



Australian Capital Territory

Road Transport Legislation Amendment Regulation 2010 (No 2)

Subordinate Law SL2010-7

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 9 March 2010.

JON STANHOPE
Minister

ANDREW BARR
Minister



Australian Capital Territory

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Part 1 Preliminary

1 Name of regulation

This regulation is the *Road Transport Legislation Amendment Regulation 2010 (No 2)*.

2 Commencement

- (1) This regulation (other than the provisions mentioned in subsection (2)) commences on the day after its notification day.

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

- (2) The following provisions commence on 7 April 2010:

- (a) section 4;
- (b) sections 7 to 13;
- (c) section 15;
- (d) sections 17 to 20;
- (e) sections 22 to 30;
- (f) section 32;
- (g) section 39;
- (h) schedule 1, amendment 1.1;
- (i) schedule 1, amendments 1.11 and 1.12;
- (j) schedule 1, amendment 1.16;
- (k) schedule 1, amendments 1.21 and 1.22;
- (l) schedule 1, amendments 1.24 to 1.26;
- (m) schedule 1, amendment 1.47.

Part 2 Road Transport (Driver Licensing) Regulation 2000

3 Legislation amended—pt 2

This part amends the *Road Transport (Driver Licensing) Regulation 2000*.

Note The regulation is also amended in sch 1.

4 Section 14 (1) (j)

substitute

- (j) if the licence is also a public vehicle licence—
 - (i) the kinds of public vehicles that the holder is authorised to drive for hire or reward; and
 - (ii) if the holder is a temporary resident who holds a visa allowing the holder to work as a public vehicle driver—the date the visa expires.

5 Section 62 (3) (e) to (h) and notes

substitute

- (e) the person is—
 - (i) an Australian citizen; or
 - (ii) a permanent resident; or
 - (iii) a temporary resident who holds a visa that allows the person to work as a public vehicle driver; and

- (f) if the person does not hold a public vehicle licence to drive a public vehicle of the kind to which the application relates—the person has successfully completed an approved public vehicle driver training course for that kind of public vehicle in the year before the day the application is made; and
- (g) for a public vehicle licence for a hire car that is a motorbike—
 - (i) the person holds a full motorcycle licence; and
 - (ii) the person has held a full motorcycle licence, or an Australian driver licence that corresponds to a full motorcycle licence, for at least 1 year (or periods totalling 1 year) in the previous 3 years; and
- (h) for a public vehicle licence for a public bus—
 - (i) the person holds a full licence to drive the kind of public vehicle to which the application relates, or a full licence of a higher class; and

Examples

- 1 A person who applies for a public vehicle licence to drive a small bus (with a GVM not over 4.5t) that is equipped to seat 11 adults (including the driver) requires a full car licence (see table 9, item 2).
- 2 A person who applies for a public vehicle licence to drive a bus (with a GVM over 4.5t, but not over 8t) that is equipped to seat 15 adults (including the driver) requires a full light rigid vehicle licence (see table 9, item 3).

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).

- (ii) the person has held a licence mentioned in subparagraph (i), or an Australian driver licence that corresponds to a licence mentioned in subparagraph (i), for at least 1 year (or for periods totalling 1 year) in the previous 3 years; and
- (i) for a public vehicle licence to drive any other kind of public vehicle—
 - (i) the person holds a full car licence or a full licence of a higher class; and
 - (ii) the person has held a licence mentioned in subparagraph (i), or an Australian driver licence that corresponds to a licence mentioned in subparagraph (i), for at least 1 year (or for periods totalling 1 year) in the previous 3 years.

Note Under s 68 (1) periods of licence suspension or disqualification are not counted and every other period when the person has, during the 3-year period, held a full licence is counted.

6 Section 64

substitute

64 Duration of driver licence that includes public vehicle licence

- (1) If a full licence is varied to include a public vehicle licence, the replacement licence must be issued for—
 - (a) the remainder of the period of the full licence; or
 - (b) if the full licence is held by a visa holder and the visa expires before the expiry date for the full licence—the remainder of the period for which the visa is in force.

- (2) If a full licence is issued to include a public vehicle licence, the licence must be issued for—
- (a) the period decided under section 41 (Duration of full licences) for the full licence; or
 - (b) if the licence is issued to a visa holder and the visa expires before the expiry date for the licence worked out under paragraph (a)—the remainder of the period for which the visa is in force.
- (3) In this section:
- visa holder* means a temporary resident who holds a visa that allows the person to work as a public vehicle driver

7 New sections 64A and 64B

insert

64A Authority cards for public vehicle drivers

- (1) The road transport authority must issue a public vehicle driver authority card to the holder of a public vehicle licence.
- Note* A public vehicle driver must display the card while driving a public passenger vehicle for hire or reward (see *Road Transport (Public Passenger Services) Regulation 2002*, s 307).
- (2) The card issued to the person must—
- (a) include on one side—
 - (i) a photograph of the person; and
 - (ii) a unique authority number for the card; and
 - (iii) the kind of public vehicle the person is authorised to drive for hire or reward; and

- (iv) the card's expiry date; and

Note For par (i), the road transport authority may use the person's photograph that the authority holds for the *Road Transport (Driver Licensing) Act 1999*, s 36 (see s 138AB).

- (b) include on the other side—

- (i) the person's driver licence number and the first 2 letters of the person's surname; and

- (ii) the date the card was issued.

- (3) The card's expiry date must not be later than the expiry date of the person's public vehicle licence.

64B Return of public vehicle driver authority card

- (1) This section applies if—

- (a) a public vehicle driver authority card is issued to a person; and

- (b) any of the following events happens:

- (i) the person ceases to be authorised to drive a kind of public vehicle stated in the card;

- (ii) the person changes the person's name;

- (iii) the authority takes action under section 87 (1) (l) in relation to the person's driver licence.

- (2) The person must return the card to the road transport authority as soon as practicable (but within 7 days) after the event happens.

Maximum penalty: 20 penalty units.

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

8 Section 75 heading

substitute

75 Damaged, stolen, lost or destroyed licences or public vehicle authority cards**9 Section 75 (1)**

after

driver licence

insert

or public vehicle driver authority card

10 Section 75 (1)

after

the licence

insert

or card

11 New section 75 (3)

after the note, insert

- (3) Also for this section, a public vehicle driver authority card is damaged in a **material respect** if anything that is required under section 64A (Authority cards for public vehicle drivers) to be shown on the card is missing or cannot readily be read.

Note A public vehicle driver authority card that is damaged in a material respect is of no effect (see s 90).

12 Section 76 (1) and (2)

substitute

- (1) The road transport authority may, by written notice given to a person whose driver licence is suspended or cancelled under the road transport legislation or any other territory law, require the person to return to the authority as soon as practicable (but within 7 days)—
 - (a) the licence; and
 - (b) if the licence is a public vehicle licence—the person’s public vehicle driver authority card.
- (2) The road transport authority may, by written notice given to a person whose driver licence is being, or is about to be, suspended or cancelled under the road transport legislation or any other territory law, require the person to return to the authority as soon as practicable (but within 7 days) after the suspension or cancellation takes effect—
 - (a) the licence; and
 - (b) if the licence is a public vehicle licence—the person’s public vehicle driver authority card.

13 Section 81

substitute

81 Surrender of driver licence or public vehicle authority card

- (1) A person who is the holder of a driver licence or public vehicle driver authority card may apply to the road transport authority to surrender the licence or card.

- (2) The application may be made personally by the person or by an agent who produces written evidence of his or her appointment as agent.
- (3) The applicant must, with the application—
 - (a) return the licence or card to the road transport authority; or
 - (b) if the licence or card has been stolen, lost or destroyed—give the authority a statement, signed by the person or agent, that the licence or card has been stolen, lost or destroyed.
- (4) If the applicant complies with this section, the road transport authority must approve the application unless the authority is taking action to suspend, vary or cancel the licence or card.

Note The *Road Transport (General) Regulation 2000* provides for a refund of fees for surrendered licences.

14 New section 87 (1) (n)

before the note, insert

- (n) the person has failed to comply with a request under section 88B (2); or

15 New section 87 (1) (o)

insert

- (o) the person has failed to return the person's public vehicle driver authority card to the authority as required under section 64B (2).

16 New sections 88A and 88B

in division 5.2, insert

88A Public vehicle licence—licence taken to be cancelled if holder no longer eligible

- (1) This section applies if—
 - (a) a person holds a public vehicle licence; and
 - (b) when the person applied for the licence, the person was eligible, under section 62 (3) (e), to apply because the person was a temporary resident who held a visa that allowed the person to work as a public vehicle driver.
- (2) The person's public vehicle licence is taken to be cancelled if the visa expires, is revoked or changes so that the person is no longer allowed to work as a public vehicle driver.
- (3) However, subsection (2) does not apply if the person may lawfully work as a public vehicle driver for another reason.

Examples—other reasons

- 1 the person is issued with a permanent resident visa
- 2 the person is issued with a new temporary visa

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) If a person's public vehicle licence is taken to be cancelled under this section, the person must return the licence as soon as practicable (but within 7 days) after the day the licence is taken to be cancelled, to the road transport authority.

Maximum penalty: 20 penalty units.

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

88B Public vehicle licence—licence holder to give information about visa status

- (1) This section applies if—
 - (a) a person holds a public vehicle licence; and
 - (b) when the person applied for the licence, the person was eligible, under section 62 (3) (e), to apply because the person was a temporary resident who held a visa that allowed the person to work as a public vehicle driver.
- (2) The person commits an offence if—
 - (a) the road transport authority asks the person, in writing, to give the authority evidence that the person holds a visa that allows the person to work as a public vehicle driver; and
 - (b) the person fails to comply with the request within the stated time or within 14 days after the day the request was made.

Maximum penalty: 10 penalty units.

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

17 Division 5.3 heading

substitute

Division 5.3 Replacement of driver licences and public vehicle driver authority cards**18 Section 89 heading**

substitute

89 Procedure to replace driver licence or public vehicle driver authority card

19 Section 89 (1)

after 1st mention of

driver licence

insert

or public vehicle driver authority card

20 Section 89 (1) (a)

after

licence

insert

or public vehicle driver authority card

21 Section 89 (1) (b)

substitute

(b) if the person is the holder of a driver licence that includes 2 classes of licence, or a public vehicle licence, and the person surrenders a licence class, or the public vehicle licence; or

(ba) if the person is the holder of a driver licence that includes a public vehicle licence and the person ceases to be eligible to hold the public vehicle licence; or

22 Section 89 (1) (c)

substitute

(c) if the person is the holder of a driver licence or public vehicle driver authority card and the licence or card has been damaged, stolen, lost or destroyed; or

23 Section 89 (1), note 3

substitute

Note 3 If a person's driver licence or public vehicle driver authority card is damaged in a material particular, stolen, lost or destroyed, the person must apply to the road transport authority for the issue of a replacement licence or card (see s 75).

24 Section 89 (4) (a)

after

licence

insert

or public vehicle driver authority card

25 Section 89 (4) (b)

after

licence

insert

or card

26 Section 89 (5)

after

licence

insert

or card

27 Section 89 (6)

after

licence

insert

or public vehicle driver authority card

28 Section 89 (7)

substitute

- (7) A driver licence or public vehicle driver authority card issued to a person under subsection (6) must be issued for the remainder of the period of the licence or card that it replaces.

29 Section 90

substitute

90 Damaged licences and public vehicle driver authority cards of no effect

- (1) A driver licence or public vehicle driver authority card is of no effect if it is damaged in a material respect.
- (2) For subsection (1), a driver licence is damaged in a *material respect* if anything that is required under section 12 (Form of driver licences) to be shown on the licence is missing or cannot readily be read.
- (3) Also for subsection (1), a public vehicle driver authority card is damaged in a *material respect* if anything that is required under section 64A (Authority cards for public vehicle drivers) to be shown on the card is missing or cannot readily be read.

30 New section 138AB

insert

138AB Use of photographs by road transport authority—Act, s 36 (1) (g)

- (1) This section applies to a photograph taken by the road transport authority, or given to the authority, in relation to an application by a person for the issue, replacement, renewal or variation by the authority of a driver licence or proof of age card.
- (2) The road transport authority may use a photograph in producing a public vehicle driver authority card for section 64A.

Note For other circumstances when a photograph or signature may be disclosed by the road transport authority, see the Act, s 36.

31 Dictionary, new definitions

insert

Australian citizen means a person who is an Australian citizen under the *Australian Citizenship Act 1948* (Cwlth).

permanent resident means—

- (a) a person who holds a permanent visa for the *Migration Act 1958* (Cwlth), section 30; or
- (b) a New Zealand citizen who holds a special category visa under the *Migration Act 1958* (Cwlth), section 32.

32 Dictionary, new definition of *public vehicle driver authority card*

insert

public vehicle driver authority card means a card issued by the road transport authority under section 64A.

33 Dictionary, new definition of *temporary resident*

insert

temporary resident means a person who holds a temporary visa for the *Migration Act 1958* (Cwlth), section 30.

Part 3 Road Transport (Offences) Regulation 2005

34 Legislation amended—pt 3

This part amends the *Road Transport (Offences) Regulation 2005*.

Note The regulation is also amended in sch 1.

35 Section 22 (1) (b) (i) to (iv)

after

a public holiday

insert

, except an excluded public holiday

36 Section 22 (4)

substitute

(4) In this section:

excluded public holiday—each of the following is an ***excluded public holiday***:

- (a) the 2nd Monday in March (Canberra Day);
- (b) Family and Community Day;
- (c) a day, or part of a day, declared under the *Holidays Act 1958*, section 3 (1) (b) to be a public holiday;
- (d) a day declared under that Act, section 3 (2) not to be a public holiday.

Family and Community Day—see the *Holidays Act 1958*, section 3 (6).

public holiday means a public holiday under the *Holidays Act 1958* except an excluded public holiday.

Part 4 Road Transport (Public Passenger Services) Regulation 2002

37 Legislation amended—pt 4

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

Note The regulation is also amended in sch 1.

38 Section 6B, definition of *relevant person*, paragraph (a)

substitute

- (a) if the person is an individual—the person and anyone who is concerned with, or takes part in, the management of the regulated service to which the application or accreditation relates; or

39 New chapter 7

insert

Chapter 7 Driver authority cards

306 Meaning of *driver authority card*—ch 7

In this chapter:

driver authority card means—

- (a) a public vehicle driver authority card issued under the *Road Transport (Driver Licensing) Regulation 2000*, section 64A (Authority cards for public vehicle drivers); or

- (b) for a person who is authorised by the law of another jurisdiction to drive a public passenger vehicle for hire or reward—an authority card that—
 - (i) is issued by the other jurisdiction for the person to display when driving a public passenger vehicle for hire or reward; and
 - (ii) includes a photograph of the person.

307 Driver authority card to be displayed or shown

- (1) A person who drives a public passenger vehicle (other than a restricted hire car) for hire or reward must—
 - (a) display the person's driver authority card so that the information on the photo-side of the card can reasonably be read by a passenger—
 - (i) if the public vehicle is a bus—on entering the vehicle; or
 - (ii) if the public vehicle is a car—when the passenger is seated in the vehicle; or
 - (b) if the public vehicle is a motorbike—show the person's driver authority card to the passenger at the start of the hire; or
 - (c) display the person's driver authority card—
 - (i) in accordance with any guidelines made under subsection (3); or
 - (ii) in accordance with an approval given under subsection (5).

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) The road transport authority may make guidelines about the display of driver authority cards.

- (4) A guideline is a notifiable instrument.

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

- (5) On application by a person who drives a public passenger vehicle for hire or reward, the road transport authority may, in writing, approve a way in which the person may display the person's driver authority card.

308 Production of driver authority card

- (1) A person who drives a public passenger vehicle for hire or reward commits an offence if the person fails to produce the person's driver authority card for inspection when required to do so by a police officer or authorised person.

Maximum penalty: 5 penalty units.

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

40 New section 324 (5) (ba)

insert

- (ba) if the road transport authority decides to revoke the notice—
when the person is given written notice by the authority of the revocation; or

Part 5

Road Transport (Safety and Traffic Management) Regulation 2000

41 Legislation amended—pt 5

This part amends the *Road Transport (Safety and Traffic Management) Regulation 2000*.

42 Section 49A (5), definition of *correctly displayed*, paragraph (b)

substitute

- (b) in a way that its expiry date (and, for a parking ticket other than an all-day parking ticket, its expiry time) and the ticket parking area for which it is issued, are clearly visible from outside the vehicle.

43 Section 80 (1) (b)

substitute

- (b) for a parking ticket other than an RTA periodic ticket—the expiry time (expressed in hours and minutes);

44 Section 80 (1) (e)

omit

a prepaid ticket

insert

an RTA periodic ticket (except a ticket issued at a concessional price)

45 Section 80 (1), example 3

omit

a prepaid parking ticket

substitute

an RTA periodic ticket

46 New section 80 (3)

insert

(3) In this section:

RTA periodic ticket, for a ticket parking area, means a ticket issued by the road transport authority that is valid for parking in the area for a stated period of not less than 1 week.

Part 6 Road Transport (Vehicle Registration) Regulation 2000

47 Legislation amended—pt 6

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

Note The regulation is also amended in sch 1.

48 Section 32B

substitute

32B Deciding applications for registration—taxis

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

- (1) The road transport authority must refuse to approve an application for the 1st registration of the vehicle as a taxi if the vehicle is 6 years old or older.
- (2) The road transport authority must refuse to approve an application for the registration of a registrable vehicle as a taxi if—
 - (a) the vehicle is for use as a standard taxi; and
 - (b) any of the following applies:
 - (i) the vehicle has been used as a taxi for 6 years or more;
 - (ii) the vehicle is 8 years old or older;
 - (iii) the vehicle does not have seating for at least 4 adults (including the driver);
 - (iv) the vehicle does not have at least 4 doors.

- (3) The road transport authority must refuse to approve an application for the registration of a registrable vehicle as a taxi if—
- (a) the vehicle is for use as a single capacity wheelchair-accessible taxi; and
 - (b) either—
 - (i) the vehicle has been used as a taxi for 8 years or more; or
 - (ii) the vehicle is 10 years old or older.
- (4) The road transport authority must refuse to approve an application for the registration of a registrable vehicle as a taxi if—
- (a) the vehicle is for use as a dual capacity wheelchair-accessible taxi; and
 - (b) either—
 - (i) the vehicle has been used as a taxi for 10 years or more; or
 - (ii) the vehicle is 12 years old or older.
- (5) For this section, the age of a vehicle is measured from 6 months after the end of the month shown on the vehicle's compliance plate.
- (6) In this section:

dual capacity wheelchair-accessible taxi means a wheelchair-accessible taxi that can accommodate 2 or more wheelchairs.

single capacity wheelchair-accessible taxi means a wheelchair-accessible taxi that can accommodate 1 (but not more than 1) wheelchair.

standard taxi means a taxi that is not a wheelchair-accessible taxi.

taxi—see the *Road Transport (Public Passenger Services) Act 2001*, section 45.

wheelchair-accessible taxi—see the *Road Transport (Public Passenger Services) Regulation 2002*, dictionary.

Part 7 Legislation repealed

49 Legislation repealed

The following legislative instruments are repealed:

- *Road Transport (Offences) Application to Holiday Period Declaration 2007 (No 1)* (DI2007-245)
- *Road Transport (Public Passenger Services) Authorised Vehicle Declaration 2008 (No 2)* (NI2008-515)
- *Road Transport (Public Passenger Services) Authorised Vehicle Declaration 2006 (No 3)* (NI2006-80)
- *Road Transport (Public Passenger Services) Authorised Vehicle Declaration 2006 (No 9)* (NI2006-480)
- *Road Transport (Public Passenger Services) (Defined Rights Conditions) Determination 2006 (No 1)* (DI2006-44)
- *Road Transport (Public Passenger Services) (Defined Rights Conditions) Determination 2006 (No 2)* (DI2006-171)
- *Road Transport (Public Passenger Services) (Defined Rights Conditions) Determination 2007 (No 2)* (DI2007-237)
- *Road Transport (Public Passenger Services) Exemption 2005 (No 1)* (DI2005-28).

Schedule 1 Other amendments

Part 1.1 Road Transport (Driver Licensing) Regulation 2000

[1.1] Section 4, note 1

insert

- s 64B (Return of public vehicle driver authority)

[1.2] Section 4, note 1

insert

- s 88A (Public vehicle licence—licence taken to be cancelled if holder no longer eligible)
- s 88B (Public vehicle licence—holder to give information about visa status)

[1.3] Section 6 (1) and (2) and notes

substitute

- (1) A full licence may also be issued as, or may be varied to become also, a conditional licence, a public vehicle licence or both.
- (2) A learner, restricted, probationary or provisional licence may also be issued as, or may be varied to become also, a conditional licence.

Note **Conditional licence** and **public vehicle licence** are defined in the Act, dictionary as follows:

- **conditional licence** means an Australian driver licence that is subject to a condition imposed by the road transport authority or the licensing authority of another jurisdiction; and
- **public vehicle licence** means a driver licence that authorises the person to drive a public vehicle for hire or reward.

[1.4] Section 37A (3), notes 1 and 2

substitute

Note 1 Under s 68 (1) periods of licence suspension or disqualification are not counted and every other period when the person has, at any time, held a provisional car licence is counted.

Note 2 Under s 68 (2) any period when the person has, at any time, held a probationary car licence is also counted.

[1.5] Section 48 (1) (a), new note

insert

Note The classes of driver licence are set out in s 7.

[1.6] Section 59 (5)

omit

authorised officer

substitute

authorised person

[1.7] Section 62 (1)

substitute

- (1) A person is eligible to apply to the road transport authority for the issue of a full licence as, or the variation of a full licence to include, a public vehicle licence for a kind of public vehicle if the person—
 - (a) satisfies the eligibility requirements in subsection (3) for the public vehicle licence; or
 - (b) is exempted by the road transport authority under section 67 (Authority may exempt from certain eligibility requirements) from an eligibility requirement and satisfies the other eligibility requirements for the public vehicle licence.

[1.8] Section 62 (3) (c), new note

insert

Note For matters the road transport authority may have regard to, see s 70 (3).

[1.9] Section 63 (1)

substitute

- (1) Subsection (1A) applies if the road transport authority approves an application by a person for—
 - (a) the issue of a driver licence that includes a public vehicle licence for a kind of public vehicle; or
 - (b) the variation of a driver licence to include a public vehicle licence for a kind of public vehicle.
- (1A) The road transport authority must issue to the person a driver licence that includes a public vehicle licence for that kind of public vehicle.

[1.10] Section 67 (4)

omit

section 62 (3) (e)

substitute

section 62 (3) (f)

[1.11] Sections 74 (1), 75 (1) and 82

omit

section 89 (Procedure for issue of replacement driver licences)

substitute

section 89 (Procedure to replace driver licence or public vehicle driver authority card)

[1.12] Section 88A (4)

substitute

- (4) If a person's public vehicle licence is taken to be cancelled under this section, the person must return the licence, and the person's public vehicle driver authority card, as soon as practicable (but within 7 days) after the day the licence is taken to be cancelled, to the road transport authority.

Maximum penalty: 20 penalty units.

[1.13] Section 94A (5), definitions of *accredited taxi service operator* and *affiliated*

omit

[1.14] Section 100

omit

authorised officer

substitute

authorised person

Part 1.2 Road Transport (General) Regulation 2000

[1.15] Section 18 (b)

after

necessary

insert

or desirable

[1.16] Schedule 1, part 1.8, new item 36A

insert

36A	307 (5)	road transport authority—refuse to approve way of displaying driver authority card
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Part 1.3 Road Transport (Offences) Regulation 2005

[1.17] Section 8 (1) (e)

substitute

- (e) part 1.13 (Road Transport (Safety and Traffic Management) Regulation 2000), items 17 to 23, 28 to 36, 45, 46 and 56 to 63.

[1.18] Section 22 (1) (b) (i), new note

insert

Note *Public holiday* and *excluded public holiday* are defined in s (4).

[1.19] Section 22 (2)

omit

subsection (1) (f)

substitute

subsection (1) (b) (vi)

[1.20] Section 22 (3)

omit

subsection (1) (e)

substitute

subsection (1) (b) (v)

[1.21] Schedule 1, part 1.6, new item 21A

insert

21A	64B (2)	not return public vehicle driver authority card as required	20		
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[1.22] Schedule 1, part 1.6, item 25

substitute

25	75 (1)	not apply as required for replacement for damaged/lost/stolen/destroyed driver licence/public vehicle driver authority card	20	99	
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Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.23]

[1.23] Schedule 1, part 1.6, new items 30A and 30B

insert

30A	88A (4)	not return public vehicle licence to authority as required after licence taken to be cancelled	20		
30B	88B (2)	failing to give evidence of visa status to authority as required	10		

[1.24] Schedule 1, part 1.6, item 31

substitute

31	88A (4)	not return public vehicle licence/public vehicle driver authority card to authority as required after licence taken to be cancelled	20		
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[1.25] Schedule 1, part 1.11, new items 410A and 410B

insert

410A	307 (1)	public passenger vehicle driver—not display driver authority card as required	20	231	
410B	308 (1)	driver of public passenger vehicle—not produce driver authority card to police officer/authorised person on request	5	231	

Part 1.4 Road Transport (Public Passenger Services) Regulation 2002

[1.26] Section 4A, note 1

insert

- s 307 (1) (Driver authority card to be displayed or shown)
- s 308 (1) (Production of driver authority card)

[1.27] Section 9 (1) (e)

substitute

- (e) the applicant has not maintained a public passenger vehicle policy under the Act, section 111 (Public passenger vehicle insurance compulsory) for a public passenger vehicle operated by the person.

[1.28] Section 20A heading

substitute

20A Tour and charter services from interstate—Act, s 128 (1) (a)

[1.29] Section 83A (1) (b)

substitute

- (b) the vehicle for which the licence is to be issued is not a vehicle in relation to which, under the *Road Transport (Vehicle Registration) Regulation 2000*, section 32B (1) or (2) (Deciding applications for registration—taxis), the road transport authority must refuse to approve an application for registration as a taxi; and

[1.30] Section 83C (1) (b)

substitute

- (b) the vehicle for which the licence is to be issued is not a vehicle in relation to which, under the *Road Transport (Vehicle Registration) Regulation 2000*, section 32B (1) or (2) (Deciding applications for registration—taxis), the road transport authority must refuse to approve an application for registration as a taxi; and

[1.31] Section 83E (1) (b)

substitute

- (b) the vehicle for which the licence is to be issued is not a vehicle in relation to which, under the *Road Transport (Vehicle Registration) Regulation 2000*, section 32B (1), (3) or (4) (Deciding applications for registration—taxis), the road transport authority must refuse to approve an application for registration as a taxi; and

[1.32] Section 84B (2) (c)

substitute

- (c) for an application for the renewal of a wheelchair-accessible taxi licence—the vehicle for which the licence is to be renewed is not a vehicle in relation to which, under the *Road Transport (Vehicle Registration) Regulation 2000*, section 32B (1), (3) or (4) (Deciding applications for registration—taxis), the authority must refuse to approve an application for registration as a taxi.

[1.33] Section 99 (2), new penalty

insert

Maximum penalty: 10 penalty units.

[1.34] Section 109 (3) (e)

omit

public vehicle policy

substitute

public passenger vehicle policy

[1.35] Section 142A heading

substitute

142A Exemption from operation of taximeter and metered fares for certain hirings—Act, s 128 (1) (a)

[1.36] Section 163 heading

substitute

163 Exemption of certain taxis—Act, s 128 (1) (a)

[1.37] Section 164 heading

substitute

164 Exemption of certain wheelchair-accessible taxis—Act, s 128 (1) (a)

[1.38] Section 177C (1) (b) (ii)

omit

public vehicle policy

substitute

public passenger vehicle policy

[1.39] Section 221 heading

substitute

**221 Authorisation for vehicles for other purposes—
Act, s 128 (1) (b)**

[1.40] Section 321 (1) (e)

substitute

- (e) the person has not maintained a public passenger vehicle policy under the Act, section 111 (Public passenger vehicle insurance compulsory) for a public passenger vehicle operated by the person; or

[1.41] Section 500 heading

substitute

500 Exemption of certain small buses—Act, s 128 (1) (a)

[1.42] Schedule 1, part 1.1, paragraph 1 (g) (xi)

substitute

- (xi) systems for ensuring compliance with the Act, section 111 (Public passenger vehicle insurance compulsory).

[1.43] Schedule 1, part 1.4, paragraph 4 (g) (x)

substitute

- (x) systems for ensuring compliance with the Act, section 111 (Public passenger vehicle insurance compulsory).

[1.44] Schedule 1, part 1.5, paragraph 5 (g)

substitute

- (g) systems for ensuring compliance with the Act, section 111 (Public passenger vehicle insurance compulsory).

[1.45] Schedule 1, part 1.6, paragraph 6 (g) (xii)

substitute

- (xii) systems for ensuring compliance with the Act, section 111 (Public passenger vehicle insurance compulsory).

[1.46] Dictionary, definition of *authorised fixed-fare hiring*

omit

Act, s 65 (1)

substitute

Act, s 128 (1) (a)

[1.47] Dictionary, new definition

insert

driver authority card, for chapter 7 (Driver authority cards)—see section 306.

[1.48] Dictionary, new definition

insert

public passenger vehicle policy—see the Act, section 110 (Definitions—pt 8A).

[1.49] Dictionary, definition of *public vehicle policy*

omit

Part 1.5 Road Transport (Vehicle Registration) Regulation 2000

[1.50] Section 7(1)

omit

section 84 (1)

substitute

section 84

[1.51] Section 26 (1) (b)

omit

the *Road Transport (General) Act 1999*, part 10 (Compulsory vehicle insurance)

substitute

the *Road Transport (Third-Party Insurance) Act 2008*, chapter 2 (Compulsory third-party insurance (CTP insurance))

[1.52] Section 84 (2) and note

omit

[1.53] Section 85 (5) (d)

omit

section 84 (1) (g)

substitute

section 84 (g)

[1.54] Schedule 1, division 1.5.3 heading

substitute

**Division 1.5.3 Additional requirements for public
passenger vehicles**

Endnotes

1 Notification

Notified under the Legislation Act on 16 March 2010.

2 Republications of amended laws

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