of a passenger

Maximum penalty: 5 penalty units.

Example of reasonable request by passenger for par (c)

operating the hire car's airconditioning system (if any) when asked by the passenger

Note An example is part of the regulation, 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).

- (2) The driver of a vehicle that it is operating as a hire car (other than a restricted hire car) must, if a code of practice approved under section 218 (Code of practice—dress of hire car drivers) is in force, comply with the code of practice.

Maximum penalty: 5 penalty units.

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

204 Restricted hire cars—production of duplicate licence by hire car driver

- (1) A hire car driver must, if the hire car is a restricted hire car, produce the duplicate licence for the hire car for inspection when required to do so by the road transport authority, a police officer or authorised person.

Maximum penalty: 5 penalty units.

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

205 Effect of noncompliance notices—hire car drivers

- (1) This section applies to the driver of a hire car if a noncompliance notice under section 234 (Attachment and removal of noncompliance notices) has been attached to the vehicle.
- (2) The driver commits an offence if the notice is attached to the vehicle and the driver uses, or allows someone else to use, the vehicle to operate a hire car service after the time of effect of the notice.

Maximum penalty: 20 penalty units.

Note 1 For the *time of effect*, see s 234 (2) (b).

Note 2 Unauthorised removal of a noncompliance notice is an offence (see s 234 (4)).

- (3) The driver commits an offence if—
 - (a) the driver uses, or allows someone else to use, the vehicle to operate a hire car service after the time of effect of the notice; and
 - (b) the driver knows the notice has been removed other than in accordance with section 234.

Maximum penalty: 20 penalty units.

- (4) This section does not apply to the driver if a police officer or authorised person has directed under section 234 that the notice be taken to have been removed.
- (5) Strict liability applies to subsections (2) and (3) (a).

Division 5.2.4 Hire car hirings

206 Soliciting for hire car hirings prohibited

- (1) A person must not solicit for passengers for, or for a hiring of, a hire car.

Maximum penalty: 10 penalty units.

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

207 Where hire car drivers must stop

- (1) A hire car driver may refuse to stop the hire car at a place where stopping the hire car would be unlawful or, in the driver's opinion, unsafe.

- (2) If a hire car driver stops on a road or road related area to drop off or pick up a passenger, the driver must stop parallel to, and as close as practicable to, the side of the road or area.

Maximum penalty: 5 penalty units.

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

208 Extra hire car passengers

- (1) A hire car driver must not allow anyone else other than the hirer to travel in the hire car without the hirer's agreement.

Maximum penalty: 5 penalty units.

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

209 Hire car fares

- (1) The hirer of a hire car must, at the end of the hiring, pay the hire car driver the fare for the hiring.

Maximum penalty: 5 penalty units.

- (2) The fare cannot be more than the amount the hirer was told before the hiring.

- (3) However, if a person has entered into an arrangement with the accredited operator of a hire car in relation to the ongoing hire of 1 or more hire cars, the person must pay the fare or fares in accordance with the arrangement.

- (4) A person commits an offence if the person fails to comply with subsection (3).

Maximum penalty: 5 penalty units.

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

- (6) In this section:

fare means the amount agreed between the hire car's accredited operator or driver and the hirer for the hiring of the hire car, and includes any amount payable to carry goods.

Division 5.2.5 Conduct of hire car passengers**210 Offensive behaviour or language in hire cars**

- (1) A person commits an offence if the person—
 - (a) behaves in an offensive way in a hire car; or
 - (b) uses offensive language in a hire car.

Maximum penalty: 10 penalty units.

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

211 Eating and drinking in hire cars

- (1) A person (other than a hire car driver) must not eat or drink in a hire car.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) does not apply if the person is eating or drinking—
- (a) with the hire car driver's agreement; or
 - (b) for medical reasons.

Note A person is not allowed to smoke in a hire car (see *Smoke-free Areas (Enclosed Public Places) Act 1994*).

212 Restrictions on carriage of animals in hire cars

- (1) A person must not place or carry in a hire car a dog, cat, bird or any other animal if it is not suitably confined in a box, basket or other container.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) does not apply if—
- (a) the person has a disability and is accompanied by an animal trained to help the person to alleviate the effect of the disability; or
 - (b) the person is training an animal to help to alleviate the effect of a disability.

Note If a person is treated unfavourably because the person is accompanied by an animal trained to help the person alleviate the effect of a disability, the person is discriminated against (see *Discrimination Act 1991*, s 9).

213 Hire car passengers—soiled clothing etc

- (1) A hire car driver, police officer or authorised person may direct a person not to get into, or to get out of, a hire car if the driver, police officer or authorised person believes, on reasonable grounds, that—
 - (a) the person, the person's clothing or goods (or anything else on or carried by the person) may soil or damage the hire car or the clothing or goods of someone else; or
 - (b) any of the person's goods cannot, because of their size or dimensions, be carried in the hire car without inconvenience or danger to someone else.
- (2) A person commits an offence if the person fails to comply with a direction under subsection (1).

Maximum penalty: 5 penalty units.
- (3) An offence against this section is a strict liability offence.
- (4) Subsections (1) and (2) do not apply if the person has a disability and the thing is used by the person to alleviate the effect of the disability.

214 Intoxicated hire car passengers

- (1) A hire car driver, police officer or authorised person may direct a person not to get into, or to get out of, a hire car if the driver, police officer or authorised person believes, on reasonable grounds, that the person—
 - (a) is under the influence of alcohol or a drug; and
 - (b) is causing, or is likely to cause, a nuisance or annoyance to someone else.

- (2) A person must comply with a direction given to the person under subsection (1).

Maximum penalty: 5 penalty units.

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

215 Offender to get out of hire car when directed

- (1) A hire car driver, police officer or authorised person may direct a person to get out of a hire car if the driver, police officer or authorised person believes, on reasonable grounds, that the person is committing an offence under this division.

- (2) A person must comply with a direction given to the person under subsection (1).

Maximum penalty: 5 penalty units.

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

216 Removal of people from hire cars

A person who fails to comply with a direction under this division to get out of a hire car may be removed from the hire car by a police officer.

217 Lost property found by hire car passengers

- (1) A person who finds something in a hire car must return it to its owner or give it to the hire car driver or a police officer.

Maximum penalty: 5 penalty units.

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

Division 5.2.6 Other matters relating to hire car services

218 Code of practice—dress of hire car drivers

- (1) The road transport authority may, in writing, approve a code of practice for the dress of hire car drivers (other than drivers of restricted hire cars).
- (2) The approval of a code of practice under subsection (1) is a notifiable instrument.

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

219 Standards about security cameras in hire car

- (1) The road transport authority may, in writing, approve standards in relation to security cameras in hire cars.
- (2) A standard may make provision in relation to security cameras in hire cars, including, for example—
 - (a) when security cameras may be installed; and
 - (b) the kinds of security cameras that may be installed; and
 - (c) the position of security cameras; and
 - (d) the operation of security cameras; and
 - (e) requirements about notices to be included in a hire car that has a security camera installed.

Note 1 The *Privacy Act 1988* (Cwlth) imposes obligations on some private sector organisations in relation to the collection, storage, use and disclosure of personal information collected about an individual.

Note 2 An example is part of the regulation, 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).

- (3) An approval under subsection (1) is a disallowable instrument.

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

- (4) A standard 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 The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument if the operation of the Legislation Act, s 47 (5) or (6) is not disappplied (see s 47 (7)).

Note 2 A notifiable instrument must be notified under the Legislation Act.

- (5) A person must not contravene a standard approved under subsection (1).

Maximum penalty: 20 penalty units.

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

220 Interference with hire car security cameras and recordings

- (1) A person must not, without lawful authority or excuse, interfere with a security camera in a hire car.

Maximum penalty: 20 penalty units.

- (2) A person must not change or otherwise interfere with a recording made by a security camera in a hire car.

Maximum penalty: 20 penalty units.

Note For the destruction of recordings, see s 194.

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

**221 Authorisation for vehicles for other purposes—Act, s 65
(1) (b)**

- (1) In this section:

authorised vehicle means a vehicle authorised in writing by the road transport authority for this section.

- (2) The road transport authority may declare, in writing, that the accredited operator of a hire car may use an authorised vehicle as a hire car to transport passengers along a road or road related area to and from the place or event stated in the declaration.
- (3) The declaration must state the period during which the authorised vehicle may be used under the declaration.
- (4) The declaration may include any other information the road transport authority considers appropriate.
- (5) The Act, section 60D (Use of vehicles as hire cars) and division 5B.3 (Entitlement to operate hire car services) do not apply to the accredited operator for an authorised vehicle if the accredited operator uses the authorised vehicle in accordance with the declaration (including the conditions (if any) stated in the declaration).
- (6) A declaration under subsection (2) is a notifiable instrument.

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

Chapter 6 Disciplinary action

Note 1 For the power to suspend, vary or cancel a public vehicle licence, see the *Road Transport (Driver Licensing) Regulation 2000*, div 5.2.

Note 2 For the power to disqualify a person who is exempt from holding a public vehicle licence from driving a public vehicle on a road or road related area in the ACT, see the *Road Transport (Driver Licensing) Regulation 2000*, div 6.4.

222 **Meaning of *service authority* for ch 6**

In this chapter:

service authority means—

- (a) an accreditation to operate a public passenger service; or
- (b) an accreditation to operate a taxi network; or
- (c) a hire car licence or taxi licence.

223 **When authority may take action in relation to accreditations and licences**

- (1) The road transport authority may take action under section 225 (Procedure for authority taking disciplinary action) in relation to an accreditation held by a person if—
 - (a) a ground mentioned in section 8 (Mandatory refusal of accreditation) applies in relation to the person (including in relation to a relevant person for the accreditation); or
 - (b) the person has contravened an accepted service standard or an approved minimum service standard for the accreditation; or
 - (c) the person has contravened a condition of the person's accreditation; or

- (d) the person, or a relevant person for the accreditation, has contravened any other provision of the Act; or

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).

- (e) the person has not maintained a public vehicle policy in accordance with the *Road Transport (General) Act 1999*, section 217 (Public vehicle insurance compulsory) for a public passenger vehicle operated by the person; or
- (f) the person obtained the accreditation (or renewal of the accreditation) because of a false or misleading statement made, or false or misleading information supplied, by the person or a relevant person for the accreditation.

- (2) The road transport authority may take action under section 225 in relation to a hire car licence or taxi licence (the *licence*) held by a person if—

- (a) the person is operating the kind of public passenger service to which the licence relates without being accredited to operate the service; or
- (b) the person has contravened a condition of the person's licence; or
- (c) the person has contravened any other provision of the Act in relation to the licence; or

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).

- (d) the person obtained the licence (or the renewal of the licence) because of a false or misleading statement made, or false or misleading information supplied, by the person; or

(e) the authority is taking action against the person under subsection (1) in relation to the operation of a hire car service or taxi service.

(3) In this section:

relevant person, in relation to an application for accreditation (including renewal) by a person or an accreditation held by a person—see section 6B.

224 Action that may be taken in relation to accreditations and licences

(1) The road transport authority may take any 1 or more of the following actions under section 225 (Procedure for authority taking disciplinary action) in relation to a service authority held by a person:

(a) cancel the service authority, and disqualify the person from applying for a service authority of that kind for a period of not longer than 2 years;

(b) suspend the service authority for a period of not longer than 1 year and, if the authority considers appropriate, disqualify the person from applying for a service authority of that kind for a period of not longer than 1 year;

(c) if the service authority is already suspended—do either of the following:

(i) cancel the service authority and disqualify the person from applying for a service authority of that kind for a period of not longer than 2 years;

(ii) suspend the service authority for an additional period of not longer than 1 year and, if the authority considers appropriate, disqualify the person from applying for a service authority of that kind for a period, or an additional period, of not longer than 1 year;

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- (d) direct the person to undertake particular training;
 - (e) impose a condition on, or amend a condition of, the service authority;
 - (f) order the person to pay to the Territory an amount of not more than—
 - (i) for an individual—\$5 000; or
 - (ii) for a corporation—\$25 000;
 - (g) reprimand the person.
- (2) If the person holds more than 1 kind of service authority, the road transport authority may take action in relation to 1 or more of the service authorities.

225 Procedure for authority taking disciplinary action

- (1) If the road transport authority proposes to take action under this section in relation to a person's service authority, the authority must give the person a notice (a *disciplinary notice*) that—
- (a) states the proposed action (including any proposed period of suspension or disqualification from applying for a service authority of a particular kind); and
 - (b) if the person holds more than 1 kind of service authority—states the service authority or service authorities to which the proposed action relates; and
 - (c) states the grounds for the proposed action; and
 - (d) invites the person to make written representations within a stated period why the proposed action should not be taken.
- (2) For subsection (1) (d), the period stated in the disciplinary notice must be—

- (a) if the disciplinary notice includes an immediate suspension notice under section 226—a period of at least 14 days after the day the person is given the notice; or
 - (b) in any other case—a period of at least 28 days after the day the person is given the notice.
- (3) In deciding whether to take action under this section, the road transport authority must consider any response given to the authority in accordance with subsection (1) (d).
- (4) If the road transport authority is satisfied that grounds for taking action under this section have been established, the authority may take any of the following actions:
 - (a) if the proposed action included cancelling the service authority—cancel the service authority, suspend the service authority for a period of not longer than 1 year or impose a condition on, or amend a condition of, the service authority;
 - (b) if the proposed action included suspending the service authority for a stated period or a stated additional period—either suspend the service authority for a period of not longer than that period or impose a condition on, or amend a condition of, the service authority;
 - (c) if the proposed action included disqualifying the person from applying for a service authority of that kind for a stated period or stated additional period—either disqualify the person from applying for a service authority of that kind for not longer than that period or impose a condition on, or amend a condition of, the service authority;
 - (d) if the proposed action included imposing a condition on, or amending a condition of, the service authority—impose a condition on, or amend a condition of, the service authority that is no more onerous than the proposed condition or a condition as proposed to be amended;

- (e) if the proposed action included ordering the person to pay an amount of money to the Territory—order the person to pay to the Territory an amount of not more than that amount;
 - (f) in any case—direct the person to undertake particular training or reprimand the person.
- (5) The road transport authority must tell the person in writing of the decision.

Note The notice must be in accordance with the code of practice for notification of reviewable decisions and review rights (see *Road Transport (General) Act 1999*, s 91 and *Road Transport (General) Regulation 2000*, sch 1).

- (6) If the road transport authority decides to cancel or suspend the service authority, disqualify the person from applying for a service authority or impose or amend a condition on the service authority, the authority must also tell the person in writing when the cancellation, suspension, disqualification, condition or condition as amended takes effect.
- (7) A suspension, cancellation or condition must not take effect earlier than 7 days after the day the person is told about the decision.
- (8) An amount ordered to be paid under subsection (4) (e) is a debt owing to the Territory.
- (9) If the debt is owed by 2 or more people, their liability for the debt is joint and several.

226 Immediate suspension of accreditation or licence

- (1) This section applies if the road transport authority—
- (a) has decided to give, or has given, a disciplinary notice to a person; and
 - (b) believes, on reasonable grounds, that it is in the public interest that a service authority held by the person be suspended as

soon as practicable before a decision is made to take action under section 225 (4) (Procedure for authority taking disciplinary action) in relation to the person.

- (2) In forming the belief, the road transport authority must consider—
 - (a) the circumstances leading to the decision to issue the disciplinary notice; and
 - (b) the grounds stated, or proposed to be stated, in the disciplinary notice.
- (3) If this section applies, the road transport authority may give the person a notice (an *immediate suspension notice*) suspending the service authority.
- (4) If an immediate suspension notice is given to the person, the service authority is suspended on the receipt of the notice by the person.
- (5) An immediate suspension notice given in relation to a service authority ends—
 - (a) if the service authority is cancelled or suspended under section 225 (4)—when the cancellation or suspension takes effect; or
 - (b) if a condition is imposed on the service authority, or a condition of the service authority is amended—when the condition or amended condition takes effect; or
 - (c) in any other case—when the person is told under section 225 (5) of the decision made on the disciplinary notice.

227 Effect of suspension of accreditation or licence

If the road transport authority suspends a person's service authority (or a service authority of a particular kind), the person is, during the period of the suspension—

- (a) taken not to hold a service authority (or a service authority of that kind) under this regulation; and
- (b) disqualified from applying for a service authority under this regulation (or a service authority of that kind).

228 Return of certificate of accreditation or licence

- (1) The holder of a service authority commits an offence if the person's service authority is suspended or cancelled and the person does not, as soon as practicable but within 7 days of the suspension or cancellation taking effect—
 - (a) return the certificate of accreditation, taxi licence or hire car licence (as appropriate) to the road transport authority; or
 - (b) if the certificate or licence has been lost, stolen or destroyed—give the authority a statement, verified by statutory declaration, that the certificate or licence has been lost, stolen or destroyed.

Maximum penalty: 5 penalty units.

Note The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

- (2) An offence against this section is a strict liability offence.
- (3) If a person's service authority is suspended and it has not expired when the suspension ends, the road transport authority must return the certificate of accreditation or hire car licence or taxi licence (as appropriate) to the person.

Chapter 7 Enforcement

229 Purpose of powers under ch 7

The powers under this chapter may be exercised by the road transport authority, a police officer or an authorised person to decide whether—

- (a) there has been compliance with, or a contravention of, the Act (including, for example, the conditions of an accreditation, a taxi licence or hire car licence or an accepted service standard); or
- (b) a public passenger vehicle complies with the *Road Transport (Vehicle Registration) Act 1999*.

Note 1 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).

Note 2 An example is part of the regulation, 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).

230 Power to require records or information

- (1) The road transport authority, a police officer or an authorised person may, by written notice, require a person to provide records or information within the reasonable time stated in the notice.
- (2) The notice may only require a person to provide records that are in the person's possession or control.
- (3) The road transport authority, police officer or authorised person may take copies of any record provided in response to the notice.
- (4) A record required by a notice must be provided in written form except as provided by the notice.
- (5) A person commits an offence if the person fails to comply with a notice given to the person under this section.

Maximum penalty: 20 penalty units.

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

231 Power to inspect maintenance facilities

- (1) For this chapter, a police officer or authorised person may, at any reasonable time, enter any premises used for or in relation to the maintenance of a public passenger vehicle (other than any part of premises being used solely for residential purposes).
- (2) The police officer or authorised person may—
 - (a) inspect records in the premises relating to the maintenance of public passenger vehicles carried out at the premises; and
 - (b) inspect the premises; and
 - (c) inspect or test any equipment in the premises used or proposed to be used for or in relation to the maintenance of a public passenger vehicle.

Note The dictionary definition of *inspect* a vehicle includes observe the performance of the vehicle or any of its equipment, with or without the use of instruments.

- (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) ask 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 requires to inspect or test any equipment in the premises;

(c) ask the person apparently in charge of the premises to do anything else the police officer or authorised person reasonably requires to inspect or test any equipment in the premises.

(5) A person commits an offence if the person fails to comply with a request made 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 premises under this section is not authorised to remain in the premises if, when asked by the person in charge of the premises, the authorised person does not produce his or her identity card.

232 Power to inspect and test vehicles

(1) A police officer or authorised person may inspect a public passenger vehicle, or any other vehicle that the police officer or authorised person believes, on reasonable grounds, is operating, or has operated, as a public passenger vehicle, and may inspect and test its equipment and fittings.

Note The dictionary definition of *inspect* a vehicle includes observe the performance of the vehicle or any of its equipment, with or without the use of instruments.

(2) Without limiting subsection (1), the police officer or authorised person may, for that subsection, do any 1 or more of the following:

(a) if the vehicle is being driven—ask or signal the driver of the vehicle to stop the vehicle;

(b) get into and remain in the vehicle;

(c) operate the vehicle and any of its equipment;

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- (d) ask the driver or anyone else apparently in charge of the vehicle to—
- (i) give the police officer or authorised person any information the police officer or authorised person reasonably requires to inspect or test the vehicle; or
 - (ii) do anything else the police officer or authorised person reasonably requires to inspect or test the vehicle.
- (3) If a vehicle is stopped because of a request or signal under subsection (2) (a), any inspection or testing of the vehicle must be carried out—
- (a) at, or as near as practicable to, the place where the request or signal is made or given; and
 - (b) as soon as practicable, and in any case within 1 hour, after the vehicle is stopped.
- (4) A person commits an offence if the person fails to comply with a request or signal made or given by a police officer or authorised person under this section.

Maximum penalty: 20 penalty units.

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

233 Power to require vehicles or equipment to be inspected and tested

- (1) A police officer or authorised person may, by written notice given to the operator of a public passenger vehicle, or any other vehicle that the police officer or authorised person believes, on reasonable grounds, is operating, or has operated, as a public passenger vehicle, require the person to have the vehicle and its equipment and fittings (or stated equipment) inspected or tested.

- (2) The notice may require any of the following:
- (a) the inspection and testing to be carried out within or at a stated reasonable time;
 - (b) the inspection and testing to be carried out by or in the presence of a police officer, an authorised person or anyone else;
 - (c) the inspection and testing to be carried out at a stated reasonable place;
 - (d) a report of the inspection and testing to be given to a police officer, an authorised person or the road transport authority within a stated reasonable time;
 - (e) anything else reasonably necessary or convenient for the inspection and testing.
- (3) A person commits an offence if the person fails to comply with a notice given to the person under subsection (1).

Maximum penalty: 20 penalty units.

- (4) An offence against this section is a strict liability offence.
- (5) In subsection (1):

operator, of a vehicle, includes the responsible person for the vehicle within the meaning of the *Road Transport (General) Act 1999*, section 10 and section 11.

234 Attachment and removal of noncompliance notices

- (1) A police officer or authorised person, or a person inspecting a vehicle under this chapter, may attach a notice (a ***noncompliance notice***) to the vehicle if the officer or person suspects, on reasonable grounds, that—
- (a) the vehicle or its equipment or fittings, or its servicing or maintenance, do not comply with this regulation; or

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- (b) the vehicle (including its equipment and fittings) does not comply with the *Road Transport (Vehicle Registration) Act 1999*.

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).

- (2) The notice must state—
- (a) the action necessary for the vehicle, equipment or fittings, or its servicing or maintenance, to comply with this regulation or the *Road Transport (Vehicle Registration) Act 1999*; and
 - (b) a date and time (the *time of effect*) after which the vehicle must not be operated as a public passenger vehicle if the notice has not been removed by a police officer or authorised person.
- (3) A police officer or authorised person may remove the noncompliance notice from the vehicle, or direct in writing that it be taken to have been removed, if satisfied on inspection or testing of the vehicle or its equipment or fittings that the necessary action mentioned in the notice has been taken.
- (4) A person other than a police officer or authorised person commits an offence if the person removes a noncompliance notice from a public passenger vehicle.
- Maximum penalty: 20 penalty units.
- (5) An offence against this section is a strict liability offence.
- (6) A police officer's or authorised person's power to issue a noncompliance notice for a public passenger vehicle under this section is additional to the power of the police officer or authorised person to issue a defect notice under the *Road Transport (Vehicle Registration) Regulation 2000* for a public passenger vehicle.

235 Police officer or authorised person—power to require name and address etc

- (1) A police officer or authorised person may require a person to state the person's name and home address if the police officer or authorised person believes, on reasonable grounds, that the person is committing or has committed an offence against this regulation.
- (2) The police officer or authorised person must tell the person the reason for the requirement and, as soon as practicable, record the reason.
- (3) The person may ask the police officer or authorised person to produce his or her identity card for inspection by the person.
- (4) A person must comply with a requirement made of the person under subsection (1) if—
 - (a) the police officer or authorised person tells the person the reason for the requirement; and
 - (b) for a request made by an authorised person—the authorised person has complied with the *Road Transport (General) Act 1999*, section 21 (Power not to be exercised before identity card shown).

Maximum penalty: 10 penalty units.

- (5) An offence against this section is a strict liability offence.
- (6) In this section:

home address, of a person, means the address of the place where the person usually lives.

Chapter 8 Transitional provisions

Part 8.1 Small buses exemption

236 Exemption of certain small buses—Act, s 65 (1) (a)

- (1) This section applies to a small bus if, on 8 March 2005, it was being used to operate a tour and charter service.
- (2) The small bus is, until 1 July 2010, exempt from that part of the Act, section 60G (Meaning of *hire car*) that prevents a bus being a leased hire car.
- (3) In this section:

small bus means a motor vehicle built mainly to carry people that seats up to 9 adults (including the driver) that, on 30 November 2001, had a distinguishing registration number with the letters ‘MO’ followed by 1 to 3 numerals.
- (4) This chapter expires on 1 July 2010.

Part 8.2 General provisions

237 Definitions for pt 8.2

In this part:

commencement means the commencement of the *Road Transport (Public Passenger Services) (Hire Cars) Amendment Act 2004*, section 13.

General Act means the *Road Transport (General) Act 1999*, as in force immediately before the commencement.

238 Application for transfer of private hire car operator's licence

An application under the General Act, section 121 (1) that had not been finally dealt with before the commencement is taken, after the commencement, to be an application for the transfer of the licence under the Act, section 60C (4) (Transferability of hire car licences).

239 Suspended hire car licences

- (1) This section applies to a suspension in force immediately before the commencement under any of the following provisions of the General Act:
 - (a) section 122 (Suspension or cancellation of private hire car operator's licence);
 - (b) section 132 (Suspension or cancellation of restricted hire vehicle operator's licence);
 - (c) section 156 (Refusal, cancellation or suspension of licences or registration etc).
- (2) The suspension is taken, after the commencement, to be a suspension in force under section 225 (Procedure for authority taking disciplinary action).
- (3) To remove any doubt, the date when the suspension began and the duration of the suspension are not affected by this section.

240 Pending applications for restricted hire vehicle operator's licences

An application under the General Act, section 126 (1) that had not been finally dealt with before the commencement is taken, after the commencement, to be an application for the issue of a restricted hire car licence under section 166 (Application procedure for issue of hire car licences).

241 Variation of restricted hire car licence conditions

- (1) An application under the General Act, section 128 (1) for the variation, revocation or imposition of a condition that had not been finally dealt with before the commencement is taken, after the commencement, to be an application for the amendment, revocation or imposition of a condition under section 169 (Issue or amendment of hire car licence subject to conditions).
- (2) A notice under the General Act, section 129 (1) that had not been finally dealt with before the commencement is taken, after the commencement, to be a notice under section 170 (2) (Hire car licences—procedure for imposition etc of conditions on authority's initiative).

242 Review of decisions of authority

- (1) This section applies to a decision made by the road transport authority under the General Act, part 9 (Public vehicles) in relation to the licensing or operation of a private hire car or restricted hire vehicle.
- (2) The General Act, part 7 (Review of decisions under road transport legislation) applies to the decision as if it had been made under the corresponding provision of the regulation.

243 Noncompliance notices

- (1) A noncompliance notice issued under the *Road Transport (Hire Vehicle Services) Regulation 2000* that was in force immediately before the commencement is taken, after the commencement, to be a noncompliance notice under section 234 (Attachment and removal of noncompliance notices).
- (2) To remove any doubt, the operation (including duration) of the noncompliance notice is not affected by this section.

244 Taxi network performance standards

- (1) This section applies despite the repeal of the *Road Transport (Public Passenger Services) Approval of Taxi Network Performance Standards 2003 (No 1)* DI2003-298 (the **repealed standards**).
- (2) Until approved minimum service standards for taxi network services commence, the repealed standards as in force immediately before the commencement are taken, immediately after the commencement, to be the approved minimum service standards for the operation of a taxi network.

245 Expiry of pt 8.2

This part expires on 10 March 2006.

Part 8.3 Modification of Act

246 Modification of Act, pt 7, s 69—Act, s 68

The Act, section 69 (Continuation of hire car licences) is modified by inserting the following subsection:

- (5) In this section:
holder, of a private hire car operator's licence under the General Act, means the owner of the licence.

247 Expiry of pt 8.3

This part expires on 10 March 2006.

Part 8.4 Transitional licensing provisions

248 Temporary licensing of small bus operators

- (1) A person who, immediately before the commencement, was the registered operator of a small bus is taken, after the commencement,

to be the holder of a leased hire car licence that ends on the day declared for section 167 (7) (Issue of hire car licences).

- (2) In this section:

registered operator—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

small bus—see section 236 (3).

249 Issue of leased hire car licences to certain existing licence holders

- (1) In this section:

qualified person means any of the following people:

- (a) a person to whom the Act, section 69 (2) (a) applies if the person tells the road transport authority, in writing, that the person accepts an offer from the Territory to buy the person's hire car licence;
- (b) a person who, immediately before the commencement, was the lessee of a private hire car operator's licence;
- (c) a person who, immediately before the commencement, was the registered operator of a small bus.

private hire car operator's licence means a private hire car operator's licence under the *Road Transport (General) Act 1999* that was in force immediately before the repeal of that Act, part 9 (Public vehicles).

registered operator—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

small bus—see section 236 (3).

- (2) The road transport authority may, on application under section 166 by a qualified person, issue a leased hire car licence to the person.

- (3) Section 167 (7) (Issue of hire car licences) does not apply in relation to the issue of the licence to the person.
- (4) To remove any doubt—
 - (a) the licence may be issued subject to conditions; and
 - (b) section 167 (1) and (2) (b) applies in relation to the issue of the licence.

250 Short-term leased hire car licences

- (1) In this section:
short-term leased hire car licence means a leased hire car licence that is valid for a maximum of 2 days.
- (2) The road transport authority may, on application under section 166 by a restricted hire car licensee, issue a short-term leased hire car licence to the person.
- (3) However, the road transport authority must not issue a short-term leased hire car licence to the person if the person holds, or has held, more than 5 such licences.
- (4) Section 167 (2) (a), (4) and (7) (Issue of hire car licences), and section 203 (2) (Dress and conduct of hire car drivers), do not apply in relation to the issue of a short-term leased hire car licence.
- (5) For the Act, section 65 (1) (a) (Regulations may exempt vehicles and people from Act), the following provisions of the Act do not apply in relation to a licensee under a short-term leased hire car licence while the licensee is operating a vehicle as a hire car in accordance with the licence:
 - (a) section 60M (a) (Entitlement to operate hire car services);
 - (b) section 60N (1) (Unaccredited operators not to operate hire car services).
- (6) To remove any doubt—

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- (a) a short-term leased hire car licence may be issued subject to conditions; and
 - (b) section 167 (1) and (2) (b) applies in relation to the issue of a short-term leased hire car licence.
- (7) Any short-term leased hire car licence that that has not expired 30 days after the day declared under section 167 (7) expires on that day.

251 Short-term restricted hire car licences

- (1) In this section:
- short-term restricted hire car licence* means a restricted hire car licence that is valid for a maximum of 2 days.
- (2) The road transport authority may, on application under section 166 by a person who is not the holder of a hire car licence, issue a short-term restricted hire car licence to the person.
- (3) However, the road transport authority must not issue a short-term restricted hire car licence to the person if the person holds, or has held, more than 2 such licences.
- (4) Section 167 (2) (a) and (5) (Issue of hire car licences) does not apply in relation to the issue of a short-term restricted hire car licence.
- (5) For the Act, section 65 (1) (a) (Regulations may exempt vehicles and people from Act), the following provisions of the Act do not apply in relation to a licensee under a short-term restricted hire car licence while the licensee is operating a vehicle as a restricted hire car in accordance with the licence:
- (a) section 60M (a) (Entitlement to operate hire car services);
 - (b) section 60N (1) (Unaccredited operators not to operate hire car services).
- (6) To remove any doubt—

- (a) a short-term restricted hire car licence may be issued subject to conditions; and
 - (b) section 167 (1) and (2) (b) applies in relation to the issue of a short-term restricted hire car licence.
- (7) Any short-term restricted hire car licence that has not expired 30 days after the day declared under section 167 (7) expires on that day.

252 Expiry of pt 8.4

This part expires 30 days after the day declared under section 167 (7).

13 Schedule 1

substitute

Schedule 1 Minimum service standards

(see s 18B (2) (a))

Part 1.1 Bus services

- 1 Standards in relation to the following:
- (a) the location of bus depots;
 - (b) the inspection and servicing of buses for compliance with section 21 (Maintenance of buses);
 - (c) the parking, cleaning, servicing, maintenance and repair of buses;
 - (d) for servicing, maintenance or repairs to buses carried out by an accredited operator—the operation of the facilities for those activities carried out by the accredited operator and the training of people to carry out the activities;

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- (e) for servicing, maintenance or repairs to buses carried out on behalf of an accredited operator—how the accredited operator will ensure that the buses will comply with the Act (including the person by whom, and the place where, the activities will be carried out);
 - (f) the making and management of records and systems required to be kept under the Act (including a service contract under the Act, section 17);

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

- (g) for the operation of a bus service—
 - (i) systems for ensuring compliance with section 26 (Bus drivers to hold appropriate driver licence or authority); and
 - (ii) the training of bus drivers; and
 - (iii) the driving hours of, and rest periods for, bus drivers; and
 - (iv) the monitoring of the safety of bus drivers; and
 - (v) how contraventions of the road transport legislation by bus drivers will be handled; and
 - (vi) how customer inquiries (including for lost property) and complaints will be handled; and
 - (vii) the recording and resolution of customer complaints; and
 - (viii) the handling and disposal of lost property; and
 - (ix) the making available to the public of fares, timetables, route maps and tour information (as appropriate); and
 - (x) the training of people to manage, and the management of, any incident causing the death of, or bodily injury to,

anyone caused by, or resulting from the use of, a bus used to operate the bus service; and

- (xi) systems for ensuring compliance with the *Road Transport (General) Act 1999*, section 217 (Public vehicle insurance compulsory).

Part 1.2 Taxi network services

2 Standards in relation to the following:

- (a) the making, management and auditing (including performance auditing) of records and systems required to be kept under the Act;

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

- (b) for the operation of a taxi network—
 - (i) the affiliation of accredited taxi service operators with the network; and
 - (ii) systems for ensuring compliance with section 72 (2) (c) (Operation of taxis through taxi networks); and
 - (iii) the training of taxi drivers; and
 - (iv) the monitoring of the safety of taxi drivers; and
 - (v) the operation of taxi booking services operated by or for the taxi network; and
 - (vi) the maximum waiting times in each area of the ACT for each kind of taxi service for which the taxi network will provide taxi related services; and
 - (vii) if the network provides services for wheelchair-accessible taxis—

- (A) the management and operation of the taxis, including ensuring that preference for hirings is given to wheelchair-dependent people; and
 - (B) how a failure of a driver to comply section 114 (Special responsibilities of wheelchair-accessible taxi drivers) will be handled; and
- (viii) how other contraventions of the road transport legislation by taxi drivers will be handled; and
 - (ix) the procedures for processing ACT Taxi Subsidy Scheme vouchers and payments; and
 - (x) how customer inquiries (including for lost property) and complaints will be handled; and
 - (xi) the recording and resolution of customer complaints; and
 - (xii) the handling and disposal of lost property; and
 - (xiii) ensuring that an adequate number of taxis (including taxis equipped with baby capsules) are available to operate the taxi service.

Part 1.3 Taxi operator services

- 3 Standards in relation to the following:
 - (a) the inspection and servicing of taxis for compliance with section 93 (Maintenance of taxis);
 - (b) the cleaning, servicing, maintenance and repair of taxis;
 - (c) for servicing, maintenance or repairs to taxis carried out by an accredited operator—the operation of the facilities for those activities carried out by the accredited operator and the training of people to carry out the activities;

- (d) for servicing, maintenance or repairs to taxis carried out on behalf of an accredited operator—how the accredited operator will ensure that the taxis will comply with the Act (including the person by whom, and the place where, the activities will be carried out);
- (e) the making and management of records and systems required to be kept under the Act;

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

- (f) for the operation of a taxi service—
 - (i) the terms under which drivers will be employed or a taxi will be made available to another person for use as a taxi; and
 - (ii) systems for ensuring compliance with section 97 (Taxi drivers to hold appropriate driver licence or authority); and
 - (iii) the training of taxi drivers; and
 - (iv) the monitoring of the safety of taxi drivers; and
 - (v) if the taxi service includes wheelchair-accessible taxis—how a failure of a driver to comply with section 114 (Special responsibilities of wheelchair-accessible taxi drivers) will be handled; and
 - (vi) how other contraventions of the road transport legislation by taxi drivers will be handled.

Part 1.4 Hire car operator services (other than restricted hire car operator services)

- 4 Standards in relation to the following:
- (a) the inspection and servicing of hire cars for compliance with section 179 (Maintenance of hire cars);
 - (b) the cleaning, servicing, maintenance and repair of hire cars;
 - (c) for servicing, maintenance or repairs to hire cars carried out by an accredited operator—the operation of the facilities for those activities carried out by the accredited operator and the training of people to carry out the activities;
 - (d) for servicing, maintenance or repairs to hire cars carried out on behalf of an accredited operator—how the accredited operator will ensure that the hire cars will comply with the Act (including the person by whom, and the place where, the activities will be carried out);
 - (e) the advertising of the hire car service;
 - (f) the making and management of records and systems required to be kept under the Act;
- Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation and service standards (see Legislation Act, s 104).
- (g) for the operation of a hire car service—
 - (i) the terms under which drivers will be employed; and
 - (ii) systems for ensuring compliance with section 181 (Hire car drivers to hold appropriate driver licence or authority); and
 - (iii) the training of hire car drivers; and

- (iv) the monitoring of the safety of hire car drivers; and
- (v) how contraventions of the road transport legislation by hire car drivers will be handled; and
- (vi) how customer inquiries (including for lost property) and complaints will be handled; and
- (vii) the recording and resolution of customer complaints; and
- (viii) the handling and disposal of lost property; and
- (ix) if a motorbike will be used to operate the hire car service—the measures that will be taken for the safety of passengers; and
- (x) systems for ensuring compliance with the *Road Transport (General) Act 1999*, section 217 (Public vehicle insurance compulsory).

Part 1.5 Restricted hire car operator services

- 5 Standards in relation to the following:
- (a) the inspection and servicing of hire cars for compliance with section 179 (Maintenance of hire cars);
 - (b) the cleaning, servicing, maintenance and repair of hire cars;
 - (c) the advertising of the hire car service;
 - (d) the making and management of records and systems required to be kept under the Act;

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

- (e) systems for ensuring compliance with section 181 (Hire car drivers to hold appropriate driver licence or authority); and
- (f) if a motorbike will be used to operate the hire car service—the measures that will be taken for the safety of passengers;
- (g) systems for ensuring compliance with the *Road Transport (General) Act 1999*, section 217 (Public vehicle insurance compulsory).

14 Dictionary, new definition of *approved minimum service standards*

insert

approved minimum service standards—see section 18B (1).

15 Dictionary, new definition of *hire car driver*

insert

hire car driver—see section 178.

16 Dictionary, definition of *hirer*

substitute

hirer, of a hire car or taxi, means the person by whom the hire car or taxi is hired.

17 Dictionary, new definitions

insert

leased hire car licence means a leased hire car licence issued under section 167.

proposed service standards, for an application for (including renewal) accreditation, for part 2.2 (Accreditation procedure)—see section 6A.

18 Repeals

The following legislation is repealed:

- *Road Transport (Hire Vehicle Services) Regulation 2000* SL2000-4
- *Road Transport (Public Passenger Services) Approval of Taxi Network Performance Standards 2003 (No 1)* DI2003-298.

Schedule 1 Road Transport (Public Passenger Services) Regulation 2002—minor and consequential amendments

(see s 3)

[1.1] Regulation 4A

substitute

4A Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 Criminal Code

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

- s 18A (Recovery of lost or stolen certificate of accreditation)
- s 30A (Advertisements for bus services to display accreditation number)
- s 34 (Effect of noncompliance notices—bus operators)
- s 45 (Effect of noncompliance notices—bus drivers)
- s 88 (Taxi licensees to notify change of name or address)
- s 95 (Taxis to be fitted with complying taximeters)
- s 112 (Effect of noncompliance notices—taxi operators)
- s 126 (Effect of noncompliance notices—taxi drivers)
- s 134 (Operation of taxi roof sign by drivers)
- s 143 (Driver not to start taximeter before hiring begins)
- s 143A (When driver must start taximeter)
- s 143B (Operation of taximeter during hiring)

Amendment [1.2]

- s 143C (Operation of taximeter at end of hiring)
- s 144 (Driver to ask for correct fare)
- s 144A (Payment of taxi fare)
- s 144B (ACT Taxi Subsidy Scheme vouchers—offences)
- a provision of ch 5 (Hire cars)
- a provision of ch 6 (Disciplinary action)
- a provision of ch 7 (Enforcement).

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.

[1.2] Section 9

omit everything before paragraph (b), substitute

9 Discretionary refusal of accreditation

The road transport authority may refuse an application for accreditation (including renewal) if the authority believes, on reasonable grounds, that—

- (a) a relevant person has failed to comply with a requirement of the Act relating to the application; or

[1.3] Section 11 (5)

substitute

- (5) This section does not affect the taking of action under chapter 6 (Disciplinary action).

[1.4] Section 21

substitute

21 Maintenance of buses

- (1) The accredited operator of a bus must not use the vehicle, or allow someone else to use the vehicle, to operate a bus service if the vehicle has not been serviced and maintained in accordance with the vehicle manufacturer's maintenance standards (however described) relating to the vehicle.

Maximum penalty: 20 penalty units.

- (2) The accredited operator of a bus must not use the vehicle, or allow someone else to use the vehicle, to operate a bus service if—
- (a) the vehicle does not comply with the applicable vehicle standards for the vehicle; or
- (b) the use of the vehicle by the accredited operator or other person would contravene the *Road Transport (Vehicle Registration) Act 1999*.

Maximum penalty: 20 penalty units.

Example for par (b)

The vehicle must be maintained in a condition that enables it to be driven safely (see *Road Transport (Vehicle Registration) Regulation 2000*, s 107 (2)).

Note An example is part of the regulation, 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).

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

[1.5] Section 23

omit

5 days

substitute

7 days

[1.6] Section 34

substitute

34 Effect of noncompliance notices—bus operators

- (1) This section applies to the accredited operator of a bus if a noncompliance notice under section 234 (Attachment and removal of noncompliance notices) has been attached to the vehicle.
- (2) The accredited operator commits an offence if the notice is attached to the vehicle and the accredited operator uses, or allows someone else to use, the vehicle to operate a bus service after the time of effect of the notice.

Maximum penalty: 20 penalty units.

Note 1 For the *time of effect*, see s 234 (2) (b).

Note 2 Unauthorised removal of a noncompliance notice is an offence (see s 234 (4)).

- (3) The accredited operator commits an offence if—
 - (a) the accredited operator uses, or allows someone else to use, the vehicle to operate a bus service after the time of effect of the notice; and

- (b) the accredited operator knows the notice has been removed other than in accordance with section 234.

Maximum penalty: 20 penalty units.

- (4) This section does not apply to the accredited operator if a police officer or authorised person has directed under section 234 that the notice be taken to have been removed.
- (5) Strict liability applies to subsection (2) and (3) (a).

[1.7] Section 45

substitute

45 Effect of noncompliance notices—bus drivers

- (1) This section applies to the driver of a bus if a noncompliance notice under section 234 (Attachment and removal of noncompliance notices) has been attached to the vehicle.
- (2) The driver commits an offence if the notice is attached to the vehicle and the driver uses, or allows someone else to use, the vehicle to operate a bus service after the time of effect of the notice.

Maximum penalty: 20 penalty units.

Note 1 For the *time of effect*, see s 234 (2) (b).

Note 2 Unauthorised removal of a noncompliance notice is an offence (see s 234 (4)).

- (3) The driver commits an offence if—
- (a) the driver uses, or allows someone else to use, the vehicle to operate a bus service after the time of effect of the notice; and

- (b) the driver knows the notice has been removed other than in accordance with section 234.

Maximum penalty: 20 penalty units.

- (4) This section does not apply to the driver if a police officer or authorised person has directed under section 234 that the notice be taken to have been removed.
- (5) Strict liability applies to subsection (2) and (3) (a).

[1.8] Section 81

omit

[1.9] Section 82

substitute

82 Taxi licences that may be issued

- (1) The road transport authority may issue the following kinds of taxi licences:
- (a) taxi licences (other than restricted taxi licences);
- (b) restricted taxi licences.

Note A **taxi licence** is a licence to use a vehicle as a taxi (see the Act, s 37). A general reference in this regulation to a taxi licence includes both the above kinds of licences (see Legislation Act, s 155).

- (2) A restricted taxi licence may only authorise the licensee to operate the vehicle to which the licence relates as—
- (a) a wheelchair accessible taxi; or
- (b) a restricted cross border taxi.

- (3) In this section:

restricted cross border taxi means a licensed taxi-cab under the *Passenger Transport Act 1990* (NSW) that is approved by the road transport authority to operate as a taxi in the ACT under arrangements between the authority and the NSW Government.

[1.10] Sections 83 and 84

substitute

83 Application procedure for taxi licences

- (1) A person (the *applicant*) may apply to the road transport authority for the issue of a taxi licence of a particular kind.

Note A fee for the application may be determined under the *Road Transport (General) Act 1999*, s 96.

- (2) The applicant must give the road transport authority a completed application form for the kind of licence applied for.
- (3) The road transport authority may require the applicant to give the authority further stated information or a stated document that the authority reasonably needs to decide the application.
- (4) The road transport authority may refuse to consider the application further if the requirement is made in writing and the applicant does not comply with the requirement.

84 Issue of taxi licences

- (1) The road transport authority may refuse to issue a taxi licence to an applicant if the authority believes, on reasonable grounds, that the applicant—
- (a) has contravened a condition of another taxi licence held by the person; or

- (b) has not complied with a requirement of the Act relating to the application.

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).

- (2) The road transport authority must refuse to issue a taxi licence of a particular kind if the issue of the licence would exceed the number of licences of that kind determined under the Act, section 39 (1) (Maximum numbers of taxi licences).
- (3) The road transport authority must refuse to issue a taxi licence (other than a restricted taxi licence) if the authority must refuse to register the vehicle to which the application relates as a taxi under the *Road Transport (Vehicle Registration) Regulation 2000*, section 32B (Deciding applications for registration—taxis).
- (4) The road transport authority must refuse to issue a restricted taxi licence to the applicant if the applicant is not accredited to operate a restricted taxi service.
- (5) The road transport authority must issue a taxi licence to the applicant if—
- (a) the applicant makes an application to the authority under section 83; and
 - (b) the authority does not refuse the application under this section.
- (6) The maximum period for which the road transport authority may issue a restricted taxi licence is 6 years.
- (7) The road transport authority may not renew a restricted taxi licence.

[1.11] Section 85 (3) (a)

substitute

- (a) on the authority's own initiative or on the application of the applicant for a licence or the licensee; and

[1.12] Sections 86 and 87

substitute

86 Taxi licences—procedure for imposition etc of conditions on authority's initiative

- (1) This section applies to a licensee if the road transport authority proposes, on its own initiative, to take action under section 85 (2) to amend the taxi licence to impose, amend or revoke a condition imposed by the authority (the *proposed action*).
- (2) The road transport authority must give the licensee a written notice stating—
 - (a) the proposed action; and
 - (b) if the proposed action is to impose a condition—the proposed condition; and
 - (c) if the proposed action is to amend a condition—the condition as proposed to be amended; and
 - (d) an explanation for the proposed action; and
 - (e) if appropriate, any action that must be taken by the licensee to avoid or reverse the proposed action; and
 - (f) the date when the proposed imposition, amendment or revocation of the condition takes effect (the *date of effect*); and
 - (g) that the proposed action takes effect on the date of effect unless the notice is revoked by the authority before that date.

- (3) The notice may, but need not, provide an opportunity for the licensee to make representations about why the proposed action should not be taken.
- (4) The date of effect must not be earlier than 14 days after the notice is given to the licensee.
- (5) This section does not affect the taking of action under chapter 6 (Disciplinary action).

86A Conditions of taxi licences

A taxi licence is subject to the conditions (if any) stated in the licence or in a document stated by the licence to form part of the licence.

87 Form of taxi licences

- (1) A taxi licence issued to a person must show—
 - (a) the taxi licence number allocated to the person; and
 - (b) the person’s full name and address; and
 - (c) the kind of licence; and
 - (d) the expiry date (if any) of the licence.
- (2) A licence may also include any additional information that the road transport authority considers appropriate.

[1.13] Section 88 (1)

substitute

- (1) If a taxi licensee’s name or residential address changes, the licensee must, as soon as practicable but no later than 14 days after the change happens, give the road transport authority—
 - (a) written notice of the change; and

(b) the licence.

Maximum penalty: 20 penalty units.

[1.14] Section 91 (2)

omit

It is a defence to an offence against subsection (1) if—

substitute

Subsection (1) does not apply if—

[1.15] Section 93

substitute

93 Maintenance of taxis

- (1) The accredited operator of a taxi must not use the vehicle, or allow someone else to use the vehicle, to operate a taxi service if the vehicle has not been serviced and maintained in accordance with the vehicle manufacturer's maintenance standards (however described) relating to the vehicle.

Maximum penalty: 20 penalty units.

- (2) The accredited operator of a taxi must not use the vehicle, or allow someone else to use the vehicle, to operate a taxi service if—
- (a) the vehicle does not comply with the applicable vehicle standards for the vehicle; or

- (b) the use of the vehicle by the accredited operator or other person would contravene the *Road Transport (Vehicle Registration) Act 1999*.

Maximum penalty: 20 penalty units.

Example for par (b)

The vehicle must be maintained in a condition that enables it to be driven safely (see *Road Transport (Vehicle Registration) Regulation 2000*, s 107 (2)).

Note An example is part of the regulation, 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).

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

[1.16] New section 100 (4)

insert

- (4) This section does not apply to a recording made by a security camera in a taxi.

Note For the keeping and destruction of security camera recordings, see s 79 (2).

[1.17] Section 108 (2)

omit

The road transport authority, police officer or authorised person

substitute

The road transport authority, a police officer or an authorised person

[1.18] Section 112

substitute

112 Effect of noncompliance notices—taxi operators

- (1) This section applies to the accredited operator of a taxi if a noncompliance notice under section 234 (Attachment and removal of noncompliance notices) has been attached to the vehicle.
- (2) The accredited operator commits an offence if the notice is attached to the vehicle and the accredited operator uses, or allows someone else to use, the vehicle to operate a taxi service after the time of effect of the notice.

Maximum penalty: 20 penalty units.

Note 1 For the *time of effect*, see s 234 (2) (b).

Note 2 Unauthorised removal of a noncompliance notice is an offence (see s 234 (4)).

- (3) The accredited operator commits an offence if—
 - (a) the accredited operator uses, or allows someone else to use, the vehicle to operate a taxi service after the time of effect of the notice; and
 - (b) the accredited operator knows the notice has been removed other than in accordance with section 234.

Maximum penalty: 20 penalty units.

- (4) This section does not apply to the accredited operator if a police officer or authorised person has directed under section 234 that the notice be taken to have been removed.
- (5) Strict liability applies to subsection (2) and (3) (a).

[1.19] Section 126

substitute

126 Effect of noncompliance notices—taxi drivers

- (1) This section applies to the driver of a taxi if a noncompliance notice under section 234 (Attachment and removal of noncompliance notices) has been attached to the vehicle.
- (2) The driver commits an offence if the notice is attached to the vehicle and the driver uses the vehicle to operate a taxi service after the time of effect of the notice.

Maximum penalty: 20 penalty units.

Note 1 For the *time of effect*, see s 234 (2) (b).

Note 2 Unauthorised removal of a noncompliance notice is an offence (see s 234 (4)).

- (3) The driver commits an offence if—
 - (a) the driver uses the vehicle to operate a taxi service after the time of effect of the notice; and
 - (b) the driver knows the notice has been removed other than in accordance with section 234.

Maximum penalty: 20 penalty units.

- (4) This section does not apply to the driver if a police officer or authorised person has directed under section 234 that the notice be taken to have been removed.
- (5) Strict liability applies to subsection (2) and (3) (a).

[1.20] Dictionary, note 2

insert

- Corporations Act
- found guilty

[1.21] Dictionary, note 3

insert

- restricted hire car
- taxi

[1.22] Dictionary, new definition of *applicable vehicle standards*

insert

applicable vehicle standards—see the *Road Transport (Vehicle Registration) Regulation 2000*, section 103.

[1.23] Dictionary, definition of *applicant*

substitute

applicant, for accreditation (including renewal), for part 2.2 (Accreditation procedure)—see section 7 (1).

[1.24] Dictionary, definitions of *approved taxi network performance standard* and *bus stop*

omit

[1.25] Dictionary, definition of *disciplinary notice*

substitute

disciplinary notice—see section 225 (1) (Procedure for authority taking disciplinary action).

[1.26] Dictionary, new definitions of *duplicate restricted hire car licence* and *executive officer*

insert

duplicate restricted hire car licence means the duplicate restricted hire car licence mentioned in section 172 (3) (Form of hire car licences), including any document that forms part of the licence under section 171 (Conditions of hire car licences).

executive officer, for part 2.2 (Accreditation procedure)—see section 6.

[1.27] Dictionary, definition of *immediate suspension notice*

substitute

immediate suspension notice—see section 226 (3).

[1.28] Dictionary, definition of *mandatory disqualifying offence*

substitute

mandatory disqualifying offence, for part 2.2 (Accreditation procedure)—see section 6.

[1.29] Dictionary, definition of *noncompliance notice*

substitute

noncompliance notice—see section 234 (1).

[1.30] Dictionary, definition of *relevant person*

substitute

relevant person, in relation to an application for accreditation (including renewal) by a person or an accreditation held by a person—see section 6B.

[1.31] Dictionary, new definition of *restricted hire car licence label*

insert

restricted hire car licence label means a label issued under section 168.

[1.32] Dictionary, definition of *service authority*

substitute

service authority, for chapter 6 (Disciplinary action)—see section 222.

[1.33] Dictionary, definition of *service standard*

omit

[1.34] Dictionary, definition of *time of effect*

substitute

time of effect, for a noncompliance notice—see section 234 (2) (b).

[1.35] Dictionary, definition of *vehicle standards*

omit

Schedule 2 Other amendments

(see s 3)

Part 2.1 Road Transport (Driver Licensing) Regulation 2000

[2.1] Section 11 (2), table of public vehicle licence codes

substitute

Table 11 Public vehicle licence codes

column 1 item	column 2 kind of public vehicle	column 3 code
1	public bus	O
2	taxi (including a restricted taxi)	T
3	hire car (other than restricted hire car) that is not a motorbike	H
4	restricted hire car that is not a motorbike	W
5	hire car (including a restricted hire car) that is a motorbike	M

[2.2] Section 62 (3) (f)

omit

restricted hire vehicle

substitute

hire car

[2.3] Section 87 (3) (b)

omit

the public vehicle section

substitute

the *Road Transport (Public Passenger Services) Regulation 2002*

[2.4] Dictionary, new definition of *hire car*

insert

hire car—see the *Road Transport (Public Passenger Services) Act 2001*, section 60G.

[2.5] Dictionary, definition of *public vehicle regulation*

omit

[2.6] Dictionary, definition of *restricted hire vehicle*

substitute

restricted hire car—see the *Road Transport (Public Passenger Services) Act 2001*, section 60H.

Part 2.2 Road Transport (General) Regulation 2000

[2.7] Section 3 heading

substitute

3 Dictionary

[2.8] Section 14 (1) (k)

substitute

- (k) a fee, charge or other amount paid in relation to an application for the issue or transfer of a taxi licence or hire car licence under the *Road Transport (Public Passenger Services) Act 2001* if the application is refused;

[2.9] New section 14 (3) (da)

insert

- (da) a fee, charge or other amount paid in relation to the issue of a restricted taxi licence for a wheelchair accessible taxi or leased hire car licence under the *Road Transport (Public Passenger Services) Act 2001* if the licence is surrendered;

[2.10] Section 14 (3)

renumber paragraphs when regulation next republished under Legislation Act

[2.11] Section 16 (1) (h)

substitute

- (h) a fee, charge or other amount paid in relation to the issue or transfer of a taxi licence or hire car licence under the *Road Transport (Public Passenger Services) Act 2001*.

[2.12] Section 25 (3), definition of *complying statutory write-off notice*, paragraph (a)

omit

motorcycle

substitute

motorbike

[2.13] Schedule 1, parts 1.5, 1.5A and 1.6

substitute

**Part 1.5 Road Transport (General) Act
1999**

column 1 item	column 2 provision	column 3 decision
1	165 (5)	Minister—refuse to approve authorised insurer as an approved authorised insurer for section 165
2	207 (1) (a)	Minister—impose conditions on approval of corporation as authorised insurer
3	207 (1) (b)	Minister—refuse to approve corporation as authorised insurer
4	209 (1)	Minister—cancel insurer’s approval as authorised insurer

**Part 1.6 Road Transport (General)
Regulation 2000**

column 1 item	column 2 provision	column 3 decision
1	29 (2)	road transport authority—recording a vehicle as written-off in written-off vehicles register on authority’s own initiative

[2.14] Schedule 1, part 1.8, item 12

substitute

12	84	road transport authority—refuse to issue taxi licence
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[2.15] Schedule 1, part 1.8, items 27 to 33

substitute

27	163 (1) (b)	road transport authority—refuse to approve use of bus as taxi
28	167	road transport authority—refuse to issue/renew hire car licence
29	169 (1)	road transport authority—issue/renew hire car licence subject to condition imposed by authority
30	169 (2)	road transport authority—amend/revoke, or refuse to amend/revoke, condition imposed on hire car licence by authority
31	169 (2)	road transport authority—amend/revoke, or refuse to amend/revoke, condition imposed on hire car licence on application by licensee
32	175 (1)	road transport authority—refuse to issue replacement hire car licence for licence that has been lost, stolen or destroyed

33	225 (4)	road transport authority—suspend/cancel service authority/disqualify from applying for service authority (including suspending or disqualifying for additional period)/impose/vary condition on service authority/impose financial penalty/reprimand <i>Note</i> A service authority is an accreditation or a hire car or taxi licence under the <i>Road Transport (Public Passenger Services) Regulation 2002</i> .
34	226 (3)	road transport authority—immediately suspend service authority
35	234 (3)	police officer or authorised person—refuse to remove noncompliance notice
36	234 (3)	police officer or authorised person—refuse to direct that noncompliance notice be taken to have been removed

[2.16] Dictionary, new definition of *service authority*

insert

service authority—see the *Road Transport (Public Passenger Services) Regulation 2002*, section 222.

Part 2.3 Road Transport (Offences) Regulation 2001

[2.17] Section 8 (1) (c) and (d)

omit

[2.18] Section 8 (1)

renumber paragraphs when regulation next republished under Legislation Act

[2.19] Schedule 1, part 1.7, items 16 to 29

omit

[2.20] Schedule 1, part 1.7

renumber items when regulation next republished under Legislation Act

[2.21] Schedule 1, part 1.7A

renumber as schedule 1, part 1.8 when regulation next republished under Legislation Act

[2.22] Schedule 1, part 1.8

omit

[2.23] Schedule 1, part 1.10, new items 17 to 24

insert

17	60D (1)	use of vehicle not licensed as hire car as a hire car	50		
18	60D (2)	use of vehicle not licensed as restricted hire car as a restricted hire car	50		
19	60E (1)	pretend vehicle licensed as hire car	30		
20	60E (2)	pretend vehicle licensed as restricted hire car	30		
21	60N (1)	unaccredited person operate particular kind of hire car service	50		
22	60O (1)	pretend to be accredited to operate hire car service	30		
23	60O (2)	pretend to be accredited to operate particular kind of hire car service	30		

Schedule 2 Other amendments
Part 2.3 Road Transport (Offences) Regulation 2001

Amendment [2.24]

24	60T (1)	unauthorised use of vehicle for paid passenger transport	50		
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[2.24] Schedule 1, part 1.11, new item 4A

insert

4A	18A (2)	not return recovered certificate of accreditation	20	100	
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[2.25] Schedule 1, part 1.11, item 6

substitute

6	21 (2)	bus operator not ensure bus complies with applicable vehicle standards etc	20	300	
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[2.26] Schedule 1, part 1.11, item 25, column 2

omit

34 (1) (a)

substitute

34 (2)

[2.27] Schedule 1, part 1.11, item 26, column 2

omit

34 (1) (b)

substitute

34 (3)

[2.28] Schedule 1, part 1.11, item 50, column 2

omit

45 (1) (a)

substitute

45 (2)

[2.29] Schedule 1, part 1.11, item 51, column 2

omit

45 (1) (b)

substitute

45 (3)

Schedule 2 Other amendments
Part 2.3 Road Transport (Offences) Regulation 2001

Amendment [2.30]

[2.30] Schedule 1, part 1.11, item 107

substitute

107	93 (2)	taxi operator not ensure taxi complies with applicable vehicle standards etc	20	300	
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[2.31] Schedule 1, part 1.11, item 131, column 2

omit

112 (1) (a)

substitute

112 (2)

[2.32] Schedule 1, part 1.11, item 132, column 2

omit

112 (1) (b)

substitute

112 (3)

[2.33] Schedule 1, part 1.11, item 158, column 2

omit

126 (1) (a)

substitute

126 (2)

[2.34] Schedule 1, part 1.11, item 159, column 2

omit

126 (1) (b)

substitute

126 (3)

Schedule 2 Other amendments
Part 2.3 Road Transport (Offences) Regulation 2001

Amendment [2.35]

[2.35] Schedule 1, part 1.11, items 220 to 227

substitute

220	173 (1)	hire car licensee not notify change in name/address	20	300	
221	174 (1)	hire car operator contravene condition of hire car licence	20	300	
222	176 (1)	hire car operator not produce licence when required by police officer/authorised person	5	100	
223	179 (1)	hire car operator not service/maintain hire car	20	300	
224	179 (3)	hire car operator not ensure hire car complies with applicable vehicle standards etc	20	300	
225	180 (1) (a)	hire car operator not ensure hire car interior/exterior/clean/undamaged	10	200	

226	180 (1) (b)	hire car operator not ensure hire car fittings clean/undamaged/properly fitted/securely in place	10	200	
227	181 (1)	hire car operator allow unlicensed/unauthorised person drive hire car	20	300	
228	182 (1) (a)	hire car operator not record driver's name and address	10	200	
229	182 (1) (b)	hire car operator not record prescribed driver authority information	10	200	
230	182 (1) (c)	hire car operator not record driving times	10	200	
231	182 (1) (d)	hire car operator not record registration number of hire car driven by driver	10	200	
232	183 (2) (a)	hire car operator not keep hire car operator records as required	10	200	
233	183 (2) (b)	hire car operator not produce hire car operator records as required	10	200	

Schedule 2 Other amendments
Part 2.3 Road Transport (Offences) Regulation 2001

Amendment [2.35]

234	183 (2) (c)	hire car operator not provide hire car operator records as required	10	200	
235	184 (1)	hire car operator not provide annual statistical return	10	100	
236	185 (1)	hire car operator not ensure duplicate hire car licence kept in restricted hire car	20	200	
237	186 (2) (a)	use vehicle without restricted hire car licence label attached	20	300	
238	186 (2) (b)	use vehicle with restricted hire car licence label not attached as required	20	300	
239	186 (2) (c)	use vehicle with illegible restricted hire car licence label	20	300	
240	186 (3)		20	300	
240.1	<ul style="list-style-type: none"> in relation to offence against 186 (2) (a) 	fail to prevent use of vehicle without restricted hire car licence label attached	20	300	

240.2	<ul style="list-style-type: none"> in relation to offence against 186 (2) (b) 	fail to prevent use of vehicle with restricted hire car licence label not attached as required	20	300	
240.3	<ul style="list-style-type: none"> in relation to offence against 186 (2) (c) 	fail to prevent use of vehicle with illegible restricted hire car licence label	20	300	
241	188 (1)	hire car operator not ensure advertisement includes accreditation number	10	300	
242	189 (1)	hire car operator not display security camera notice	5	200	
243	190 (2)	hire car operator not ensure airconditioning operational/in good repair	10	200	
244	191 (1)	hire car operator not ensure only authorised advertisement displayed	10	200	
245	192 (1)	hire car operator not ensure inappropriate advertisement/document not displayed	10	150	
246	192 (3)	hire car operator not remove inappropriate advertisement/document as directed	10	200	

Schedule 2 Other amendments
Part 2.3 Road Transport (Offences) Regulation 2001

Amendment [2.35]

247	193 (1)	hire car operator not ensure driver complying with dress code of practice	10	150	
248	194 (3)				
248.1	• by contravening 194 (2) (a)	hire car operator not keep security camera recording as required	10	200	
248.2	• by contravening 194 (2) (b)	hire car operator not destroy security camera recording as required	10	200	
249	194 (4)	hire car operator not produce security camera recording to police officer/authority	10	200	
250	194 (5)	hire car operator not maintain equipment to display security camera recordings	5	100	
251	195 (2)	hire car operator not deal with lost property as required	5	100	
252	196 (2)	hire car operator allow hire car operation after time of effect of noncompliance notice	20	300	

253	196 (3)	hire car operator allow hire car operation after unauthorised removal of noncompliance notice	20	300	
254	197 (1)	hire car driver operate dirty/untidy hire car	5	150	
255	198 (2) (a)	hire car driver not check security camera operating	5	150	
256	198 (2) (b)	hire car driver not tell hire car operator security camera not operating	5	150	
257	199 (1)	hire car driver allow inconvenient/dangerous thing in hire car	5	100	
258	200 (1)	hire car driver allow unconfined dog/cat/bird/other animal in hire car	5	100	
259	201 (2)	hire car driver not deal with lost property as required	5	100	
260	202 (1) (a)	hire car driver move hire car while door open	10	200	

Schedule 2 Other amendments
Part 2.3 Road Transport (Offences) Regulation 2001

Amendment [2.35]

261	202 (1) (b)	hire car driver start/stop hire car subject person to unnecessary risk of injury	10	200	
262	202 (1) (c)	hire car driver eat/drink in hired hire car	10	150	
263	203 (1) (a)	hire car driver not clean/tidy	5	100	
264	203 (1) (b)	hire car driver not behave in orderly way/ politely/with propriety	5	100	
265	203 (1) (c)	hire car driver not comply with passenger request	5	100	
266	203 (2)	hire car driver not comply with dress code of practice	5	100	
267	204 (1)	driver restricted hire car not produce duplicate hire car licence when required	5	100	
268	205 (2)	hire car driver operate hire car after time of effect of noncompliance notice	20	300	
269	205 (3)	hire car driver operate hire car after unauthorised removal of noncompliance notice	20	300	

270	206 (1)	person soliciting for passenger/hiring	10	150	
271	207 (2)	hire car driver not stop hire car parallel/close to side of road	5	150	
272	208 (1)	hire car driver allow extra person in hire car without hirer's agreement	5	150	
273	209 (1)	hire car hirer not pay fare	5	200	
274	209 (4)	hire car hirer not pay fare under agreement	5	150	
275	210 (1) (a)	hire car passenger offensive behaviour	10	200	
276	210 (1) (b)	hire car passenger offensive language	10	200	
277	211 (1)	hire car passenger eat/drink without hire car driver's agreement	5	100	
278	212 (1)	hire car passenger take unconfined dog/cat/bird/other animal into hire car	5	100	

Schedule 2 Other amendments
Part 2.3 Road Transport (Offences) Regulation 2001

Amendment [2.35]

279	213 (2)	hire car passenger not comply with direction by driver/police officer/authorised person because soil/damage hire car/person	5	200	
280	214 (2)	intoxicated hire car passenger not comply with direction by driver/police officer/ authorised person	5	200	
281	215 (2)	hire car passenger offender not comply with direction by driver/police officer/ authorised person	5	200	
282	217 (1)	hire car passenger not deal with lost property in hire car as required	5	100	
283	219 (5)	not comply with hire car security camera standard	20	200	
284	220 (1)	interfere with hire car security camera	20	300	
285	220 (2)	interfere with hire car security camera recording	20	300	

286	228 (1)	not return suspended/cancelled certificate of accreditation/hire car licence/taxi licence as required	5	200	
287	230 (5)	not provide records/information for enforcement purposes	20	300	
288	231 (5)	not comply with request by police officer/authorised person for maintenance facility enforcement purposes	20	300	
289	232 (4)	not comply with request/signal by police officer/authorised person for enforcement purposes	20	300	
290	233 (3)	operator not comply with inspection requirement by police officer/authorised person for enforcement purposes	20	300	
291	234 (4)	unauthorised removal of noncompliance notice	20	300	

Schedule 2 Other amendments
Part 2.3 Road Transport (Offences) Regulation 2001

Amendment [2.35]

292	235 (4)	not state name/address when required by police officer/authorised person for enforcement purposes	10	200	
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[2.36] Schedule 1, part 1.11

renumber items when regulation next republished under Legislation Act

[2.37] Schedule 1, part 1.15, item 72.37, column 2

omit

section 1.123

substitute

sections 1.121-1.123

Part 2.4 Road Transport (Safety and Traffic Management) Regulation 2000

[2.38] Section 12

substitute

12 ARR r 158 (2) (c)—other vehicles permitted to travel in bus lanes

The drivers of the following vehicles are permitted to drive in a bus lane:

- (a) taxis;
- (b) hire cars;
- (c) motorbikes.

Note Section 27A applies the B light rules to drivers of taxis, hire cars and motorbikes.

[2.39] Section 23B (2) (c)

after

taxi

insert

or hire car

[2.40] Section 23B (2), notes 2 and 3

substitute

Note 2 The defence of sudden or extraordinary emergency is also available, see the Criminal Code, s 41.

[2.41] Section 27A

substitute

27A ARR r 280 (2) (a)—other vehicles to which B light rules apply

The following classes of vehicles are specified:

- (a) taxis;
- (b) hire cars;
- (b) motorbikes.

Note This section applies the B light rules to taxi and hire car drivers and riders of motorbikes who, under s 12, are allowed to drive in bus lanes.

[2.42] Section 33 (1), definition of *taxi*, paragraph (b)

omit

a private hire car and a restricted hire vehicle

substitute

a hire car

[2.43] Dictionary, new definition of *hire car*

insert

hire car—see the *Road Transport (Public Passenger Services) Act 2001*, section 60G.

[2.44] Dictionary, definitions of *private hire car* and *restricted hire vehicle*

omit

Part 2.5 Road Transport (Third-Party Insurance) Regulation 2000

[2.45] Schedule 1, item 3, column 3

omit

(other than a taxi, private hire car or restricted hire vehicle)

substitute

(other than a taxi or hire car)

[2.46] Schedule 1, item 11, column 3

omit

private hire car

substitute

general hire car

[2.47] Schedule 1, item 15, columns 2 and 3

omit

private hire car

substitute

general hire car

[2.48] Dictionary, new definition of *general hire car*

insert

general hire car means a hire car other than a restricted hire car.

[2.49] Dictionary, new definition of *hire car*

insert

hire car—see the *Road Transport (Public Passenger Services) Act 2001*, section 60G.

[2.50] Dictionary, definitions of *private hire car* and *restricted hire vehicle*

omit

Part 2.6 Road Transport (Vehicle Registration) Regulation 2000

[2.51] Section 32 (2)

substitute

- (2) The road transport authority must refuse to approve an application for the registration of a registrable vehicle if—
- (a) the authority is required to refuse to approve the application for a vehicle's registration under—

- (i) section 32A (Deciding applications for registration—written-off vehicles); or
 - (ii) section 32B (Deciding applications for registration—taxis); or
 - (iii) section 32C (Deciding applications for registration—certain hire cars); or
- (b) an order of a court in Australia prevents the vehicle's registration, and the authority has been told about the order.

[2.52] New section 32C

insert

32C Deciding applications for registration—certain hire cars

Note For applications for the renewal of a registration, see s 68 (9).

- (1) The road transport authority must refuse to approve an application for the registration of a registrable vehicle as a hire car (other than a restricted hire car) if the wheelbase of the vehicle is less than 2 800mm.
- (2) However, subsection (1) does not apply to an application for the registration of a private hire car or small bus as a hire car (other than a restricted hire car) if—
 - (a) the application is made by the original operator of the vehicle; and
 - (b) the registration to which the application relates will expire before 1 July 2010.
- (3) In this section:

hire car—see the *Road Transport (Public Passenger Services) Act 2001*, dictionary.

original operator means—

- (a) for a private hire car—the person who was, immediately before the commencement of the *Road Transport Legislation (Hire Cars) Amendment Regulation 2005 (No 1)*, the registered operator of the vehicle; and
- (b) for a small bus—a person who, immediately before 1 December 2001 and immediately before the commencement of the *Road Transport Legislation (Hire Cars) Amendment Regulation 2005 (No 1)*, was the registered operator of the vehicle.

private hire car means a vehicle that, immediately before the commencement of the *Road Transport Legislation (Hire Cars) Amendment Regulation 2005 (No 1)*, was registered as a private hire car within the meaning of the *Road Transport (General) Act 1999*.

restricted hire car—see the *Road Transport (Public Passenger Services) Act 2001*, dictionary.

small bus means a motor vehicle built mainly to carry people that seats up to 9 adults (including the driver) that—

- (a) immediately before 1 December 2001, had a distinguishing registration number with the letters ‘MO’ followed by 1 to 3 numerals; and
 - (b) immediately before 9 March 2005 was used to operate a tour and charter service under the *Road Transport (Public Passenger Services) Act 2001*.
- (4) This subsection, subsection (2) and subsection (3), definitions of ***original operator***, ***private hire car*** and ***small bus***, expire on 1 July 2010.

[2.53] Section 68 (9) (b)

substitute

- (b) must refuse to renew the registration if the authority is required to refuse to approve the application for a vehicle's registration under—
- (i) section 32A (Deciding applications for registration—written-off vehicles); or
 - (ii) section 32B (Deciding applications for registration—taxis); or
 - (iii) section 32C (Deciding applications for registration—certain hire cars).

[2.54] Schedule 1, section 1.60A

substitute

1.60A Public passenger vehicles to have fire-extinguisher

A public passenger vehicle under the *Road Transport (Public Passenger Services) Act 2001* (other than a motorbike) must be equipped with a fire-extinguisher.

Note A public passenger vehicle is a public bus, taxi or hire car.

[2.55] Dictionary, new definition of operator

insert

operator, for part 6.1 (which is about general requirements for vehicle standards)—see section 105.

Endnotes

1 Notification

Notified under the Legislation Act on 7 March 2005.

2 Republications of amended laws

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

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