

EXPOSURE DRAFT

Chief Minister

(Prepared by Parliamentary Counsel's Office)

Road Transport (Public Passenger Services) (Taxi Industry Innovation) Amendment Regulation 2016 (No)

Subordinate Law SL2016-

The Australian Capital Territory Executive makes the following regulation under the *Road Transport (Public Passenger Services) Act 2001*.

Dated 2016.

Minister

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EXPOSURE DRAFT

1 Name of regulation

This regulation is the *Road Transport (Public Passenger Services) (Taxi Industry Innovation) Amendment Regulation 2016 (No)*.

2 Commencement

This regulation commences on the commencement of the *Road Transport (Public Passenger Services) (Taxi Industry Innovation) Amendment Act 2015*, section 3.

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 amends other legislation (see sch 1).

4 Section 4A, note 1

substitute

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 18C (Regulated service must comply with service standards)
- s 23 (Notification of changes to bus fleet)
- s 24 (Notifiable incidents involving buses)
- s 26 (Bus drivers to hold appropriate driver licence or authority)
- s 27 (Records of bus drivers etc to be maintained by accredited operator)

- s 27A (Accredited operator to tell road transport authority about records of bus drivers etc)
- s 30B (Airconditioning of buses)
- s 30C (Bus service vehicle livery)
- s 30D (Offensive material etc in or on buses)
- s 30E (Compliance with dress code of practice)
- s 34 (Effect of noncompliance notices—bus operators)
- s 40 (Responsibility of bus drivers for lost property)
- s 42 (Dress and conduct of bus drivers)
- s 45 (Effect of noncompliance notices—bus drivers)
- s 53 (Bus seats for older people and people with disabilities)
- s 67 (Lost property found by bus passengers)
- a provision of ch 3A (Transport booking services)
- a provision of pt 4.2 (Taxi licences)
- s 94 (Taxi service operator—must tell authority about affiliation)
- s 95 (Taxis to be fitted with complying taximeters)
- s 97 (Taxi drivers to hold appropriate driver licence or authority)
- s 99 (Records of taxi drivers etc to be maintained by accredited operator)
- s 101A (Wheelchair-accessible taxi operator to have equipment and arrangements with WCBS)
- s 101B (Wheelchair-accessible taxi operator to comply with WTBS's approved procedures and rules)
- s 106 (Taxi must have approved signs and livery)
- s 114 (Wheelchair-accessible taxi driver—special responsibilities)
- s 115 (Wheelchair-accessible taxi driver—connection to WTB)
- s 116 (Wheelchair-accessible taxi driver—WTBS procedures and rules)
- s 143 (Driver not to start taximeter before hiring begins)
- s 143A (When driver must start taximeter)
- s 143B (Operation of taximeter during hiring)
- 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 (Wheelchair-accessible taxis—taxi subsidy scheme)
- s 145A (Taxi driver—no extra payments for *taxi hirings*)
- s 159 (Interference with electronic equipment in taxis)
- a provision of ch 4A (Ridesharing)
- a provision of ch 5 (Hire cars)
- a provision of ch 5A (Bookable vehicles (taxis, rideshare vehicles and hire cars))
- a provision of ch 6 (Demand responsive services)
- a provision of ch 7 (Driver authority cards)
- a provision of ch 8 (Disciplinary action).

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*).

5 New section 4B

in chapter 1, insert

4B Meaning of *relevant person* for an application

In this regulation:

relevant person, for an application, means—

- (a) if the applicant is an individual—the applicant; or
- (b) if the applicant is a corporation—each executive officer of the corporation.

6 Chapter 2 heading

substitute

Chapter 2 Accreditation of public passenger service operators and transport booking services

7 Section 5 (2) and (3)

substitute

- (2) The road transport authority may accredit people to operate transport booking services.
 - (3) The road transport authority may accredit people to operate the following kinds of taxi services:
 - (a) a standard taxi service;
 - (b) a wheelchair-accessible taxi service.
- Note* **Standard taxi**—see s 81.
 Wheelchair-accessible taxi—see s 82.
- (3A) The road transport authority may accredit people to operate ridesharing services.

8 New section 5A

in part 2.1, insert

5A Meaning of *regulated service*—ch 2

In this chapter:

regulated service means—

- (a) a bus service; or
- (b) a transport booking service; or
- (c) a taxi service; or
- (d) a ridesharing service; or
- (e) a hire car service; or
- (f) a restricted hire car service; or
- (g) a demand responsive service.

9 Sections 6 to 6B

substitute

6B Meaning of *relevant person* for an application for accreditation

In this regulation:

relevant person, for an application for accreditation (including renewal) by a person or an accreditation held by a person, includes, if the person is an individual, anyone who is concerned with, or takes part in, the management of the regulated service to which the application or accreditation relates.

10 Section 7 (1), note

substitute

Note 1 If a form is approved under the *Road Transport (General) Act 1999*, s 225 for an application, the form must be used.

Note 2 A fee may be determined under the *Road Transport (General) Act 1999*, s 96 for an application.

11 Section 7 (2)

substitute

- (2) The application must—
- (a) be in writing; and
 - (b) state—
 - (i) the applicant's full name; and
 - (ii) the kind of accreditation for the application; and
 - (iii) an Australian address for service of notices; and

- (c) include 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.

12 Section 7 (5)

omit

13 Section 8 (1)

substitute

- (1) The road transport authority must refuse an application for accreditation (including renewal) if—
- (a) if the applicant is an individual—the applicant is not—
 - (i) an Australian citizen; or
 - (ii) a permanent resident; or
 - (iii) a temporary resident who holds a visa that allows the person to hold the accreditation; or
 - (b) the authority believes on reasonable grounds that the applicant is not a suitable person to operate the kind or size of regulated service to which the application relates.

14 Section 8 (2) (c)

omit

15 Section 9 (1) (b)

substitute

- (b) the person has contravened a service standard for the operation of the regulated service for the accreditation; or

16 Section 12 (1)

substitute

- (1) If the road transport authority accredits a person to operate a regulated service, the authority must give the person a certificate of accreditation.

17 New section 12 (2) (ca)

insert

- (ca) the address for service of notices; and

18 Section 12 (4)

substitute

- (4) The maximum period the road transport authority may accredit a person (including renew an accreditation) to operate a regulated service is 6 years.

19 Sections 13 and 13A

omit

20 Section 14 (1) (c)

omit

21 Section 14 (1), example 5

substitute

- 5 A change of address for service or notices.

22 Section 18B

substitute

18B Service standards for regulated services

- (1) The road transport authority must approve service standards (the *service standards*) for the operation of a regulated service.
- (2) The service standards for a regulated service—
 - (a) must include standards for the matters 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 Power to make a statutory instrument includes power to make different provision in relation to different matters or different classes of matters, and to make an instrument that applies differently by reference to stated exceptions or factors (see [Legislation Act](#), s 48).

- (3) The service standards for a regulated service may include standards about monitoring an accredited operator's compliance with the 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.

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 is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

18C Regulated service must comply with service standards

- (1) A person commits an offence if the person—
- (a) operates a regulated service; and
 - (b) fails to comply with a service standard for the regulated service.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if—
- (a) the person holds a licence to use a vehicle for a regulated service; and
 - (b) the vehicle is used to operate a regulated service; and
 - (c) the vehicle fails to comply with a service standard for the regulated service.

Maximum penalty: 20 penalty units.

23 Section 19 (1)

after

accreditation

insert

(approved educational qualifications)

24 Section 20

omit

taxi network

substitute

transport booking service

25 New division 3.1.1A

before division 3.1.1, insert

Division 3.1.1A Definitions

20B Meaning of *bus* and *bus driver*

In this regulation:

bus means a public bus.

Note **Public bus**—see the [Act](#), s 10A.

bus driver means the driver of a bus.

26 Section 28 (1) (a)

omit

4 years

substitute

2 years

27 Sections 30 and 30A

omit

28 Section 33

omit

29 New section 45A

in part 3.2, insert

45A Meaning of *bus ticket*—pt 3.2

In this part:

bus ticket, for a bus, means anything issued by or on behalf of the accredited operator of a bus service for the purpose of authorising a person to travel in a bus operated for the service.

30 Section 46 (2), note

omit

31 New chapter 3A

insert

Chapter 3A Transport booking services

Part 3A.1 Transport booking services—generally

Note Some taxi drivers and taxi service operators must be affiliated with a transport booking service (see [Act](#), s 36E). All rideshare drivers must be affiliated with a transport booking service (see [Act](#), s 36F). Hire car drivers and hire care service operators may be affiliated with a transport booking service.

70A Transport booking service—must ensure bookable vehicle licensed and insured

- (1) A person commits an offence if the person—
- (a) is a transport booking service other than a WTBS; and
 - (b) does not take reasonable steps to ensure that each—
 - (i) taxi to be used by an affiliated taxi driver is a licensed taxi; and
 - (ii) vehicle to be used by an affiliated rideshare driver for a rideshare is a licensed rideshare vehicle; and
 - (iii) hire car to be used by an affiliated hire car driver is a licensed hire car.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if the person—
- (a) is a transport booking service other than a WTBS; and
 - (b) does not take reasonable steps to ensure that a public passenger vehicle policy is in force for each bookable vehicle to be used by an affiliated driver.

Maximum penalty: 20 penalty units.

- (3) In this section:

affiliated hire car driver, for a transport booking service, means a hire car driver who is—

- (a) an affiliated driver for the transport booking service; or
- (b) a driver for an affiliated operator for the transport booking service.

affiliated taxi driver, for a transport booking service, means a taxi driver who is—

- (a) an affiliated driver for the transport booking service; or
- (b) a driver for an affiliated operator for the transport booking service.

70B Transport booking service—must be available to take taxi and rideshare bookings

- (1) A person commits an offence if the person—
 - (a) is a transport booking service other than a WTBS; and
 - (b) has affiliated taxi drivers; and
 - (c) does not take reasonable steps to ensure that the booking service is available at all times to—
 - (i) accept bookings from people for taxis; and
 - (ii) communicate the bookings to affiliated taxi drivers.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if the person—
 - (a) is a transport booking service other than a WTBS; and
 - (b) has affiliated rideshare drivers; and
 - (c) does not take reasonable steps to ensure that the booking service is available at all times to—
 - (i) accept bookings from people for rideshare vehicles; and
 - (ii) communicate the bookings to affiliated rideshare drivers.

Maximum penalty: 20 penalty units.

70C Transport booking service—must give fare estimate and vehicle identifier

- (1) A person commits an offence if the person—
- (a) is a transport booking service; and
 - (b) communicates a hirer’s booking to a bookable vehicle driver; and
 - (c) does not make available to the hirer, before the hiring begins—
 - (i) an estimate of the fare for the booked journey; and
 - (ii) sufficient information for the hirer to identify the bookable vehicle and the bookable vehicle driver for the booked journey.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) (c) (i) does not apply if the Minister has determined a maximum fare, or a way of calculating a maximum fare, for the booked journey.

Note The Minister may determine fares, and ways of calculating fares, for taxis (see [Act](#), s 60), for ridesharing (see [Act](#), s 60Q) and hire cars (see [Act](#), s 79A).

Part 3A.2 Transport booking services— fares, fees and other payments

70D Definitions

In this regulation:

declared state of alert means a state of alert declared under the *Emergencies Act 2004*, section 151.

declared state of emergency means a state of emergency declared under the *Emergencies Act 2004*, section 156.

jump-the-queue fee, for a bookable vehicle booking, means a fee payable by a passenger, in addition to the fare, for the passenger to be the next passenger picked up by the bookable vehicle driver, ahead of the driver's existing bookings.

surge pricing, for ridesharing, means the practice of increasing rideshare fares during times of high demand for ridesharing.

up-front tip, for a bookable vehicle booking, means an amount paid by a passenger to a transport booking service, a bookable vehicle driver or both, in addition to the fare, for the passenger to be picked up sooner than would happen in the ordinary course of bookings.

70E Transport booking service—no extra payments for taxi bookings

- (1) A person commits an offence if—
 - (a) the person is a transport booking service; and
 - (b) the booking service accepts—
 - (i) a jump-the-queue fee for a taxi booking; or

- (ii) an up-front tip for a taxi booking.

Maximum penalty: 20 penalty units.

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

70F Transport booking service—rideshare pricing during emergencies

- (1) A person commits an offence if—
 - (a) the person is a transport booking service; and
 - (b) the booking service—
 - (i) applies surge pricing for a rideshare; or
 - (ii) accepts a jump-the-queue fee for a rideshare; or
 - (iii) accepts an up-front tip for a rideshare; and
 - (c) a declared state of alert, or declared state of emergency, is in force for all or part of the ACT.

Maximum penalty: 20 penalty units.

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

Part 3A.3 Transport booking services—records

70G Meaning of *affiliated driver record*—pt 3A.3

- (1) In this part:

affiliated driver record means a record of the following details for the driver:

- (a) the affiliated driver's full name, home address and date of birth;
- (b) the affiliated driver's prescribed driver authority information;

Note Prescribed driver authority information—see the dictionary.

- (c) for an affiliated taxi driver—whether the affiliated driver has successfully completed an approved wheelchair-accessible taxi driver training course or has been exempted by the road transport authority under section 160 (Authority may exempt wheelchair-accessible taxi drivers from approved training course) from the requirement to successfully complete the course;
- (d) the registration number of the bookable vehicle used by the affiliated driver to carry out each booking.

Note Taxi drivers must be affiliated drivers unless their taxi service operator is an affiliated operator or an independent taxi service operator (see [Act](#), s 36E).
Rideshare drivers must be affiliated drivers (see [Act](#), s 36F).
Hire car drivers may be affiliated drivers.

- (2) In this section:

affiliated driver, for a transport booking service, includes a driver for an affiliated operator for the transport booking service.

affiliated taxi driver, for a transport booking service, means a taxi driver who is—

- (a) an affiliated driver for the transport booking service; or
- (b) a driver for an affiliated operator for the transport booking service.

70H Meaning of *affiliated operator record*—pt 3A.3

In this part:

affiliated operator record, for an affiliated operator for a transport booking service, means a record of the following details for the operator:

- (a) the operator's full name and home address;
- (b) the operator's ABN (if any);
- (c) if the operator is—
 - (i) an individual—the operator's date of birth; or
 - (ii) a corporation—the operator's ACN;
- (d) the operator's accreditation number;
- (e) the kind of public passenger service the operator is accredited to operate;
- (f) the expiry date of the accreditation;
- (g) the registration numbers of the bookable vehicles used by the operator to operate the public passenger service via the transport booking service.

Note Taxi service operators must be affiliated operators unless they are an independent taxi service operator (see [Act](#), s 36E). Hire car service operators may be affiliated operators.

70I Transport booking service—affiliated driver records

- (1) A person commits an offence if the person—
- (a) is a transport booking service; and
 - (b) does not—
 - (i) keep a register of affiliated drivers (an *affiliated drivers register*) containing an affiliated driver record for each affiliated driver for the transport booking service; and
 - (ii) take reasonable steps to ensure each affiliated driver record in the register is up-to-date.

Maximum penalty: 10 penalty units.

- (2) A person commits an offence if the person—
- (a) is or has been a transport booking service; and
 - (b) does not keep each affiliated driver record for at least 1 year after the last date on which the driver carried out a booking via the transport booking service.

Maximum penalty: 10 penalty units.

- (3) A person commits an offence if the person—
- (a) is or has been a transport booking service; and
 - (b) does not provide the affiliated drivers register, or an affiliated driver record in the register, on request, to—
 - (i) the road transport authority; or
 - (ii) a police officer; or
 - (iii) a member of an emergency service.

Maximum penalty: 10 penalty units.

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

70J Transport booking service—affiliated operators register

- (1) A person commits an offence if the person—
- (a) is a transport booking service; and
 - (b) does not—
 - (i) keep a register of affiliated operators (an *affiliated operators register*) containing an affiliated operator record for each affiliated operator for the transport booking service; and
 - (ii) take reasonable steps to ensure each affiliated operator record in the register is up-to-date.

Maximum penalty: 10 penalty units.

- (2) A person commits an offence if the person—
- (a) is or has been a transport booking service; and
 - (b) does not keep each affiliated operator record for at least 1 year after the last date on which a driver for the operator carried out a booking via the transport booking service.

Maximum penalty: 10 penalty units.

- (3) A person commits an offence if the person—
- (a) is or has been a transport booking service; and
 - (b) does not provide the affiliated operators register, or an affiliated operator record in the register, on request, to—
 - (i) the road transport authority; or
 - (ii) a police officer; or

- (iii) a member of an emergency service.

Maximum penalty: 10 penalty units.

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

70K Road transport authority may share information about affiliated drivers and affiliated operators

- (1) If a transport booking service has given the road transport authority an affiliated driver record, the road transport authority may tell the transport booking service the following matters about the driver:

- (a) any change in the prescribed driver authority information for the driver;

Note **Prescribed driver authority information**—see the dictionary.

- (b) the suspension or cancellation of any public vehicle licence held by the driver;

- (c) the ending of any exemption for the driver 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)).

- (2) If a transport booking service has given the road transport authority an affiliated operator record, the road transport authority may tell the transport booking service the following matters about the affiliated operator:

- (a) the suspension or cancellation of the operator’s accreditation;
- (b) the suspension or cancellation of any taxi licence or hire car licence held by the operator.

70L Transport booking service—bookable vehicle register

- (1) A person commits an offence if the person—
- (a) is a transport booking service; and
 - (b) does not—
 - (i) keep a register of bookable vehicles (a *bookable vehicles register*) containing a bookable vehicle record for each bookable vehicle used by a bookable vehicle driver to carry out a booking via the transport booking service; and
 - (ii) take reasonable steps to ensure each bookable vehicle record in the register is up-to-date.

Maximum penalty: 10 penalty units.

- (2) A person commits an offence if the person—
- (a) is or has been a transport booking service; and
 - (b) does not keep each bookable vehicle record in the bookable vehicles register for at least 1 year after the last date on which a bookable vehicle driver used the vehicle to carry out a booking via the transport booking service.

Maximum penalty: 10 penalty units.

- (3) A person commits an offence if the person—
- (a) is or has been a transport booking service; and
 - (b) does not provide the bookable vehicles register, or a bookable vehicle record, on request, to—
 - (i) the road transport authority; or
 - (ii) a police officer; or

(iii) a member of an emergency service.

Maximum penalty: 10 penalty units.

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

(5) In this section:

bookable vehicle record, for a bookable vehicle used to operate a public passenger service via a transport booking service, means a record of the following details for the vehicle:

- (a) the vehicle's registration number;
- (b) the vehicle's public passenger vehicle licence number;
- (c) the expiry date of the public passenger vehicle licence;
- (d) the name of each affiliated driver and affiliated operator who uses the vehicle to operate a public passenger service via the transport booking service.

70M Transport booking service—booking records

(1) A person commits an offence if the person—

- (a) is a transport booking service; and
- (b) does not make a booking record for each booking made via the transport booking service.

Maximum penalty: 10 penalty units.

(2) A person commits an offence if the person—

- (a) is or has been a transport booking service; and

- (b) does not keep each booking record for at least 1 year after the date the booking was carried out.

Maximum penalty: 10 penalty units.

- (3) A person commits an offence if the person—
 - (a) is or has been a transport booking service; and
 - (b) does not provide a booking record, on request, to—
 - (i) the road transport authority; or
 - (ii) a police officer; or
 - (iii) a member of an emergency service.

Maximum penalty: 10 penalty units.

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

booking record, for a booking made via a transport booking service, means a record of the following details for the booking:

- (a) the name or driver number of the bookable vehicle driver;
- (b) the registration number of the bookable vehicle;
- (c) the name or passenger number of the passenger;
- (d) when each passenger was picked up and dropped off;
- (e) where each passenger was picked up and dropped off;
- (f) the fare paid.

driver number, for an affiliated driver for a transport booking service, means a unique identifying number given to the driver by the booking service.

passenger number, for a passenger for a transport booking service, means a unique identifying number given to the passenger by the booking service.

Part 3A.4 Transport booking services— wheelchair-accessible taxis

Division 3A.4.1 Wheelchair-accessible taxi hirings

70N Transport booking service—must direct wheelchair-accessible taxi booking to WTBS

- (1) A person commits an offence if—
 - (a) the person is a transport booking service other than a WTBS; and
 - (b) someone requests a wheelchair-accessible taxi booking via the transport booking service; and
 - (c) the booking is for a wheelchair-dependent person; and
 - (d) there is a WTBS operating in the Territory; and
 - (e) the person fails to, without delay, direct the booking request to a WTBS.

Maximum penalty: 10 penalty units.

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

700 Transport booking service—must direct driver to accept wheelchair-accessible taxi hiring

- (1) A person commits an offence if—
 - (a) the person is a transport booking service; and
 - (b) someone requests a wheelchair-accessible taxi booking via the transport booking service; and
 - (c) the booking is for a wheelchair-dependent person; and
 - (d) there is no WTBS operating in the Territory; and
 - (e) a wheelchair-accessible taxi operated by an affiliated driver or affiliated operator is available for hire; and
 - (f) the taxi's driver does not accept an offer of the booking; and
 - (g) the person fails to, without delay, direct the driver to accept the booking.

Maximum penalty: 10 penalty units.

Note It is an offence for a driver of a wheelchair-accessible taxi to not comply with the direction (see s 114 (2)).

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

70P Transport booking service—must give estimated arrival time for wheelchair-accessible taxis

- (1) A person commits an offence if—
 - (a) the person is a transport booking service; and
 - (b) someone (a *passenger*) books a wheelchair-accessible taxi through the transport booking service; and

- (c) the transport booking service fails to, without delay, tell the passenger the estimated time when, or period within which, the taxi will arrive at the place where the taxi is to pick up the passenger.

Maximum penalty: 10 penalty units.

Note If a WTBS is operating in the Territory, the transport booking service must direct any request for a wheelchair-accessible taxi booking to a WTBS (see s 70N).

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

Division 3A.4.2 Wheelchair-accessible taxi booking services (WTBSs)

70Q Meaning of *wheelchair-accessible taxi booking service (WTBS)*

In this regulation:

wheelchair-accessible taxi booking service (WTBS) means a transport booking service that accepts bookings only for wheelchair-accessible taxis for wheelchair-dependent people.

Note *Transport booking service*—see the [Act](#), s 28.
Wheelchair-accessible taxi—see s 82.
Wheelchair-dependent person—see dictionary.

70R WTBS—service contracts

- (1) The road transport authority may, on behalf of the Territory, enter into a contract (a *service contract*) with a person (the *WTBS operator*) for the person to operate a WTBS.
- (2) A service contract must state whether the right given under the contract to operate a WTBS is an exclusive right to operate the service.
- (3) A service contract may make provision in relation to the operation of a WTBS and the administration of the contract, including, for example—
 - (a) service requirements under the contract; and

Examples

- 1 communication options required to meet customer needs
- 2 procedures to deal with failure of technical equipment
- 3 recording and resolution of customer complaints

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).

- (b) the transfer, suspension, cancellation and surrender of the contract; and
- (c) the fees (if any) payable under the contract; and
- (d) the adjustment of payments and refunds in relation to any contract fees; and
- (e) financial or other remedies for breaches of the contract; and
- (f) the records (including accounts) to be made and kept, how they are to be made and kept, and their inspection; and

- (g) the provision of information and reports to the road transport authority about the WTBS and the verification of the information and reports.
- (4) Subsection (3) does not limit the matters about which a service contract may make provision.

70S WTBS—entitlement to operate

A person is entitled to operate a WTBS in the ACT only if the person holds a service contract for the service.

70T WTBS—must not operate without entitlement

- (1) A person commits an offence if the person—
 - (a) operates a WTBS in the ACT; and
 - (b) is not entitled under section 70S to operate the service.Maximum penalty: 20 penalty units.
- (2) An offence against this section is a strict liability offence.

70U WTBS—exemption for WTBS operators—Act, s 128 (1) (b)

- (1) The road transport authority may exempt a WTBS operator from the following provisions:
 - (a) the [Act](#), section 32 (Transport booking service must be accredited);
 - (b) the [Act](#), section 36G (Transport booking service—responsibilities).

- (2) An exemption is subject to the condition that the WTBS operator does not breach the WTBS operator's service contract.

Note An exemption may be subject to other conditions stated in the exemption (see [Act](#), s 128 (2)).

- (3) The road transport authority may end an exemption if it is satisfied on reasonable grounds that the WTBS operator—

- (a) is in breach of a condition of the exemption; or
- (b) has failed to comply with a requirement of the road transport legislation (other than the legislation mentioned in subsection (1)).

Note 1 **Road transport legislation**—see the [Road Transport \(General\) Act 1999](#), s 6.

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any notifiable instruments (see [Legislation Act](#), s 104).

- (4) If the road transport authority decides to end an exemption, the authority must give the WTBS operator written notice stating—

- (a) that the authority has decided to end the exemption; and
- (b) the grounds for ending the exemption; and
- (c) when the exemption ends; and
- (d) any additional information the road transport authority considers appropriate.

Note 1 For how documents may be given, see the [Legislation Act](#), pt 19.5.

Note 2 For when a posted notice is taken to be given, see the [Road Transport \(General\) Regulation 2000](#), s 9B.

70V WTBS—approval of procedures and rules

- (1) The road transport authority may approve a WTBS's procedures and rules for wheelchair-accessible taxi drivers (the *WTBS's approved procedures and rules*).
- (2) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

70W WTBS—directing driver to accept wheelchair-accessible taxi hiring

- (1) A person commits an offence if—
 - (a) the person is a WTBS; and
 - (b) someone requests a wheelchair-accessible taxi booking through a WTBS; and
 - (c) the booking is for a wheelchair-dependent person; and
 - (d) a wheelchair-accessible taxi is available for hire; and
 - (e) the taxi's driver does not accept an offer of the booking; and
 - (f) the person fails to, without delay, direct the driver to accept the booking.

Maximum penalty: 10 penalty units.

Note It is an offence for a driver of a wheelchair-accessible taxi to not comply with the direction (see s 114 (2)).

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

70X WTBS—giving estimated arrival time for wheelchair-accessible taxis

- (1) A person commits an offence if—
 - (a) the person is a WTBS; and
 - (b) someone (a *passenger*) books a wheelchair-accessible taxi through the WTBS; and
 - (c) the WTBS fails to, without delay, tell the passenger the estimated time when, or period within which, the taxi will arrive at the place where the taxi is to pick up the passenger.

Maximum penalty: 10 penalty units.

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

32 Parts 4.1 to 4.2

substitute

Part 4.1 Independent taxi service operators

Note 1 **Independent taxi service operator**—see the [Act](#), dictionary.

Note 2 A person commits an offence if the person operates a taxi service and is not either an affiliated operator for a transport booking service or an independent taxi service operator (see [Act](#), s 36E).

71 Independent taxi service operator—application for approval

An accredited operator of a taxi service may apply to the road transport authority for approval as an independent taxi service operator (an *independent taxi service operator approval*).

Note 1 If a form is approved under the *Road Transport (General) Act 1999*, s 225 for an application, the form must be used.

Note 2 A fee for the application may be determined under the *Road Transport (General) Act 1999*, s 96.

72 Independent taxi service operator—eligibility criteria

- (1) The road transport authority may approve eligibility criteria (*approved eligibility criteria*) for an independent taxi service operator approval.
- (2) An approval of eligibility criteria is a notifiable instrument.

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

73 Independent taxi service operator approval—decision on application

- (1) This section applies if the road transport authority receives an application for an independent taxi service operator approval.
- (2) The road transport authority may issue the approval to the applicant only if satisfied that the applicant—
 - (a) meets any approved eligibility criteria; and
 - (b) complies with the service standards for independent taxi services.
- (3) The road transport authority must give the applicant written notice of its decision on the application.

74 Independent taxi service operator approval—conditions

An independent taxi service operator approval is subject to the condition that the operator complies with the service standards for independent taxi services.

75 Independent taxi service operator approval—term

- (1) An independent taxi service operator approval comes into force on the day it is issued.
- (2) The road transport authority must not issue an independent taxi service operator approval for longer than 6 years.
- (3) An independent taxi service operator approval expires on the day stated in the approval.

76 Independent taxi service operator approval—not transferable

An independent taxi service operator approval is not transferable.

77 Independent taxi service operator approval—application for renewal

- (1) An independent taxi service operator approval-holder may apply to the road transport authority to renew the approval for a period not longer than 6 years.

Note 1 If a form is approved under the *Road Transport (General) Act 1999*, s 225 for an application, the form must be used.

Note 2 A fee for the application may be determined under the *Road Transport (General) Act 1999*, s 96.

- (2) The application must be—
 - (a) in writing; and

(b) made at least 14 days before the approval expires.

- (3) However, the authority may extend the time for making an application.

Note An approval-holder may apply to the road transport authority for the time to be extended, and the road transport authority may extend the time, even though the time has ended (see [Legislation Act](#), s 151C).

- (4) If an approval-holder applies to renew the approval under this section, the approval remains in force until the application is decided.

78 Independent taxi service operator approval—decision on application for renewal

- (1) This section applies if the road transport authority receives an application for renewal of an independent taxi service operator approval under section 77.
- (2) The authority may renew the approval only if satisfied that the approval-holder continues to—
- (a) meet any approved eligibility criteria; and
 - (b) comply with the service standards for independent taxi services.
- (3) The road transport authority may refuse to renew the approval if—
- (a) the authority believes on reasonable grounds that the approval-holder has contravened a condition of the approval; or

- (b) any accreditation under the Act held by the approval-holder is suspended under chapter 8 (Disciplinary action).

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).

- (4) If the authority decides to renew the approval, the authority may impose or amend a condition on the approval.
- (5) The authority must, not later than 28 days after the day the authority receives the application—
 - (a) decide the application for renewal; and
 - (b) tell the approval-holder about the decision.

Note Failure to renew an approval within the required time is taken to be a decision not to renew the approval (see [ACT Civil and Administrative Tribunal Act 2008](#), s 12).

79 Independent taxi service operator approval—replacing when lost, stolen or destroyed

- (1) The road transport authority may issue a replacement independent taxi service operator approval to an approval-holder if satisfied the approval-holder's original approval has been lost, stolen or destroyed.

- (2) For subsection (1), the road transport authority may require the approval-holder to give the authority a statutory declaration, signed by the approval-holder, stating that the original approval 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 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see *Criminal Code*, pt 3.4).

Note 3 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

80 Independent taxi service operator approval—surrender

- (1) An independent taxi service operator approval-holder may surrender the approval by giving written notice of the surrender (a *surrender notice*) to the road transport authority.
- (2) The surrender notice must be accompanied by—
- (a) the approval; or
 - (b) if the approval has been lost, stolen or destroyed—a statutory declaration signed by the approval-holder stating that the approval has been lost, stolen or destroyed.

Note 1 If a form is approved under the *Road Transport (General) Act 1999*, s 225 for this provision, the form must be used.

Note 2 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see *Criminal Code*, pt 3.4).

Note 3 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

Part 4.2 Taxi licences

Division 4.2.1 Kinds of taxis and taxi licences

Note In addition to the taxi licences mentioned in this division, there are 2 other kinds of taxi licences that may be operating in the ACT. Transferable leased taxi licences and licences issued for an unlimited term (known as perpetual licences) are no longer issued by the road transport authority but, if still operating, continue to be subject to the requirements of this regulation. For example, those licences are subject to the provisions about amendment and surrender in div 4.2.3.

81 Meaning of *standard taxi* and *standard taxi licence*— pt 4.2

In this part:

standard taxi means a taxi other than a wheelchair-accessible taxi.

standard taxi licence means a taxi licence to use a vehicle as a standard taxi.

82 Meaning of *wheelchair-accessible taxi* and *wheelchair-accessible taxi licence*

In this regulation:

wheelchair-accessible taxi means a taxi with wheelchair access.

wheelchair-accessible taxi licence means a taxi licence to use a vehicle as a wheelchair-accessible taxi.

Division 4.2.2 Issue of standard taxi licences and wheelchair-accessible taxi licences

83 Meaning of *pre-approval* for a taxi licence—pt 4.2

In this part:

pre-approval, for a taxi licence, means a pre-approval issued under section 86 (Pre-approval—decision on application).

Note A pre-approval for a taxi licence gives the pre-approval holder—

- (a) a position on the taxi licence waiting list (see s 84); and
- (b) if the pre-approval is at the top of the waiting list and a taxi licence of the right kind becomes available—the opportunity to apply for the taxi licence (see s 92A).

84 Taxi licence waiting list

- (1) The road transport authority must keep a list of pre-approval holders, in order of when their application for pre-approval was received by the authority (the *taxi licence waiting list*).
- (2) The road transport authority must add a pre-approval holder to the taxi licence waiting list as soon as possible after the pre-approval is issued under section 86 (Pre-approval—decision on application).
- (3) The road transport authority must remove a pre-approval holder from the taxi licence waiting list if—
 - (a) the pre-approval expires under—
 - (i) section 92 (3) (Taxi licence—notification of availability);
 - or

- (ii) section 92A (Taxi licence—application); or

Note A pre-approval expires under s 92 if the pre-approval is at the top of the waiting list, a taxi licence of the right kind becomes available, and the pre-approval holder does not apply for the taxi licence.

A pre-approval expires under s 92A if the pre-approval holder applies for a taxi licence and the road transport authority receives the application.

- (b) the pre-approval is surrendered under section 90 (Pre-approval—surrender).
- (4) The taxi licence waiting list may be kept in any form, including electronically, that the road transport authority decides.
 - (5) The taxi licence waiting list may form part of the pre-approval register.

Note *Pre-approval register*—see s 91.

85 Pre-approval—application

- (1) A person may apply to the road transport authority for pre-approval for a taxi licence.
- (2) The application must—
 - (a) be in writing; and
 - (b) state, for each relevant person for the application—
 - (i) the person's name; and
 - (ii) the person's date of birth; and
 - (iii) whether the person is—
 - (A) an Australian citizen; or
 - (B) a permanent resident; or

- (C) a temporary resident who holds a visa that allows the person to hold a taxi licence; and
- (c) state the kind of taxi licence for the pre-approval; and
- (d) if the person is applying for pre-approval for a wheelchair-accessible taxi licence—include, for each relevant person for the application, details of the person’s experience and background that indicate the person’s suitability to provide taxi services to people with disability; and
- (e) if the applicant is a corporation—nominate which of the relevant people for the application are proposed to be drivers of the taxi.

Note 1 Giving false or misleading information is an offence against the [Criminal Code](#), s 338.

Note 2 If a form is approved under the [Road Transport \(General\) Act 1999](#), s 225 for an application, the form must be used.

Note 3 A fee for the application may be determined under the [Road Transport \(General\) Act 1999](#), s 96.

86 Pre-approval—decision on application

- (1) This section applies if the road transport authority receives an application for pre-approval for a taxi licence under section 85 (1).
- (2) The road transport authority must issue the pre-approval to the applicant if satisfied that—
 - (a) each relevant person for the application is—
 - (i) an Australian citizen; or
 - (ii) a permanent resident; or

- (iii) a temporary resident who holds a visa that allows the person to hold a taxi licence; and
- (b) no relevant person for the application is disqualified from applying for the pre-approval; and

Note A person may be disqualified from applying for a pre-approval for a period of time if a previous taxi licence has—

- (a) been surrendered (see s 90); or
 - (b) been suspended (see s 322 and s 324); or
 - (c) been cancelled (see s 322).
- (c) if the application is for pre-approval for a wheelchair-accessible taxi licence—each relevant person for the application has experience or background likely to make the person suitable to provide taxi services to people with a disability.

- (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 must, not later than the required time—
 - (a) decide the application; and
 - (b) tell the applicant about the decision on the application; and
 - (c) if the decision is to issue the pre-approval—enter the pre-approval holder's details into the taxi licence waiting list.
- (5) In this section:

required time means the latest of the following:

- (a) if the road transport authority requires the applicant to give the authority further information, or a document, under subsection (3)—14 days after the day the road transport authority receives the information or document;

- (b) 14 days after the day the road transport authority receives the application.

Note Failure to issue a pre-approval within the 14 days is taken to be a decision not to issue the pre-approval (see *ACT Civil and Administrative Tribunal Act 2008*, s 12).

87 Pre-approval—form

- (1) A pre-approval must—
 - (a) be in writing; and
 - (b) state—
 - (i) the name of the pre-approval holder; and
 - (ii) the kind of taxi licence for the pre-approval.
- (2) A pre-approval may include anything else the road transport authority considers relevant.

88 Pre-approval—term

A pre-approval comes into force on the day it is issued.

Note 1 A pre-approval expires under s 92 if the pre-approval is at the top of the waiting list, a taxi licence of the right kind becomes available, and the pre-approval holder does not apply for the taxi licence.
A pre-approval expires under s 92A if the pre-approval holder applies for a taxi licence and the road transport authority receives the application.

Note 2 A pre-approval is removed from the taxi licence waiting list if it expires (see s 84).

89 Pre-approval—not transferable

A pre-approval is not transferable.

90 Pre-approval—surrender

A pre-approval holder may surrender the pre-approval by giving written notice of the surrender to the road transport authority.

Note A pre-approval is removed from the taxi licence waiting list if it is surrendered (see s 84).

91 Pre-approval register

- (1) The road transport authority must keep a register of pre-approvals (the *pre-approval register*).
- (2) The pre-approval register may be kept in any form, including electronically, that the road transport authority decides.
- (3) The road transport authority may correct a mistake, error or omission in the pre-approval register.
- (4) The road transport authority may change a detail included in the pre-approval register to keep the register up-to-date.

Note The pre-approval register may include the taxi licence waiting list (see s 84).

92 Taxi licence—notification of availability

- (1) This section applies if—
 - (a) a pre-approval for a kind of taxi licence is at the top of the taxi licence waiting list for that kind of taxi licence; and
 - (b) a taxi licence of that kind becomes available.
- (2) The road transport authority must, in writing, tell the pre-approval holder (an *availability notice*) that—
 - (a) a taxi licence is available; and

- (b) the pre-approval holder may, not later than 14 days after the date of the availability notice, apply for the taxi licence under section 92A.
- (3) If the pre-approval holder does not apply under section 92A by the end of the 14 days, the pre-approval expires.

Note A pre-approval is removed from the taxi licence waiting list if it expires (see s 84).

92A Taxi licence—application

- (1) A pre-approval holder who is given an availability notice may apply to the road transport authority for a taxi licence.
- (2) The application must—
 - (a) be in writing; and
 - (b) if any of the details provided under section 85 (Pre-approval—application) have changed since the application for the pre-approval was made—state the new details.
- (3) The pre-approval expires when the road transport authority receives an application under this section.

Note 1 Giving false or misleading information is an offence against the [Criminal Code](#), s 338.

Note 2 If a form is approved under the [Road Transport \(General\) Act 1999](#), s 225 for an application, the form must be used.

Note 3 A fee for the application may be determined under the [Road Transport \(General\) Act 1999](#), s 96.

92B Taxi licence—decision on application

- (1) This section applies if the road transport authority receives an application for a taxi licence under section 92A.
- (2) The road transport authority must issue the taxi licence if satisfied that—
 - (a) each relevant person for the application is—
 - (i) an Australian citizen; or
 - (ii) a permanent resident; or
 - (iii) a temporary resident who holds a visa that allows the person to hold a taxi licence; and
 - (b) no relevant person for the application is disqualified from applying for the taxi licence; and

Note A person may be disqualified from applying for a pre-approval for a period of time if a previous taxi licence has—

- (a) been surrendered (see s 90); or
- (b) been suspended (see s 322 and s 324); or
- (c) been cancelled (see s 322).

- (c) the applicant—
 - (i) has not been issued with more than 5 taxi licences in the preceding 12 months; and
 - (ii) does not hold more than 20 taxi licences; and
- (d) if the application is for a wheelchair-accessible taxi licence—each relevant person for the application has experience or background likely to make the person suitable to provide taxi services to people with a disability; and

- (e) the applicant is accredited to operate—
 - (i) for an application for a standard taxi licence—a standard taxi service; or
 - (ii) for an application for a wheelchair-accessible taxi licence—a wheelchair-accessible taxi service; and
- (f) the vehicle for which the licence is to be issued is not a vehicle for which the road transport authority must refuse an application for registration as a taxi under the *Road Transport (Vehicle Registration) Regulation 2000*—
 - (i) for an application for a standard taxi licence—section 32B (1) (Deciding applications for registration—taxis); or
 - (ii) for an application for a wheelchair-accessible taxi licence—section 32B (3) or (4).
- (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 need not decide the application if the requirement is made in writing and the applicant does not comply with the requirement.

92C Taxi licence—time for decision on application

- (1) The road transport authority must, not later than the required time—
 - (a) decide the application under section 92B; and
 - (b) tell the applicant about the decision on the application; and
 - (c) if the decision is to issue the licence—issue the licence to the applicant.

(2) The road transport authority may make guidelines about circumstances sufficient to justify delaying deciding an application under section 92B.

(3) A guideline is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

(4) In this section:

required time means the latest of the following:

- (a) if the road transport authority requires the applicant to give the authority further information or a document under section 92B (3)—
 - (i) for a standard taxi licence—60 days after the day the road transport authority receives the information or document; or
 - (ii) for a wheelchair-accessible taxi licence—120 days after the day the road transport authority receives the information or document;
- (b) if the road transport authority is satisfied that there are circumstances sufficient to justify delaying deciding the application—the day decided by the road transport authority;
- (c) in any other case—
 - (i) for a standard taxi licence—60 days after the day the road transport authority receives the application; or

- (ii) for a wheelchair-accessible taxi licence—120 days after the day the road transport authority receives the application.

Note Failure to issue the licence within the required time is taken to be a decision not to issue the licence (see *ACT Civil and Administrative Tribunal Act 2008*, s 12).

Division 4.2.3 Taxi licences—other provisions

92D Taxi licences—term

- (1) A taxi licence comes into force on the day it is issued.
- (2) The road transport authority must not issue a taxi licence for longer than 6 years.
- (3) A taxi licence expires on the day stated in the licence.

92E Taxi licences—conditions

- (1) A taxi licence is subject to any condition imposed by the road transport authority when the licence is issued, renewed or amended.
- (2) A wheelchair-accessible taxi licence is subject to the condition that the licensee must ensure that priority for the hiring of the taxi is given to wheelchair-dependent people.

Note Non-transferable taxi licences are subject to the condition that the licensee must not transfer the licence (see *Act*, s 41 (5)).

- (3) A person commits an offence if the person—
 - (a) is a taxi licensee; and
 - (b) does not comply with a condition of the licence.

Maximum penalty: 20 penalty units.

92F Taxi licences—form

- (1) A taxi licence must—
 - (a) be in writing; and
 - (b) include the following information:
 - (i) the licensee’s full name and address;
 - (ii) the kind of taxi licence;
 - (iii) the taxi licence number allocated to the licensee;
 - (iv) the expiry date of the licence.
- (2) A taxi licence may also include anything else the road transport authority considers appropriate.

92G Taxi licences—not transferable

The following taxi licences are not transferable:

- (a) standard taxi licences;
- (b) wheelchair-accessible taxi licences.

92H Taxi licences—amendment initiated by authority

- (1) The road transport authority may, by written notice (an *amendment notice*) given to a taxi licensee, amend the licence.
- (2) However, the authority may amend the licence only if—
 - (a) the authority has given the licensee written notice of the proposed amendment (a *proposal notice*); and

- (b) the proposal notice states that written submissions about the proposal may be made to the authority before the end of a stated period of at least 14 days after the day the proposal notice is given to the licensee; and
 - (c) after the end of the stated period, the authority has considered any submissions made in accordance with the proposal notice.
- (3) Subsection (2) does not apply to a person if the licensee applied for, or agreed in writing to, the amendment.
 - (4) The amendment takes effect on the day the amendment notice is given to the licensee or a later day stated in the notice.

92I Taxi licences—amendment initiated by licensee

- (1) A taxi licensee may apply to the road transport authority to amend the licence.

Note 1 If a form is approved under the *Road Transport (General) Act 1999*, s 225 for an application, the form must be used.

Note 2 A fee for the application may be determined under the *Road Transport (General) Act 1999*, s 96.

- (2) The authority may amend the licence only if satisfied that, were the application for amendment an application for a licence, the authority would issue the licence as amended.
- (3) If the authority decides to amend the licence, the authority may impose or amend a condition on the licence.
- (4) The authority must, not later than 28 days after the day the authority receives the application—
 - (a) decide the application; and

- (b) tell the licensee about the decision.

Note Failure to amend a licence within the required time is taken to be a decision not to amend the licence (see *ACT Civil and Administrative Tribunal Act 2008*, s 12).

92J Taxi licences—application for renewal

- (1) A taxi licensee may apply to the road transport authority to renew the licence for a period not longer than 6 years.

Note 1 If a form is approved under the *Road Transport (General) Act 1999*, s 225 for an application, the form must be used.

Note 2 A fee for the application may be determined under the *Road Transport (General) Act 1999*, s 96.

- (2) The application must be—
 - (a) in writing; and
 - (b) made at least 14 days before the licence expires.
- (3) However, the authority may extend the time for making an application.

Note A licensee may apply to the road transport authority for the time to be extended, and the road transport authority may extend the time, even though the time has ended (see *Legislation Act*, s 151C).

- (4) If a licensee applies to renew a licence under this section, the licence remains in force until the application is decided.

92K Taxi licences—decision on application for renewal

- (1) This section applies if the road transport authority receives an application for renewal of a taxi licence under section 92J.
- (2) The authority may renew the licence only if satisfied of the matters mentioned in section 92B (2) (Taxi licence—decision on application).
- (3) The road transport authority may refuse to renew the licence if—
 - (a) the authority believes on reasonable grounds that the licensee has contravened a condition of the licence or another taxi licence; or
 - (b) another taxi licence, or an accreditation to operate any kind of taxi service, held by the licensee is suspended under chapter 8 (Disciplinary action).

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).

- (4) If the authority decides to renew the licence, the authority may impose or amend a condition on the licence.
- (5) The authority must, not later than 28 days after the day the authority receives the application—
 - (a) decide the application for renewal; and
 - (b) tell the licensee about the decision.

Note Failure to renew a licence within the required time is taken to be a decision not to renew the licence (see [ACT Civil and Administrative Tribunal Act 2008](#), s 12).

92L Taxi licences—replacing when lost, stolen or destroyed

- (1) The road transport authority may issue a replacement taxi licence to a taxi licensee if satisfied the licensee's original licence has been lost, stolen or destroyed.
- (2) For subsection (1), the road transport authority may require the licensee to give the authority a statutory declaration, signed by the licensee, stating that the original 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 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see *Criminal Code*, pt 3.4).

Note 3 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

92M Offence—fail to produce taxi licence for inspection

- (1) A person commits an offence if—
 - (a) the person is a taxi licensee; and
 - (b) a police officer or authorised person requires the person to produce the licence for inspection; and
 - (c) the person fails to produce the licence for inspection.

Maximum penalty: 5 penalty units.

- (2) Subsection (1) does not apply if—
 - (a) the person has a reasonable excuse for failing to produce the taxi licence when required to do so; and

- (b) within 3 days after being required to produce the licence, the person produces the licence at the place directed by the police officer or authorised person.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

92N Taxi licences—surrender

- (1) A taxi licensee may surrender the licence by giving written notice of the surrender (a *surrender notice*) to the road transport authority.
- (2) The surrender notice must be accompanied by—
 - (a) the licence; or
 - (b) if the licence has been lost, stolen or destroyed—a statutory declaration signed by the licensee stating that the licence has been lost, stolen or destroyed.

Note 1 If a form is approved under the [Road Transport \(General\) Act 1999](#), s 225 for this provision, the form must be used.

Note 2 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

Note 3 The [Statutory Declarations Act 1959](#) (Cwlth) applies to the making of statutory declarations under ACT laws.

- (3) A taxi licensee who surrenders the licence is automatically disqualified from applying for a taxi licence for 2 years after the day the surrender takes effect.

92O Taxi licences—fail to update name or address

- (1) A person commits an offence if—
 - (a) the person is a taxi licensee; and

- (b) the person's name or address changes; and
- (c) the person does not, within 14 days after the change, give the road transport authority—
 - (i) written notice of the change; and
 - (ii) the licence.

Maximum penalty: 1 penalty unit.

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

92P Taxi licences—authority to change name and address

- (1) This section applies if a taxi licensee gives the road transport authority—
 - (a) written notice of a change to the person's name or address; and
 - (b) the licence.
- (2) The authority must enter the changed details on the licence and return it to the licensee.

33 Sections 93 and 94

substitute

94 Taxi service operator—must tell authority about affiliation

- (1) A person commits an offence if the person—
 - (a) is an affiliated taxi service operator for a transport booking service; and
 - (b) does not tell the road transport authority—
 - (i) about the affiliation; and

(ii) the name of the transport booking service.

Maximum penalty: 5 penalty units.

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

34 New section 99 (1) (f)

insert

(f) if the person carries out a hiring of the taxi that is booked via a transport booking service—the name of the transport booking service.

35 Section 99 (4) and (5)

omit

36 Section 100 (1) (a)

omit

4 years

substitute

2 years

37 Section 100 (4), note

substitute

Note For the keeping and destruction of security camera recordings, see pt 5A.2.

38 Section 101

omit

39 Section 101A

omit

WCBS

substitute

WTBS

40 New section 101B

insert

101B Wheelchair-accessible taxi operator to comply with WTBS's approved procedures and rules

- (1) A person commits an offence if—
- (a) the person is an accredited operator of a wheelchair-accessible taxi; and
 - (b) the wheelchair-accessible taxi is being operated as a wheelchair-accessible taxi; and
 - (c) the taxi is fitted with equipment that allows the taxi driver to send messages to, and receive messages from, a WTBS; and
 - (d) the WTBS operator gives the person the WTBS's approved procedures and rules; and
 - (e) the person does not use the equipment in accordance with the WTBS's approved procedures and rules.

Maximum penalty: 5 penalty units.

- (2) A person commits an offence if—
- (a) the person is an accredited operator of a taxi that is a wheelchair-accessible taxi; and
 - (b) a WTBS operator gives the person the WTBS's approved procedures and rules; and
 - (c) the person does not comply with the WTBS's approved procedures and rules.

Maximum penalty: 5 penalty units.

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

41 Sections 103 to 108

substitute

107 Taxi must have approved signs and livery

- (1) The road transport authority may approve requirements and designs for—
- (a) signs for taxis (*approved signs*); and
 - (b) livery for taxis (*approved livery*).
- (2) An approval is a notifiable instrument.
- Note* A notifiable instrument must be notified under the [Legislation Act](#).
- (3) A person commits an offence if—
- (a) the person is an accredited taxi operator; and
 - (b) the taxi is not fitted with—
 - (i) approved signs; or

- (ii) approved livery.

Maximum penalty: 10 penalty units.

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

42 Section 109 (1) (c)

substitute

- (c) the operator has given the notices required under subsection (4) to—
 - (i) the road transport authority; and
 - (ii) if the operator is an affiliated operator for a transport booking service—the transport booking service.

43 Section 109 (3), example 1

substitute

- 1 The vehicle is fitted with signs and livery in accordance with s 107.

44 Section 109 (4)

substitute

- (4) The accredited operator must give written notice of the operator's intention to operate the stand-by taxi instead of the usual taxi to—
 - (a) the road transport authority; and
 - (b) if the operator is an affiliated operator for a transport booking service—the transport booking service.

45 Sections 110 to 112

omit

46 Sections 113 to 121

substitute

114 Wheelchair-accessible taxi driver—special responsibilities

- (1) A person commits an offence if—
- (a) the person is a driver of a wheelchair-accessible taxi; and
 - (b) the person becomes available to accept a hiring for the taxi; and
 - (c) the person does not tell a relevant transport booking service about their availability as soon as practicable after becoming available.

Maximum penalty: 10 penalty units.

- (2) A person commits an offence if—
- (a) the person is a driver of a wheelchair-accessible taxi; and
 - (b) a relevant transport booking service directs the person to accept a booking for the taxi for a wheelchair-dependent person; and
 - (c) the person does not comply with the direction.

Maximum penalty: 10 penalty units.

Note If a driver of a wheelchair-accessible taxi does not accept an offer of a booking for a wheelchair-dependent person, the WTBS or transport booking service must direct the driver to accept the booking (see s 70O and s 70W).

(3) In this section:

relevant transport booking service means—

- (a) if a WTBS is operating in the Territory—a WTBS via which the wheelchair-accessible taxi may be booked; or
- (b) if there is no WTBS operating in the Territory and the driver is an affiliated driver for another transport booking service—the transport booking service.

Note WTBS—see s 70Q.

115 Wheelchair-accessible taxi driver—connection to WTBS

(1) A person commits an offence if—

- (a) the person is a wheelchair-accessible taxi driver; and
- (b) the taxi is being operated as a wheelchair-accessible taxi; and
- (c) a WTBS is operating in the Territory; and
- (d) the person fails to appropriately operate equipment allowing a WTBS to communicate bookings to the person.

Maximum penalty: 10 penalty units.

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

116 Wheelchair-accessible taxi driver—WTBS procedures and rules

(1) A person commits an offence if—

- (a) the person is a wheelchair-accessible taxi driver; and
- (b) a WTBS is operating in the Territory; and

- (c) the taxi is fitted with equipment that allows the taxi driver to communicate with the WTBS; and
- (d) the WTBS gives the person the WTBS's approved procedures and rules for the equipment; and

Note **WTBS's approved procedures and rules**—see s 70V.

- (e) the person does not use the equipment in accordance with the WTBS's approved procedures and rules.

Maximum penalty: 5 penalty units.

- (2) A person commits an offence if—
 - (a) the person is a wheelchair-accessible taxi driver; and
 - (b) a WTBS is operating in the Territory; and
 - (c) the WTBS gives the person the WTBS's approved procedures and rules; and

Note **WTBS's approved procedures and rules**—see s 70V.

- (d) the person does not comply with the WTBS's approved procedures and rules.

Maximum penalty: 5 penalty units.

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

47 Sections 125 to 126

omit

48 Section 127A (1) (c) to (e)

substitute

- (c) if the driver of a wheelchair-accessible taxi accepts a hiring in accordance with section 129 (3) (Wheelchair-accessible taxi driver—must preferentially accept hirings for wheelchair-dependent people) from a person using a wheelchair—the driver accepts the hiring offered by the person using a wheelchair; or
- (d) if the hirer leaves the taxi in accordance with a direction under section 221ZF (Bookable vehicle passenger—must get out of vehicle when directed)—the hirer leaves the taxi; or
- (e) if the hirer is removed from the taxi under section 221ZG (Bookable vehicle passenger—removal from vehicle)—the hirer is removed from the taxi; or

49 New section 127B

insert

127B Meaning of fare—ch 4

In this chapter:

fare, for the hiring of a taxi, means—

- (a) for an authorised fixed-fare hiring—the amount agreed between the taxi driver and the hirer, or the transport booking service for the taxi and the hirer; or

- (b) in any other case—the amount chargeable for the hiring under a determination under the [Act](#), section 60 (Power to determine taxi fares) (other than a charge for any period of the hiring when the taximeter is required to be stopped from registering a charge under section 143B (2) (Operation of taximeter during hiring)).

50 Section 128

omit

51 Section 129 heading

substitute

129 Wheelchair-accessible taxi driver—must preferentially accept hirings for wheelchair-dependent people

52 Section 129 (1)

omit

53 Section 129 (2)

omit

However, the

substitute

The

54 Section 129 (3)

omit

Also, the

substitute

The

55 Section 129 (4) (a) (iv)

substitute

- (iv) section 221W (Bookable vehicle driver—carrying animals in vehicle); or

56 Section 129 (4) (b) (ii) and (iii)

substitute

- (ii) section 221ZD (Bookable vehicle passenger—soiled clothing etc); or
- (iii) section 221ZE (Bookable vehicle passenger—intoxication); or

57 Section 129 (5) and (6)

substitute

- (5) However, the driver must accept the hiring if directed to do so under section 221ZA (Bookable vehicle driver—directions by police officers or authorised people).
- (6) To remove any doubt, a reference in this section to a ***hiring*** includes a hiring booked via a transport booking service.

Note A WTBS is a kind of transport booking service (see s 70Q).

58 Section 130

omit

59 Section 131 (1)

omit

60 Sections 133 and 134

omit

61 Section 135 (2)

substitute

- (2) However, the driver may refuse to carry goods in the taxi if the driver would contravene section 221V (Bookable vehicle driver—carrying goods in vehicle) by doing so.

62 Section 136 (2)

substitute

- (2) However, the driver may refuse to wait if the hirer does not pay the driver—
- (a) the fare to the place where the hirer asked the driver to wait; and
 - (b) a fare deposit for the relevant waiting period.

63 Section 138 (1) (a)

substitute

- (a) on a ground on which the driver could refuse to accept a hiring under section 129 (4) (Wheelchair-accessible taxi driver—must preferentially accept hirings for wheelchair-dependent people); or

64 Section 140 (3), note

substitute

Note A hiring may be refused if an intending passenger's destination is outside the ACT taxi region, see s 129 (4) (c).

65 New section 140A

insert

140A Meaning of *multiple hiring* of a taxi—div 4.3.3

In this division:

multiple hiring, of a taxi, means a 2nd or subsequent hiring of the taxi during a taxi hiring.

66 Section 141

omit

2nd or subsequent hiring

substitute

multiple hiring

67 Section 143A (3) (b)

substitute

- (b) before the hiring begins the driver is informed that the fare for the hiring is to be paid under the taxi subsidy scheme; and

68 Section 143A (4) (b)

substitute

- (b) after the hiring begins the driver is informed that the fare for the hiring is to be paid under the taxi subsidy scheme; and

69 Section 144B

substitute

144B Wheelchair-accessible taxis—taxi subsidy scheme

- (1) A person commits an offence if the person—
 - (a) pays for the hiring of a taxi under the taxi subsidy scheme; and
 - (b) is not eligible to pay for the hiring under the taxi subsidy scheme.

Maximum penalty: 5 penalty units.

- (2) A person commits an offence if—
 - (a) the person makes a false or misleading statement; and
 - (b) the statement is made in paying for the hiring of a taxi under the taxi subsidy scheme.

Maximum penalty: 5 penalty units.

- (3) Subsection (2) (a) does not apply if the statement is not false or misleading in a material particular.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

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

70 New section 145A

in division 4.3.3, insert

145A Taxi driver—no extra payments for taxi hirings

- (1) A person commits an offence if the person—
- (a) is a taxi driver; and
 - (b) accepts—
 - (i) a jump-the-queue fee for a taxi hiring; or
 - (ii) an up-front tip for a taxi hiring.

Note **Jump-the-queue fee**—see s 70D.

Up-front tip—see s 70D.

Maximum penalty: 20 penalty units.

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

71 Section 146

omit

72 Sections 149 to 154N

omit

73 Section 155 (1)

omit

ACT taxi region

substitute

ACT taxi region

74 Sections 156 and 157

omit

75 Section 158 (2) (c)

omit

restricted

76 Section 159

substitute

159 Interference with electronic equipment in taxis

- (1) A person commits an offence if the person interferes with—
 - (a) an electronic device installed in a taxi; or
 - (b) anything else in the taxi that is being used to support the operation of the electronic device.

Maximum penalty: 20 penalty units.

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

(3) In this section:

electronic device means—

- (a) a taximeter; or
- (b) a GPS device; or
- (c) equipment used for communicating with a transport booking service; or
- (d) an EFTPOS terminal.

77 Section 162 (1)

after

drivers

insert

(an *approved wheelchair-accessible taxi driver training course*)

78 Section 163 (1) (b)

substitute

(b) either—

- (i) the road transport authority has approved, in writing, the operation of the vehicle as a taxi; or
- (ii) the vehicle is operated as a wheelchair-accessible taxi by a wheelchair-accessible taxi licensee.

79 Section 164

omit

80 Chapter 4A

substitute

Chapter 4A Ridesharing

Part 4A.1 Rideshare vehicles

164A Meaning of *suitable vehicle*—ch 4A

(1) In this chapter:

suitable vehicle means a motor vehicle built mainly to carry people but does not include the following:

- (a) an ambulance;
- (b) a bus;
- (c) a demand responsive service vehicle;
- (d) a motorcycle;
- (e) a police vehicle.

(2) In this section:

ambulance—see the *Road Transport (Third-Party Insurance) Regulation 2008*, schedule 1, section 1.1.

bus—see the *Road Transport (Third-Party Insurance) Regulation 2008*, schedule 1, section 1.1.

motorcycle—see the *Road Transport (Third-Party Insurance) Regulation 2008*, schedule 1, section 1.1.

police vehicle—see the *Road Transport (Third-Party Insurance) Regulation 2008*, schedule 1, section 1.1.

164B Rideshare vehicle licence—application

- (1) The registered operator of a vehicle may apply to the road transport authority for a rideshare vehicle licence.
- (2) The application must—
 - (a) be in writing; and
 - (b) state, for each relevant person for the application—
 - (i) the applicant's name; and
 - (ii) the applicant's date of birth; and
 - (iii) whether the applicant is—
 - (A) an Australian citizen; or
 - (B) a permanent resident; or
 - (C) a temporary resident who holds a visa that allows the person to hold a rideshare vehicle licence; and
 - (iv) the registration number of the vehicle to be licensed; and
 - (c) be accompanied by a rideshare vehicle compliance certificate for the vehicle, issued not more than 3 months before the date of the application.
- (3) In this section:

authorised examiner—see the *Road Transport (Vehicle Registration) Regulation 2000*, section 115.

certificate of inspection means a certificate of inspection issued under the *Road Transport (Vehicle Registration) Regulation 2000*, section 146 (Issue of certificates of inspection etc).

rideshare vehicle compliance certificate means a certificate of inspection—

- (a) issued by an authorised examiner at a vehicle inspection station; and
- (b) certifying that the vehicle, and its parts and equipment, comply with the applicable vehicle standards for the vehicle.

vehicle inspection station—see the *Road Transport (Vehicle Registration) Regulation 2000*, dictionary.

Note 1 Giving false or misleading information is an offence against the *Criminal Code*, s 338.

Note 2 If a form is approved under the *Road Transport (General) Act 1999*, s 225 for an application, the form must be used.

Note 3 A fee for the application may be determined under the *Road Transport (General) Act 1999*, s 96.

164C Rideshare vehicle licence—further information

- (1) This section applies if the road transport authority is deciding whether to issue a rideshare vehicle licence.
- (2) The authority may, by written notice given to the applicant (an ***information notice***), require the applicant to give the authority stated further information about the application, not later than a stated reasonable time.
- (3) The authority need not decide the application if—
 - (a) the authority has given the applicant an information notice; and
 - (b) the applicant does not comply with the notice.

164D Rideshare vehicle licence—decision on application

- (1) This section applies if the road transport authority receives an application for a rideshare vehicle licence under section 164B (1).
- (2) The road transport authority must issue the licence to the applicant if satisfied that—
 - (a) each relevant person for the application is—
 - (i) an Australian citizen; or
 - (ii) a permanent resident; or
 - (iii) a temporary resident who holds a visa that allows the person to hold a taxi licence; and
 - (b) no relevant person for the application is disqualified from applying for the licence; and

Note A person may be disqualified from applying for a licence for a period of time if a previous licence has been suspended or cancelled (see s 322 and s 324).

 - (c) the vehicle—
 - (i) is a registered vehicle; and
 - (ii) is a suitable vehicle; and
 - (iii) complies with the applicable vehicle standards for the vehicle.
- (3) The road transport authority must, not later than the required time—
 - (a) decide the application; and
 - (b) tell the applicant about the decision on the application.

- (4) In this section:

required time means the latest of the following:

- (a) if the road transport authority requires the applicant to give the authority further information under section 164C (Rideshare vehicle licence—further information)—28 days after the day the road transport authority receives the information;
- (b) 28 days after the day the road transport authority receives the application.

Note Failure to issue a pre-approval within the required time is taken to be a decision not to issue the pre-approval (see [ACT Civil and Administrative Tribunal Act 2008](#), s 12).

164E Rideshare vehicle licence—licence labels

If the road transport authority issues a rideshare vehicle licence to a person, the authority must also issue to the person a label for the vehicle to which the licence relates (a ***rideshare vehicle licence label***).

Note The label must be displayed in the rideshare vehicle (see s 164S and s 164Y).

164F Rideshare vehicle licence—term

- (1) A rideshare vehicle licence comes into force on the day it is issued.
- (2) The road transport authority must not issue a rideshare vehicle licence for longer than 6 years.
- (3) A rideshare vehicle licence expires on the day stated in the licence.

164G Rideshare vehicle licence—conditions

- (1) A rideshare vehicle licence is subject to any condition imposed by the road transport authority when the licence is issued, renewed or amended.
- (2) A person commits an offence if the person—
 - (a) is a rideshare vehicle licensee; and
 - (b) does not comply with a condition of the licence.

Maximum penalty: 20 penalty units.

164H Rideshare vehicle licence—form

- (1) A rideshare vehicle licence must—
 - (a) be in writing; and
 - (b) include the following information:
 - (i) the licensee’s full name and address;
 - (ii) the registration number of the licensed vehicle;
 - (iii) the expiry date of the licence.
- (2) A rideshare vehicle licence may also include anything else the road transport authority considers appropriate.

164I Rideshare vehicle licence—not transferable

A rideshare vehicle licence is not transferable.

164J Rideshare vehicle licence—amendment initiated by authority

- (1) The road transport authority may, by written notice (an *amendment notice*) given to a rideshare vehicle licensee, amend the licence.

Note The power to make an instrument includes the power to amend or repeal the instrument. The power to amend or repeal the instrument is exercisable in the same way, and subject to the same conditions, as the power to make the instrument (see [Legislation Act](#), s 46).

- (2) However, the authority may amend the licence only if—
- (a) the authority has given the licensee written notice of the proposed amendment (a *proposal notice*); and
 - (b) the proposal notice states that written submissions about the proposal may be made to the authority before the end of a stated period of at least 14 days after the day the proposal notice is given to the licensee; and
 - (c) after the end of the stated period, the authority has considered any submissions made in accordance with the proposal notice.
- (3) Subsection (2) does not apply to a licensee if the licensee applied for, or agreed in writing to, the amendment.
- (4) The amendment takes effect on the day the amendment notice is given to the licensee or a later day stated in the notice.

164K Rideshare vehicle licence—amendment initiated by licensee

- (1) A rideshare vehicle licensee may apply to the road transport authority to amend the licence.

Note 1 If a form is approved under the *Road Transport (General) Act 1999*, s 225 for an application, the form must be used.

Note 2 A fee for the application may be determined under the *Road Transport (General) Act 1999*, s 96.

- (2) The authority may amend the licence only if satisfied that, were the application for amendment an application for a licence, the authority would issue the licence as amended.
- (3) If the authority decides to amend the licence, the authority may impose or amend a condition on the licence.
- (4) The authority must, not later than 28 days after the day the authority receives the application—
- (a) decide the application; and
 - (b) tell the licensee about the decision.

Note Failure to amend a licence within the required time is taken to be a decision not to amend the licence (see *ACT Civil and Administrative Tribunal Act 2008*, s 12).

164L Rideshare vehicle licence—application for renewal

- (1) A rideshare vehicle licensee may apply to the road transport authority to renew the licence for a period not longer than 6 years.

Note 1 If a form is approved under the *Road Transport (General) Act 1999*, s 225 for an application, the form must be used.

Note 2 A fee for the application may be determined under the *Road Transport (General) Act 1999*, s 96.

- (2) The application must be—
 - (a) in writing; and
 - (b) made at least 14 days before the licence expires.
- (3) However, the authority may extend the time for making an application.

Note A licensee may apply to the road transport authority for the time to be extended, and the road transport authority may extend the time, even though the time has ended (see [Legislation Act](#), s 151C).
- (4) If a licensee applies to renew a licence under this section, the licence remains in force until the application is decided.

164M Rideshare vehicle licence—decision on application for renewal

- (1) This section applies if the road transport authority receives an application for renewal of a rideshare vehicle licence under section 164L.
- (2) The authority may renew the licence only if satisfied that—
 - (a) the vehicle continues to—
 - (i) be a registered vehicle; and
 - (ii) be a suitable vehicle; and
 - (iii) comply with the applicable vehicle standards for the vehicle; and
 - (b) the licensee is not disqualified under chapter 8 from holding or applying for a rideshare vehicle licence.

-
- (3) The road transport authority may refuse to renew the licence if—
 - (a) the authority believes on reasonable grounds that the licensee has contravened a condition of the licence or another rideshare vehicle licence; or
 - (b) another rideshare vehicle licence, or an accreditation to operate any kind of public passenger service, held by the licensee is suspended under chapter 8 (Disciplinary action).
 - (4) If the authority decides to renew the licence, the authority may impose or amend a condition on the licence.
 - (5) The authority must, not later than 28 days after the day the authority receives the application—
 - (a) decide the application for renewal; and
 - (b) tell the licensee about the decision.

Note Failure to renew a licence within the required time is taken to be a decision not to renew the licence (see *ACT Civil and Administrative Tribunal Act 2008*, s 12).

164N Rideshare vehicle licence and label—replacing when lost, stolen or destroyed

- (1) The road transport authority may issue a replacement rideshare vehicle licence to a rideshare vehicle licensee if satisfied the licensee's original licence has been lost, stolen or destroyed.
- (2) The road transport authority may issue a replacement rideshare vehicle licence label to a rideshare vehicle licensee if satisfied the licensee's original licence label has been lost, stolen or destroyed.

- (3) For subsections (1) and (2), the road transport authority may require the licensee to give the authority a statutory declaration signed by the licensee, stating that the original licence, or 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 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see *Criminal Code*, pt 3.4).

Note 3 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

1640 Rideshare driver—must produce rideshare vehicle licence and label for inspection

- (1) A person commits an offence if—
- (a) the person is a rideshare vehicle driver; and
 - (b) a police officer or authorised person requires the person to produce the rideshare vehicle licence for the rideshare vehicle for inspection; and
 - (c) the person fails to produce the licence for inspection.

Maximum penalty: 5 penalty units.

- (2) Subsection (1) does not apply if—
- (a) the defendant has a reasonable excuse for failing to produce the licence when required to do so; and

- (b) within 3 days after being required to produce the licence, the defendant produces the licence at the place directed by the police officer or authorised person.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

- (3) A person commits an offence if—
 - (a) the person is a rideshare vehicle driver; and
 - (b) a police officer or authorised person requires the person to produce the licence label for the rideshare vehicle for inspection; and
 - (c) the person fails to produce the label for inspection.

Maximum penalty: 5 penalty units.

- (4) Subsection (3) does not apply if—
 - (a) the defendant has a reasonable excuse for failing to produce the label when required to do so; and
 - (b) within 3 days after being required to produce the label, the defendant produces the label at the place directed by the police officer or authorised person.

Note The defendant has an evidential burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 58).

164P Rideshare vehicle licence—surrender

- (1) A rideshare vehicle licensee may surrender the licence by giving written notice of the surrender (a *surrender notice*) to the road transport authority.

- (2) The surrender notice must be accompanied by—
- (a) the licence and licence label; or
 - (b) if the licence, or licence label, has been lost, stolen or destroyed—a statutory declaration signed by the licensee stating that the licence, or licence label, has been lost, stolen or destroyed.

Note 1 If a form is approved under the *Road Transport (General) Act 1999*, s 225 for this provision, the form must be used.

Note 2 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see *Criminal Code*, pt 3.4).

Note 3 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

164Q Rideshare vehicle licence—fail to update name or address

- (1) A person commits an offence if—
- (a) the person is a rideshare vehicle licensee; and
 - (b) the person's name or address changes; and
 - (c) the person does not, within 14 days after the change, give the road transport authority—
 - (i) written notice of the change; and
 - (ii) the licence.

Maximum penalty: 20 penalty units.

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

164R Rideshare vehicle licence—authority to change name and address

- (1) This section applies if a rideshare vehicle licensee gives the road transport authority—
 - (a) written notice of a change to the person’s name or address; and
 - (b) the licence.
- (2) The authority must enter the changed details on the licence and return it to the licensee.

164S Rideshare vehicle licensee—must display rideshare vehicle licence label

- (1) A person commits an offence if—
 - (a) the person is a rideshare vehicle licensee; and
 - (b) the rideshare vehicle is used for a rideshare; and
 - (c) the person does not take reasonable steps to ensure the rideshare vehicle licence label for the vehicle is, during the rideshare, displayed in or on the vehicle—
 - (i) so the information on the label is readable from the outside of the rideshare vehicle; and
 - (ii) if the rideshare vehicle has a windscreen or fixed window—
 - (A) to the lower left side (or nearside) of the windscreen; or
 - (B) to a fixed window on the left side (or nearside) of the rideshare vehicle.

Maximum penalty: 20 penalty units.

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

164T Rideshare vehicle licensee—must not advertise ridesharing

- (1) A person commits an offence if the person—
- (a) is a rideshare vehicle licensee; and
 - (b) advertises that the rideshare vehicle is used to provide a rideshare service.

Maximum penalty: 10 penalty units.

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

Part 4A.2 Rideshare drivers

Note 1 Accreditation of rideshare drivers is dealt with in ch 2.

Note 2 All rideshare drivers must be affiliated with a transport booking service (see [Act](#), s 36F).

164U Rideshare driver—must hold appropriate driver licence

- (1) A person commits an offence if—
- (a) the person is a rideshare driver; and
 - (b) the person is not either—
 - (i) the holder of a public vehicle licence authorising the person to drive a rideshare vehicle; or

- (ii) 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.

Note 1 A person does not hold a public vehicle licence if the public vehicle licence has been suspended or cancelled under the road transport legislation or any other territory law.

Note 2 The *Road Transport (Driver Licensing) Regulation 2000*, s 94A (4) provides that a person ceases to be exempt from holding a public vehicle licence if—

- (a) an automatic disqualifying circumstance applies to the person (see *Road Transport (Driver Licensing) Regulation 2000*, s 91); or
- (b) the person is disqualified by the road transport authority from driving a vehicle on a road or road related area (in the ACT) under that regulation, s 103.

164V Rideshare driver—must only accept bookings from accredited transport booking service

- (1) A person commits an offence if—
 - (a) the person is a rideshare driver for a rideshare; and
 - (b) the person accepts the rideshare booking other than via an accredited transport booking service.

Maximum penalty: 20 penalty units.

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

164W Rideshare driver—must not use unlicensed rideshare vehicle

- (1) A person commits an offence if—
 - (a) the person is a rideshare driver for a rideshare; and
 - (b) the rideshare vehicle for the rideshare is not a licensed rideshare vehicle.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) This section does not apply if—
 - (a) the vehicle is licensed as a rideshare vehicle under the law of another jurisdiction; and
 - (b) the rideshare begins in that jurisdiction and is completed in the ACT.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

164X Rideshare driver—rideshare records

- (1) A person commits an offence if the person—
 - (a) is a rideshare driver for a rideshare; and
 - (b) does not make a rideshare record for the rideshare.

Maximum penalty: 10 penalty units.

- (2) A person commits an offence if the person—
 - (a) is or has been a rideshare driver; and

- (b) does not keep each rideshare record for at least 1 year after the date the rideshare was carried out.

Maximum penalty: 10 penalty units.

- (3) A person commits an offence if the person—
 - (a) is or has been a rideshare driver; and
 - (b) does not provide a rideshare record, on request, to—
 - (i) a police officer; or
 - (ii) a member of an emergency service.

Maximum penalty: 10 penalty units.

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

passenger number, for a passenger for a transport booking service—see section 70M (Transport booking service—booking records).

rideshare record, for a rideshare, means a record of the following details for the rideshare:

- (a) the name of the transport booking service that booked the rideshare;
- (b) the registration number of the rideshare vehicle;
- (c) the name or passenger number of the passenger;
- (d) when each passenger was picked up and dropped off;
- (e) where each passenger was picked up and dropped off;
- (f) the fare paid;

- (g) details of the public passenger vehicle policy in force for the rideshare vehicle used for the rideshare.

164Y Rideshare driver—must display rideshare vehicle licence label

- (1) A person commits an offence if—
 - (a) the person is a rideshare driver for a rideshare; and
 - (b) the rideshare vehicle licence label for the rideshare vehicle is not, during the rideshare, displayed in or on the vehicle—
 - (i) so the information on the label is readable from the outside of the rideshare vehicle; and
 - (ii) if the rideshare vehicle has a windscreen or fixed window—
 - (A) to the lower left side (or nearside) of the windscreen; or
 - (B) to a fixed window on the left side (or nearside) of the rideshare vehicle.

Maximum penalty: 20 penalty units.

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

164Z Rideshare driver—must not advertise ridesharing

- (1) A person commits an offence if the person—
 - (a) is a rideshare driver; and
 - (b) advertises that they are a rideshare driver.

Maximum penalty: 10 penalty units.

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

Part 4A.3 Rideshare passengers

164ZA Rideshare passenger—must pay fare

A person commits an offence if—

- (a) the person is a passenger for a rideshare; and
- (b) the person does not, at the end of the rideshare, pay the rideshare driver the fare for the rideshare.

Maximum penalty: 5 penalty units.

81 Section 172 (3), except note

substitute

- (3) If the road transport authority issues a restricted hire car licence to a person, the authority must also issue a duplicate licence to the person (a *duplicate restricted hire car licence*).

82 Divisions 5.2.1 and 5.2.2 headings

omit

83 Sections 179 and 180

substitute

180A Hire car service operator—must tell authority about affiliation

- (1) A person commits an offence if the person—
 - (a) is an affiliated hire car service operator for a transport booking service; and
 - (b) does not tell the road transport authority—
 - (i) about the affiliation; and
 - (ii) the name of the transport booking service.

Maximum penalty: 5 penalty units.

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

84 Section 182 (3) and (4)

omit

85 Section 183 (2) (a)

omit

4 years

substitute

2 years

86 Section 183 (4), note

substitute

Note For the keeping and destruction of security camera recordings, see pt 5A.2.

87 Sections 188 to 196

omit

88 Division 5.2.3 heading and notes

omit

89 Sections 197 to 203

omit

90 Section 205

omit

91 Divisions 5.2.4 and 5.2.5

omit

92 Division 5.2.6 heading

omit

93 Sections 219 and 220

omit

94 Section 221 (2) and (3)

substitute

- (2) The road transport authority may declare 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—
- (a) to and from the place or event stated in the declaration; and
 - (b) during the period stated in the declaration.

95 Section 221 (6)

omit

96 New chapter 5A

insert

Chapter 5A Bookable vehicles (taxis, rideshare vehicles and hire cars)

Part 5A.1 Bookable vehicles services

221A Meaning of *bookable vehicle service* and *bookable vehicle service operator*—ch 5A

In this chapter:

bookable vehicle service means—

- (a) a taxi service; or

- (b) a rideshare service; or
- (c) a hire car service.

Note **Taxi service**—see the [Act](#), s 47.

Rideshare service—see the [Act](#), s 60A.

Hire car service—see the [Act](#), s 69.

bookable vehicle service operator means—

- (a) a taxi service operator; or
- (b) a rideshare service operator; or
- (c) a hire car service operator.

Part 5A.2 Security cameras, GPS tracking and duress alarms

221B Definitions—pt 5A.2

In this part:

duress alarm, for a bookable vehicle, means an alarm attached to a bookable vehicle that may be activated by a person in the bookable vehicle.

recording, for a security camera, includes the storage of digital information from which an image can be produced.

security camera includes any device that records images.

security device means—

- (a) a security camera; and
- (b) a GPS tracking device; and

- (c) a duress alarm.

221C Transport booking service—GPS tracking devices and duress alarms

- (1) A person commits an offence if the person—
 - (a) is a transport booking service; and
 - (b) communicates a booking to a bookable vehicle driver; and
 - (c) does not take reasonable steps to ensure the bookable vehicle is fitted with—
 - (i) a GPS tracking device; and
 - (ii) for a taxi—a duress alarm accessible to the driver.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) For subsection (1)—
 - (a) a GPS tracking device, or duress alarm, in a mobile phone is fitted to a bookable vehicle if the phone is secured in a mounting attached to the vehicle; and
 - (b) a mobile phone is secured in a mounting attached to the vehicle if, and only if—
 - (i) the mounting is commercially designed and manufactured for that purpose; and
 - (ii) the mobile phone is secured in the mounting, and the mounting is attached to the vehicle, in the manner intended by the manufacturer.

221D Bookable vehicle driver—security camera required in certain circumstances

- (1) A person commits an offence if—
 - (a) the person is a bookable vehicle driver; and
 - (b) the person accepts cash for payment of the bookable vehicle fare; and
 - (c) the bookable vehicle is not fitted with a security camera.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if—
 - (a) the person is a taxi driver; and
 - (b) the taxi stands or plies for hire for the transport of passengers along a road or road related area; and
 - (c) the taxi is not fitted with a security camera.

Maximum penalty: 20 penalty units.

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

Note In collecting personal information, the accredited operator may also have to comply with the Australian Privacy Principles under the [Privacy Act 1988](#) (Cwlth).

221E Bookable vehicle driver—security camera checks

- (1) A person commits an offence if—
 - (a) the person is a bookable vehicle driver; and
 - (b) the bookable vehicle is fitted with a security camera; and

- (c) the person does not check whether the security camera is operating before operating the vehicle as a bookable vehicle.

Maximum penalty: 5 penalty units.

- (2) A person commits an offence if—
 - (a) the person is a bookable vehicle driver; and
 - (b) the bookable vehicle is fitted with a security camera; and
 - (c) the security camera is not operating; and
 - (d) the person does not tell the following people that the security camera is not operating:
 - (i) if the person is an affiliated driver for a transport booking service—the transport booking service;
 - (ii) if the person is a driver for an affiliated operator for a transport booking service—the affiliated operator;
 - (iii) if the person is a rideshare driver—the rideshare vehicle licensee.

Maximum penalty: 5 penalty units.

221F Taxi service operator—GPS tracking and duress alarms

- (1) A person commits an offence if—
 - (a) the person is a taxi service operator; and
 - (b) a taxi used to operate the service is not fitted with—
 - (i) a GPS tracking device; or
 - (ii) a duress alarm accessible to the taxi driver.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) For subsection (1)—
 - (a) a GPS tracking device, or duress alarm, in a mobile phone is fitted to a bookable vehicle if the phone is secured in a mounting attached to the vehicle; and
 - (b) a mobile phone is secured in a mounting attached to the vehicle if, and only if—
 - (i) the mounting is commercially designed and manufactured for that purpose; and
 - (ii) the mobile phone is secured in the mounting, and the mounting is attached to the vehicle, in the manner intended by the manufacturer.

221G Bookable vehicle service operator—security camera signs

- (1) A person commits an offence if—
 - (a) the person is a bookable vehicle service operator; and
 - (b) the bookable vehicle is fitted with a security camera; and
 - (c) the bookable vehicle does not have signs conspicuously placed inside and outside the bookable vehicle telling people that they may be under video surveillance while in or near the bookable vehicle.

Maximum penalty: 5 penalty units.

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

Note In collecting personal information, the accredited operator may also have to comply with the Australian Privacy Principles under the [Privacy Act 1988](#) (Cwlth).

221H Bookable vehicle service operator—security camera recordings may be given to police etc

- (1) This section applies if a bookable vehicle is fitted with a security camera.
- (2) A police officer or the road transport authority may ask a bookable vehicle service operator to give the police officer or authority a recording made by a security camera fitted to the bookable vehicle.
- (3) A person commits an offence if—
 - (a) the person is a bookable vehicle service operator; and
 - (b) a police officer or the road transport authority asks the person for a recording under subsection (2); and
 - (c) the person does not comply with the request.

Maximum penalty: 10 penalty units.

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

221I Bookable vehicle service operator—security camera recordings and equipment to be kept

- (1) A person commits an offence if—
 - (a) the person is a bookable vehicle service operator; and
 - (b) the bookable vehicle is fitted with a security camera; and
 - (c) a recording is made by the security camera; and
 - (d) the person does not ensure that the recording is—
 - (i) kept for 30 days after the day it is made; and
 - (ii) destroyed as soon as practicable after the end of the 30 days.

- (2) A person commits an offence if—
- (a) the person is a bookable vehicle service operator; and
 - (b) the person fails to—
 - (i) keep equipment that can display a recording made by the security camera; or
 - (ii) maintain the equipment in good condition and fully operational.

Maximum penalty: 5 penalty units.

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

Note The bookable vehicle service operator may also have to comply with the Australian Privacy Principles under the [Privacy Act 1988](#) (Cwlth) about the collection, storage, use and disclosure of the recordings.

221J Offence—interfere with bookable vehicle security camera or recording

- (1) A person commits an offence if the person interferes with a security camera in a bookable vehicle.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if—
- (a) a recording is made by a security camera in a bookable vehicle; and
 - (b) the person changes or otherwise interferes with the recording.

Maximum penalty: 20 penalty units.

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

221K Bookable vehicles—standards about security cameras, GPS tracking devices and duress alarms

- (1) The road transport authority may approve standards in relation to security cameras, GPS tracking devices and duress alarms in bookable vehicles.
- (2) A standard may make provision in relation to security cameras in bookable vehicles, 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 bookable vehicle 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 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](#).

Note 3 A reference to an instrument includes a reference to a provision of an instrument (see [Legislation Act](#), s 14 (2)).

- (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.

Part 5A.3 Fares, fees and other payments

221L Up-front tipping

- (1) A person commits an offence if the person—
- (a) is a transport booking service; and
 - (b) accepts an up-front tip for a rideshare booking or taxi booking.

Maximum penalty: 10 penalty units.

- (2) A person commits an offence if the person—
- (a) is a rideshare driver; and
 - (b) accepts an up-front tip for a rideshare booking.

Maximum penalty: 10 penalty units.

- (3) A person commits an offence if the person—
 - (a) is a taxi driver; and
 - (b) accepts an up-front tip for a taxi booking.

Maximum penalty: 10 penalty units.

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

up-front tip, for a rideshare booking or taxi booking, means an amount offered by a prospective passenger to a transport booking service, a rideshare driver or taxi driver, or both, for the prospective passenger to be picked up sooner than would happen in the ordinary course of bookings.

221M Rideshare driver—rideshare pricing during emergencies

- (1) A person commits an offence if—
 - (a) the person is a rideshare driver for a rideshare; and
 - (b) the person—
 - (i) applies surge pricing for the rideshare; or
 - (ii) accepts a jump-the-queue fee for a rideshare; or
 - (iii) accepts an up-front tip for a rideshare; and

- (c) a declared state of alert, or declared state of emergency, is in force for all or part of the ACT.

Note **Declared state of alert**—see s 70D.
Declared state of emergency—see s 70D.
Jump-the-queue fee—see s 70D.
Surge pricing—see s 70D.
Up-front tip—see s 70D.

Maximum penalty: 20 penalty units.

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

221N Meaning of *payment surcharge*—pt 5A.3

- (1) In this part:

payment surcharge—

- (a) means a fee or charge (however calculated)—
- (i) added to the amount otherwise payable by a hirer of a bookable vehicle because the amount payable for the hire of the vehicle is paid wholly or partly using a determined payment method; or
 - (ii) payable by a bookable vehicle driver, or a bookable vehicle service operator, because an amount payable for the hiring of the vehicle is paid wholly or partly using a determined payment method; and
- (b) includes a fee or charge mentioned in paragraph (a) whether or not the fee or charge—
- (i) is payable for accepting or processing payment made using a determined payment method; and
 - (ii) is based on the amount payable for a bookable vehicle hiring; but

(c) does not include a fee or charge imposed for using a determined payment method by—

- (i) a participant in a designated payment system; or
- (ii) a person consistently with a voluntary undertaking given by the person to, and accepted by, the Reserve Bank of Australia.

(2) In this section:

designated payment system—see the *Payment Systems (Regulation) Act 1998* (Cwlth), section 7.

participant, in a payment system—see the *Payment Systems (Regulation) Act 1998* (Cwlth), section 7.

221O Minister may determine methods of payment and maximum payment surcharge

- (1) The Minister may determine methods of payment (***payment methods***).
- (2) The Minister may determine the maximum amount payable for a payment surcharge (a ***maximum payment surcharge***).
- (3) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

221P Imposing more than maximum payment surcharge

- (1) A relevant person commits an offence if—
 - (a) a payment surcharge is imposed; and

- (b) the payment surcharge exceeds the maximum payment surcharge.

Maximum penalty: 20 penalty units.

- (2) It is a defence to a prosecution for an offence against this section if the defendant proves that—
 - (a) someone else imposed the payment surcharge; and
 - (b) the defendant did not know, and could not reasonably be expected to know, that the other person would impose the payment surcharge.

Note The defendant has a legal burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 59).

- (3) In this section:

relevant person means any of the following people:

- (a) the person who imposed the surcharge;
- (b) the bookable vehicle driver;
- (c) the bookable vehicle service operator;
- (d) the bookable vehicle licensee;
- (e) any person who provided or maintains any equipment installed in the bookable vehicle that enabled the surcharge to be imposed;
- (f) any person who manages or administers the whole or any part of the system under which the amounts due for the hiring may be paid using a determined payment method.

221Q Collecting more than maximum payment surcharge

- (1) A person commits an offence if—
- (a) the person initiates the collection of, or collects, a payment surcharge in a bookable vehicle; and
 - (b) the payment surcharge exceeds the maximum payment surcharge for the determined payment method.

Maximum penalty: 20 penalty units.

- (2) It is a defence to an offence against this section if the defendant proves that—
- (a) someone else initiated the collection of, or collected, the payment surcharge; and
 - (b) the defendant did not know, and could not reasonably be expected to know, that the other person would initiate the collection of, or collect, the payment surcharge.

Note The defendant has a legal burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 59).

Part 5A.4 Bookable vehicle service operators

221R Bookable vehicle service operator—offensive material in vehicle

- (1) A person commits an offence if the person—
 - (a) is a bookable vehicle service operator; and
 - (b) an advertisement, or other document, that a reasonable adult would consider indecent, insulting or offensive is displayed in the bookable vehicle.

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 a bookable vehicle service operator to remove an advertisement, or other document, that the authority, officer or person believes on reasonable grounds contravenes subsection (1).
- (3) The bookable vehicle service 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.

221S Bookable vehicle service operator—noncompliance notices

- (1) A person commits an offence if—
- (a) the person is a bookable vehicle service operator; and
 - (b) a noncompliance notice is attached to a bookable vehicle operated by the service; and
 - (c) the bookable vehicle is used to operate the service after the time of effect of the noncompliance notice.

Maximum penalty: 20 penalty units.

Note 1 **Noncompliance notice**—see the [Act](#), s 120 (1).

Time of effect—see the [Act](#), s 120 (2) (b).

Note 2 Unauthorised removal of a noncompliance notice is an offence (see [Act](#), s 120 (4)).

- (2) A person commits an offence if—
- (a) the person is a bookable vehicle service operator; and
 - (b) the person knows a noncompliance notice—
 - (i) was attached to a bookable vehicle used to operate the service; and
 - (ii) has been removed other than in accordance with the [Act](#), section 120; and
 - (c) the bookable vehicle is used to operate the service after the time of effect of the noncompliance notice.

Maximum penalty: 20 penalty units.

- (3) Strict liability applies to subsections (1) and (2) (c).

- (4) This section does not apply if a police officer or authorised person has directed under the [Act](#), section 120 that the notice be taken to have been removed.

Note The defendant has an evidential burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 58).

221T Bookable vehicle service operator—notifiable accidents

- (1) A person commits an offence if—
- (a) the person is a bookable vehicle service operator; and
 - (b) a bookable vehicle used to operate the service is involved in a notifiable accident; and
 - (c) the person fails to give, as soon as practicable (but within 24 hours) after the notifiable accident, written notice to the road transport authority of the following:
 - (i) the date and time when the accident happened;
 - (ii) the place where the accident happened.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if—
- (a) the person is a bookable vehicle service operator; and
 - (b) a bookable vehicle used to operate the service is involved in a notifiable accident; and
 - (c) the person fails to give, as soon as practicable (but within 5 days) after the day of a notifiable accident, written notice to the road transport authority of the following:
 - (i) the make, model and registration number of the bookable vehicle involved in the accident;

- (ii) the full name and home address of the driver of the bookable vehicle involved in the accident;
- (iii) the circumstances of the accident;
- (iv) the name and address of anyone killed or injured in the accident;
- (v) for an injured person—the kind of injuries received by the person.

Maximum penalty: 20 penalty units.

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

notifiable accident, for a bookable vehicle used to operate a bookable vehicle service, means an accident or other incident in which the death of, or bodily injury to, a person is caused by, or arises out of the use of, the bookable vehicle.

Part 5A.5 Bookable vehicle licensees

221U Bookable vehicle licensee—child restraint anchorage

- (1) A person commits an offence if—
 - (a) the person is a bookable vehicle licensee; and
 - (b) the bookable vehicle is not fitted with a child restraint anchorage that complies with the Australian Design Rules.

Maximum penalty: 10 penalty units.

- (2) This section does not apply to a hire car licensee.

Part 5A.6 Bookable vehicle drivers

221V Bookable vehicle driver—carrying goods in vehicle

- (1) A person commits an offence if—
 - (a) the person is a bookable vehicle driver; and
 - (b) the person allows a passenger to place or carry a thing in the bookable vehicle; and
 - (c) the thing, because of its size or dimensions, cannot be carried in the bookable vehicle without danger to someone.

Maximum penalty: 5 penalty units.

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

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

221W Bookable vehicle driver—carrying animals in vehicle

- (1) A person commits an offence if—
 - (a) the person is a bookable vehicle driver; and
 - (b) the person allows a passenger to place or carry an animal in the bookable vehicle; and
 - (c) the animal is not 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) This section does not apply if the animal is a guide-dog, hearing dog or assistance animal.

Note 1 **Guide-dog, hearing dog** and **assistance animal** have the same meaning as in the *Discrimination Act 1991*, s 9 (4) (see dict).

Note 2 The defendant has an evidential burden in relation to the matters mentioned in s (3) (see *Criminal Code*, s 58).

221X Bookable vehicle driver—dropping off and picking up passengers

- (1) A bookable vehicle driver—
- (a) must refuse to stop the bookable vehicle at any place where stopping the vehicle would be unlawful; and
 - (b) may refuse to stop the bookable vehicle at any place where stopping the vehicle would be, in the driver’s opinion, unsafe.
- (2) However, the bookable vehicle driver may stop the bookable vehicle at a place (the **preferred place**) where stopping the vehicle would otherwise be unlawful if—
- (a) the driver is dropping off or picking up a person with a significant disability that affects the person’s mobility; and
 - (b) there is no other place near the preferred place where the driver can lawfully and safely drop off or pick up the person; and
 - (c) stopping the vehicle in the preferred place is, in the driver’s opinion, safe.

Examples—people with significant disabilities affecting mobility

- 1 a wheelchair-dependent person
- 2 a person who ordinarily uses a walking stick, crutches or a walking frame to move around outdoors

3 a person who is blind

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).

221Y Bookable vehicle driver—must not solicit for passengers

A person commits an offence if the person—

- (a) is a bookable vehicle driver; and
- (b) is in or near the bookable vehicle; and
- (c) solicits for—
 - (i) passengers for the bookable vehicle; or
 - (ii) a hiring of the bookable vehicle.

Maximum penalty: 10 penalty units.

221Z Bookable vehicle driver—noncompliance notices

- (1) A person commits an offence if—
 - (a) the person is a bookable vehicle driver; and
 - (b) a noncompliance notice is attached to the bookable vehicle; and

- (c) the person uses the bookable vehicle to operate a bookable vehicle service after the time of effect of the noncompliance notice.

Maximum penalty: 20 penalty units.

Note 1 **Noncompliance notice**—see the [Act](#), s 120 (1).

Time of effect—see the [Act](#), s 120 (2) (b).

Note 2 Unauthorised removal of a noncompliance notice is an offence (see [Act](#), s 120 (4)).

- (2) A person commits an offence if—
 - (a) the person is a bookable vehicle driver; and
 - (b) the person knows a noncompliance notice—
 - (i) was attached to the bookable vehicle; and
 - (ii) has been removed other than in accordance with the [Act](#), section 120; and
 - (c) the person uses the bookable vehicle to operate a bookable vehicle service after the time of effect of the noncompliance notice.

Maximum penalty: 20 penalty units.

- (3) Strict liability applies to subsections (1) and (2) (c).
- (4) This section does not apply if a police officer or authorised person has directed under the [Act](#), section 120 that the notice be taken to have been removed.

Note The defendant has an evidential burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 58).

221ZA Bookable vehicle driver—directions by police officers or authorised people

- (1) A police officer or authorised person may give a bookable vehicle driver a direction—
 - (a) to accept a particular hiring even though the driver could refuse to accept the hiring under section 129 (4) (Wheelchair-accessible taxi driver—must preferentially accept hirings for wheelchair-dependent people); or
 - (b) about how a particular hiring is to be carried out.
- (2) However, the police officer or authorised person may not give a direction that would involve the driver committing an offence (other than an offence against this regulation).
- (3) A person commits an offence if the person—
 - (a) is a bookable vehicle driver; and
 - (b) is given a direction under subsection (1); and
 - (c) fails to comply with the direction.Maximum penalty: 5 penalty units.
- (4) Subsection (3) does not apply if the driver has a reasonable excuse for failing to comply with the direction.
- (5) If a bookable vehicle driver carries out a hiring in accordance with a direction under subsection (1)—
 - (a) the driver is exempt from any provision of this regulation that would otherwise prohibit the driver from carrying out the hiring in accordance with the direction; and

- (b) the Territory must pay the driver, in addition to the fare, reasonable compensation for any damage, injury, loss of time or other harm incurred by the driver because of the driver's compliance with the direction.

Part 5A.7 Bookable vehicle passengers

221ZB Bookable vehicle passenger—offensive behaviour or language

- (1) A person commits an offence if the person—
 - (a) is a passenger in a bookable vehicle; and
 - (b) either—
 - (i) behaves in an offensive way in the bookable vehicle; or
 - (ii) uses offensive language in the bookable vehicle.

Maximum penalty: 10 penalty units.

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

221ZC Bookable vehicle passenger—carrying animals in vehicle

- (1) A person commits an offence if—
 - (a) the person is a bookable vehicle passenger; and
 - (b) the person places or carries an animal in the bookable vehicle; and
 - (c) the animal is not 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) This section does not apply if the animal is a guide-dog, hearing dog or assistance animal.

Note 1 **Guide-dog, hearing dog** and **assistance animal** have the same meaning as in the *Discrimination Act 1991*, s 9 (4) (see dict).

Note 2 The defendant has an evidential burden in relation to the matters mentioned in s (3) (see *Criminal Code*, s 58).

221ZD Bookable vehicle passenger—soiled clothing etc

- (1) A bookable vehicle driver, police officer or authorised person may direct a person not to get into, or to get out of, a bookable vehicle 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 bookable vehicle 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 bookable vehicle without inconvenience or danger to someone else.
- (2) Subsection (1) (b) 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) A person commits an offence if the person—
- (a) is given a direction under subsection (1); and
 - (b) does not comply with the direction.

Maximum penalty: 5 penalty units.

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

221ZE Bookable vehicle passenger—intoxication

- (1) A bookable vehicle driver, police officer or authorised person may direct a person not to get into, or to get out of, a bookable vehicle if the driver, police officer or authorised person believes on reasonable grounds that the person is—
 - (a) under the influence of alcohol or a drug; and
 - (b) causing, or likely to cause, a nuisance or annoyance to someone else.
- (2) A person commits an offence if the person—
 - (a) is given a direction under subsection (1); and
 - (b) does not comply with the direction.Maximum penalty: 5 penalty units.
- (3) An offence against this section is a strict liability offence.

221ZF Bookable vehicle passenger—must get out of vehicle when directed

- (1) A bookable vehicle driver, police officer or authorised person may direct a person to get out of a bookable vehicle 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 commits an offence if the person—
 - (a) is given a direction under subsection (1); and
 - (b) does not comply with the direction.Maximum penalty: 5 penalty units.
- (3) An offence against this section is a strict liability offence.

221ZG Bookable vehicle passenger—removal from vehicle

A person who is given a direction to get out of a bookable vehicle under any of the following sections, and does not comply with the direction, may be removed from the bookable vehicle by a police officer:

- (a) section 221ZD (Bookable vehicle passenger—soiled clothing etc);
- (b) section 221ZE (Bookable vehicle passenger—intoxication);
- (c) section 221ZF (Bookable vehicle passenger—must get out of vehicle when directed).

221ZH Bookable vehicle passenger—lost property

- (1) A person commits an offence if the person—
 - (a) is a passenger in a bookable vehicle; and
 - (b) finds something in the bookable vehicle; and
 - (c) fails to give the thing to—
 - (i) its owner; or
 - (ii) the bookable vehicle driver; or
 - (iii) the transport booking service through which the person booked the bookable vehicle; or
 - (iv) a police officer; or
 - (v) an authorised person.

Maximum penalty: 5 penalty units.

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

97 Section 254 (2) (a)

omit

4 years

substitute

2 years

98 Sections 256 and 257

omit

99 Section 265

omit

100 Section 273

omit

101 New section 279A

in division 6.2.4, insert

279A Meaning of *DRS ticket*—div 6.2.4

In this division:

DRS ticket, for a DRS vehicle, means anything issued by or on behalf of the authorised operator of a DRS for the purpose of authorising a person to travel in a DRS vehicle.

102 Section 280 (2), note

omit

103 Section 301

omit

104 Section 320, definition of *service authority*, paragraphs (b) and (c)

substitute

- (b) an accreditation to operate a transport booking service; or
- (c) a taxi licence, rideshare vehicle licence or hire car licence; or
- (ca) an independent taxi service operator approval; or

105 Section 321 heading

substitute

321 When authority may take action in relation to accreditations, licences and approvals

106 Section 321 (1) (a), new note

insert

Note **Relevant person**—see s 4B and s 6B.

107 Section 321 (1) (b)

substitute

- (b) the person has contravened a service standard for the operation of the regulated service for the accreditation; or

108 Section 321 (2)

omit

a hire car licence or taxi licence (the *licence*)

substitute

a taxi licence, rideshare vehicle licence, hire car licence or independent taxi service operator approval (the *licence or approval*)

109 Section 321 (2) (a) to (d)

after

licence

insert

or approval

110 Section 321 (2) (e) to (g)

substitute

- (e) the authority is taking action against the person under subsection (1) in relation to the operation of a taxi service, rideshare service or hire car service; or
- (f) an amount payable under the *Road Transport (General) Act 1999* in relation to the licence or approval has not been paid; or
- (g) for a wheelchair-accessible taxi licence or an independent taxi service operator approval—the licensee, or approval-holder, is no longer operating the licensed vehicle as a taxi; or

111 Section 321 (3)

omit

112 Section 322 heading

substitute

322 Action that may be taken in relation to service authorities

113 Section 322 (1) (c)

after

licence

insert

or approval

114 New section 322 (3)

insert

- (3) If the road transport authority disqualifies a person from applying for a standard taxi licence or wheelchair-accessible taxi licence for a period under subsection (1), the person is also disqualified from applying for a pre-approval for that kind of licence for the same period.

115 Sections 324 to 326 headings

substitute

324 Immediate suspension of service authority

325 Effect of suspension of service authority

326 Return of service authority certificate etc

116 Section 326 (1) (a)

omit

taxi licence or hire car licence

substitute

taxi licence, rideshare vehicle licence, hire car licence or independent taxi service operator approval

117 Section 326 (1) (b)

omit

certificate or licence

substitute

certificate, licence or approval

118 Section 326 (3)

omit

hire car licence or taxi licence

substitute

taxi licence, rideshare vehicle licence, hire car licence or independent taxi service operator approval

119 New chapter 10

insert

**Chapter 10 Transitional—Road Transport
(Public Passenger Services)
(Taxi Industry Innovation)
Amendment Regulation 2016
(No 1)**

523 Meaning of *commencement day*—ch 10

In this chapter:

commencement day means the day the *Road Transport (Public Passenger Services) (Taxi Industry Innovation) Amendment Regulation 2016 (No 1)*, section 3 commences.

524 Non-transferable leased taxi licences

- (1) This section applies if, immediately before the commencement day, a person holds a non-transferable leased taxi licence (an *old licence*) under the *Road Transport (Public Passenger Services) Regulation 2002*, section 83C (Non-transferable leased taxi licences—decision on application).
- (2) The old licence is, on the commencement day, taken to be a standard taxi licence (a *new licence*) under section 92B (Taxi licence—decision on application)—
 - (a) in the same terms as the old licence; and
 - (b) subject to the same conditions as the old licence; and
 - (c) with the same expiry as the old licence.

525 Wheelchair-accessible taxi licences

- (1) This section applies if, immediately before the commencement day, a person holds a wheelchair-accessible taxi licence (an *old licence*) under the *Road Transport (Public Passenger Services) Regulation 2002*, section 83E (Wheelchair-accessible taxi licences—decision on application).
- (2) The old licence is, on the commencement day, taken to be a wheelchair-accessible taxi licence (a *new licence*) under section 92B (Taxi licence—decision on application)—
 - (a) in the same terms as the old licence; and
 - (b) subject to the same conditions as the old licence; and
 - (c) with the same expiry as the old licence.

526 Expiry—ch 10

This chapter expires 2 years after the commencement day.

Note Transitional provisions are kept in the regulation for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

120 Schedule 1 heading

substitute

Schedule 1 Service standards**121 Schedule 1, part 1.2**

substitute

Part 1.2 Transport booking 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 standards (see [Legislation Act](#), s 104).

- (b) for the operation of a transport booking service—
 - (i) the affiliation of bookable vehicle drivers with the transport booking service, including standard terms to be included in affiliated driver agreements; and

- (ii) systems for ensuring compliance with section 70A (Transport booking service—must ensure bookable vehicle licensed and insured); and
- (iii) the training of bookable vehicle drivers; and
- (iv) the monitoring of the safety of bookable vehicle drivers; and
- (v) the communications technology used by transport booking services; and
- (vi) the operation of transport booking services in particular areas of the ACT; and
- (vii) the maximum waiting times in each area of the ACT for a bookable vehicle; and
- (viii) how contraventions of the road transport legislation by affiliated drivers will be handled; and
- (ix) the procedures for processing payments under the taxi subsidy scheme; and
- (x) how customer inquiries (including for lost property) and complaints will be handled, including—
 - (A) the recording and resolution of customer complaints; and
 - (B) the handling and disposal of lost property; and
- (xi) ensuring that an adequate number of bookable vehicles (including bookable vehicles equipped with baby capsules) are available to operate; and

- (xii) if the transport booking service provides transport booking 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 with section 114 (Wheelchair-accessible taxi driver—special responsibilities) will be handled.

122 Schedule 1, part 1.3 heading

substitute

Part 1.3 Taxi services**123 Schedule 1, part 1.3, section 3 (f)**

omit

or restricted taxi service

124 Schedule 1, part 1.3, new section 3 (f) (vii)

insert

- (vii) systems for ensuring compliance with the [Act](#), section 111 (Public passenger vehicle insurance compulsory).

125 **Schedule 1, new part 1.3A**

insert

Part 1.3A **Rideshare services**

3A Standards in relation to the following:

- (a) the inspection and servicing of rideshare vehicles;
- (b) the cleaning, maintenance and repair of rideshare vehicles;
- (c) for servicing, maintenance or repairs to rideshare vehicles carried out by an accredited rideshare driver—the operation of the facilities for those activities carried out by the accredited rideshare driver and the training of people to carry out the activities;
- (d) for servicing, maintenance or repairs to rideshare vehicles carried out on behalf of an accredited rideshare driver—how the accredited rideshare driver will ensure that the rideshare vehicles 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 rideshare 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 rideshare service—
 - (i) the terms under which drivers will be employed; and

- (ii) systems for ensuring compliance with section 164U (Rideshare driver—must hold appropriate driver licence); and
- (iii) the training of rideshare drivers; and
- (iv) the monitoring of the safety of rideshare drivers; and
- (v) how contraventions of the road transport legislation by rideshare 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 rideshare service—the measures that will be taken for the safety of passengers; and
- (x) systems for ensuring compliance with the [Act](#), section 111 (Public passenger vehicle insurance compulsory).

126 Schedule 1, part 1.4, section 4 (a) and (b)

substitute

- (a) the inspection and servicing of hire cars;
- (b) the cleaning, maintenance and repair of hire cars;

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127 Schedule 1, part 1.5, section 5 (a) and (b)

substitute

- (a) the inspection and servicing of hire cars;
- (b) the cleaning, maintenance and repair of hire cars;

128 Dictionary

substitute

Dictionary

(see s 3)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

Note 2 For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACT
- Australian citizen
- contravene
- [Corporations Act](#)
- fail
- found guilty
- home address
- penalty unit (see s 133)
- the Territory.

Note 3 Terms used in this regulation have the same meaning that they have in the [Road Transport \(Public Passenger Services\) Act 2001](#) (see [Legislation Act](#), s 148). For example, the following terms are defined in the [Road Transport \(Public Passenger Services\) Act 2001](#), dict:

- accredited operator
- accredited rideshare driver

- accredited transport booking service
- affiliated driver
- affiliated driver agreement (see s 36)
- affiliated operator
- affiliated operator agreement (see s 36C)
- authorisation
- bookable vehicle (see s 29)
- bookable vehicle driver (see s 29)
- bus service (see s 11)
- demand responsive service (see s 80)
- demand responsive service vehicle (see s 81)
- fittings
- independent taxi service operator
- licensed rideshare vehicle
- public passenger service (see s 10)
- public passenger vehicle
- public passenger vehicle policy (see s 110)
- regular route service (see s 12)
- restricted hire car (see s 68)
- rideshare (see s 60A)
- rideshare driver (see s 60A)
- rideshare service (see s 60A)
- rideshare vehicle (see s 60A)
- rideshare vehicle licence (see s 60J)
- road
- taxi (see s 45)
- taxi licence
- taxi service (see s 47)

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- tour and charter service (see s 13)
- transport booking service (see s 28).

Note 4 The *Road Transport (General) Act 1999* contains definitions relevant to this regulation. For example, the following terms are defined in the *Road Transport (General) Act 1999*, dictionary:

- another jurisdiction
- Australian Design Rule
- [Australian Road Rules](#)
- driver
- jurisdiction
- motor vehicle
- road transport authority (see s 16)
- road transport legislation (see s 6)
- vehicle.

accreditation means accreditation under this regulation to operate a public passenger service or transport booking service.

accredited operator, of a public passenger service, means an accredited person who is entitled to operate the service.

Note **Accredited operator**, of a public passenger vehicle—see the [Act](#), s 110.

ACT taxi region—see section 155 (1).

affiliated driver record, for part 3A.3 (Transport booking services—records)—see section 70G.

affiliated operator record, for an affiliated operator for a transport booking service, for part 3A.3 (Transport booking services—records)—see section 70H.

applicable vehicle standards, for a vehicle—see the [Road Transport \(Vehicle Registration\) Regulation 2000](#), section 103.

- applicant***, for accreditation (including renewal)—see section 7 (1).
- approved educational qualifications***, for a kind of accreditation—see section 19 (1).
- approved wheelchair-accessible taxi driver training course***—see section 162 (1).
- assistance animal***—see the [Discrimination Act 1991](#), section 9 (4).
- authorised fixed-fare hiring***—see section 142A (1) (Exemption from operation of taximeter and metered fares for certain hirings—Act, s 128 (1) (a)).
- authorised operator***, for part 6.2 (Demand responsive services)—see section 244.
- authorised person***—see the [Road Transport \(General\) Act 1999](#), dictionary.
- begins***, for a taxi hiring—see section 127.
- bookable vehicle service***, for chapter 5A (Bookable vehicles (taxis, rideshare vehicles and hire cars))—see section 221A.
- bookable vehicle service operator***, for chapter 5A (Bookable vehicles (taxis, rideshare vehicles and hire cars))—see section 221A.
- bus***—see section 20B.
- bus driver***—see section 20B.
- bus ticket***, for a bus, for part 3.2 (Bus tickets)—see section 45A.
- declared state of alert***—see section 70D.
- declared state of emergency***—see section 70D.
- disciplinary notice***—see section 323 (1).

drive a public passenger vehicle includes stop or park the vehicle.

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

driver licence—see the [Road Transport \(Driver Licensing\) Act 1999](#), dictionary.

DRS means demand responsive service.

DRS authorisation label—see section 236 (1).

DRS ticket, for a DRS vehicle, for division 6.2.4 (Demand responsive service tickets)—see section 279A.

DRS vehicle driver, for part 6.2 (Demand responsive services)—see section 244.

duplicate restricted hire car licence—see section 172 (3).

duress alarm, for a bookable vehicle, for part 5A.2 (Security cameras, GPS tracking and duress alarms)—see section 221B.

ends, for a taxi hiring—see section 127A.

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

fare, for the hiring of a taxi, for chapter 4 (Taxis)—see section 127B.

goods includes luggage.

guide-dog—see the [Discrimination Act 1991](#), section 9 (4).

hearing dog—see the [Discrimination Act 1991](#), section 9 (4).

hire car driver—see section 178.

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

immediate suspension notice—see section 324 (3).

in a vehicle includes on the vehicle.

jump-the-queue fee, for a bookable vehicle booking—see section 70D.

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

liquor—see the [Liquor Act 2010](#), section 11.

member, of an emergency service—see the [Emergencies Act 2004](#), dictionary.

multiple hiring, of a taxi, for division 4.3.3 (Taxi hirings)—see section 140A.

operate a public passenger vehicle includes drive a public passenger vehicle.

payment surcharge, for part 5A.3 (Fares, fees and other payments)—see section 221O.

pre-approval, for a taxi licence, for part 4.2 (Taxi licences)—see section 83.

prescribed driver authority information, for a person, means—

- (a) if the person is the holder of a public vehicle licence—the number of the person’s public vehicle licence and its expiry date; or

- (b) in any other case—
- (i) the number of the person’s Australian driver licence 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 person and its expiry date.

Note 1 A person does not hold a public vehicle licence if the public vehicle licence has been suspended or cancelled under the road transport legislation or any other territory law.

Note 2 The *Road Transport (Driver Licensing) Regulation 2000*, s 94A (4) provides that a person ceases to be exempt from holding a public vehicle licence if—

- (a) an automatic disqualifying circumstance applies to the person (see *Road Transport (Driver Licensing) Regulation 2000*, s 91); or
- (b) the person is disqualified by the road transport authority from driving a vehicle on a road or road related area (in the ACT) under that regulation, s 103.

public vehicle licence—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

recording, for a security camera, for part 5A.2 (Security cameras, GPS tracking and duress alarms)—see section 221B.

registered vehicle—see the *Road Transport (Vehicle Registration) Regulation 2000*, dictionary.

registration number, for a vehicle—see the *Road Transport (Vehicle Registration) Regulation 2000*, dictionary.

regulated service, for chapter 2 (Accreditation of public passenger service operators and transport booking services)—see section 5A.

relevant person—

- (a) for an application—see section 4B; and
- (b) for an application for accreditation—see section 6B.

restricted hire car licence label—see section 168.

security camera, for part 5A.2 (Security cameras, GPS tracking and duress alarms)—see section 221B.

security device, for part 5A.2 (Security cameras, GPS tracking and duress alarms)—see section 221B.

service authority, for chapter 8 (Disciplinary action)—see section 320.

service contract—see section 70R.

service standards, for the operation of a regulated service—see section 18B.

standard taxi, for part 4.2 (Taxi licences)—see section 81.

standard taxi licence, for part 4.2 (Taxi licences)—see section 81.

stand-by hire car—see section 177B.

stand-by hire car permit—see section 177A.

stand-by hire car permit label, for division 5.1.3 (Stand-by hire cars)—see section 177A.

stand-by taxi—see section 109.

suitable vehicle, for chapter 4A (Ridesharing)—see section 164A.

surge pricing, for ridesharing—see section 70D.

taxi—

- (a) for this regulation generally—see the [Act](#), section 45; and
- (b) includes a stand-by taxi.

taxi licence waiting list—see section 84 (1).

taxi zone—

- (a) see the [Australian Road Rules](#), rule 182; and
- (b) includes a temporary taxi zone appointed under section 123.

up-front tip—see section 70D.

usual hire car—see section 177B.

WTBS—see section 70Q.

WTBS operator—see section 70R.

WTBS's approved procedures and rules—see section 70V.

wheelchair—see the [Australian Road Rules](#), dictionary.

wheelchair-accessible taxi—see section 82.

wheelchair-accessible taxi booking service (WTBS)—see section 70Q.

wheelchair-accessible taxi licence—see section 82.

wheelchair-dependent person means a person who is using a wheelchair for mobility.

129 Further amendments, mentions of *Minister*

omit

Minister

substitute

road transport authority

in

- section 230 (1) and (2)
- section 230 (3) (1st mention)
- section 230 (4)
- section 231 (1) (1st mention)
- section 231 (2)
- section 231 (3) (1st mention)
- section 232 (1) and (2)
- section 232 (3)
- section 233 (1)
- section 233 (2) (1st mention)
- section 235 (2)
- section 236 (1) (1st mention)
- section 237 (1)
- section 237 (2) (1st mention)
- section 238 (1)
- section 238 (2) (1st mention)
- section 240 (1)
- section 240 (2) (1st mention)
- section 242 (1)

- section 242 (3) (a)
- section 242 (4) (1st mention)

130 Further amendments, mentions of *Minister*

omit

Minister

substitute

authority

in

- section 230 (3) (2nd and 3rd mention)
- section 231 (1) (2nd mention)
- section 231 (3) (2nd mention)
- section 233 (2) (g)
- section 236 (1) (2nd mention)
- section 237 (2) (2nd mention)
- section 238 (2) (2nd mention)
- section 240 (2) (2nd mention)
- section 242 (3) (b)
- section 242 (4) (2nd mention)

131 Further amendments, mentions of *Minister's*

omit

Minister's

substitute

Authority's

in

- section 232 (3) (a)
- section 233 heading
- section 233 (1)

132 Regulation—renumbering

*renumber provisions when regulation next republished under
[Legislation Act](#)*

Schedule 1 Consequential amendments

(see s 3)

Part 1.1 Road Transport (Driver Licensing) Regulation 2000

[1.1] Table 11, item 2

substitute

2	taxi	T
2A	rideshare vehicle	C

[1.2] Dictionary, definition of *restricted taxi*

omit

[1.3] Dictionary, new definition of *rideshare vehicle*

insert

rideshare vehicle—see the *Road Transport (Public Passenger Services) Act 2001*, section 60A.

Part 1.2 Road Transport (General) Regulation 2000

[1.4] Section 16 (1) (i)

substitute

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

[1.5] Schedule 3, part 3.1, item 12

substitute

12	a fee, charge or other amount paid in relation to an application for the issue or transfer of a taxi licence, rideshare vehicle licence or hire car licence under the <i>Road Transport (Public Passenger Services) Act 2001</i> if the application is refused
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[1.6] Schedule 3, part 3.2, item 3

substitute

3	<p>a fee, charge or other amount paid in relation to the issue of any of the following licences under the <i>Road Transport (Public Passenger Services) Act 2001</i> if the licence is surrendered in accordance with that Act:</p> <ul style="list-style-type: none">(a) a leased car licence;(b) a transferable leased taxi licence;(c) a standard taxi licence;(d) a wheelchair-accessible taxi licence
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Note Transferable leased taxi licences are no longer issued by the road transport authority but may continue to operate under the *Road Transport (Public Passenger Services) Regulation 2002*.

Part 1.3 Road Transport (Vehicle Registration) Regulation 2000

[1.7] Schedule 1, division 1.5.3

omit

Part 1.4 Workers Compensation Regulation 2002

[1.8] New part 2A

insert

Part 2A Meaning of *worker*

8B Regular contractors and casuals

- (1) For the [Act](#), section 11 (2) (c), the following contracts are prescribed:
 - (a) a contract of bailment between the individual (the *driver*) who is a bookable vehicle driver and another person (the *principal*) under which the driver has the use of a bookable vehicle;
 - (b) an affiliated driver agreement between the individual (the *driver*) and a transport booking service (the *principal*) that prevents, or imposes restrictions on, the driver having an affiliated driver agreement with any other transport booking service.

(2) In this section:

affiliated driver agreement—see the *Road Transport (Public Passenger Services) Act 2001*, section 36.

bookable vehicle—see the *Road Transport (Public Passenger Services) Act 2001*, section 29.

bookable vehicle driver—see the *Road Transport (Public Passenger Services) Act 2001*, section 29.

transport booking service—see the *Road Transport (Public Passenger Services) Act 2001*, section 28.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 2016.

2 Republications of amended laws

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