

AUSTRALIAN CAPITAL TERRITORY

Motor Traffic (Amendment) Ordinance (No. 2) 1989

No. 8 of 1989

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 22 February 1989.

BILL HAYDEN
Governor-General

By His Excellency's Command,

CLYDE HOLDING
Minister of State for the Arts
and Territories

An Ordinance to amend the *Motor Traffic Ordinance 1936*

(Ord. 8/89)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Short title

1. This Ordinance may be cited as the *Motor Traffic (Amendment) Ordinance (No. 2) 1989*.¹

Principal Ordinance

2. In this Ordinance, the “Principal Ordinance” means the *Motor Traffic Ordinance 1936*.²

Licences for public motor vehicles

3. Section 27 of the Principal Ordinance is amended—

(a) by inserting before subsection (1) the following subsection:

(1AA) In this section, ‘transferable taxi licence’ means a taxi licence—

- (a) granted before 9 August 1973;
- (b) endorsed as transferable under subsection (2A);
- (c) granted within the period commencing on 27 March 1986 and ending at the expiration of the day before the day on which the *Motor Traffic (Amendment) Ordinance (No. 2) 1989* commenced and for which \$80,000 was paid to the Commonwealth; or
- (d) granted on or after the day on which the *Motor Traffic (Amendment) Ordinance (No. 2) 1989* commenced.”;

(b) by omitting from paragraph (1) (a) “sum of \$80,000” and substituting “determined fee”;

(c) by omitting subsection (2A) and substituting the following subsection:

“(2A) The Registrar shall endorse a taxi licence as transferable on application accompanied by —

- (a) if the application is made before 6 January 1990—\$37,500;
or
- (b) in any other case—the determined fee.”;

(d) by omitting subsections (7) and (8) and substituting the following subsections:

“(7) On application in accordance with subsection (8), the Registrar may transfer a transferable taxi licence or a motor omnibus licence by endorsement on the licence.

“(8) An application under subsection (7) shall be—

- (a) in writing signed by the proposed transferor and the proposed transferee; and
- (b) accompanied by the determined fee.”; and
- (e) by omitting subsection (9).

Insertion

4. After section 27 of the Principal Ordinance, the following sections are inserted:

Transfers of licences for public motor vehicles—notice of decisions

“27A (1) Where the Registrar makes a decision to refuse to transfer a taxi licence or a motor omnibus licence, he or she shall, within 28 days of the date of the decision, give notice in writing of the decision to the persons whose interests are affected by the decision.

“(2) A notice under subsection (1) shall—

- (a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, an application may be made to the Administrative Appeals Tribunal for a review of the decision to which the notice relates; and
- (b) except where subsection 28 (4) of that Act applies—include a statement to the effect that a person whose interests are affected by the decision may request a statement pursuant to section 28 of that Act.

“(3) The validity of a decision referred to in subsection (1) shall not be taken to be affected by a failure to comply with that subsection.

Transfer of licences for public motor vehicles—review

“27B. Application may be made to the Administrative Appeals Tribunal for a review of a decision referred to in subsection 27A (1).”.

Licences for private hire cars

5. Section 28 of the Principal Ordinance is amended by omitting subsection (7) and substituting the following subsection:

“(7) An application under subsection (6) shall be in writing signed by the proposed transferor and the proposed transferee.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 8 March 1989.
2. No. 45, 1936 as amended to date. For previous amendments *see* Note 2 to No. 6, 1989, and *see also* No. 6, 1989.