



AUSTRALIAN CAPITAL TERRITORY

Motor Traffic (Amendment) Act (No. 7) 1990

No. 42 of 1990

An Act to amend the *Motor Traffic Act 1936*

[Notified in ACT Gazette S 76: 7 November 1990]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Motor Traffic (Amendment) Act (No. 7) 1990*.

Principal Act

2. In this Act, “Principal Act” means the *Motor Traffic Act 1936*.¹

Insertion

3. Before section 27 of the Principal Act the following section is inserted in Part III:

Interpretation

“26T. (1) In this Part—

‘defined right’ means a right to be granted a licence to use a motor vehicle as a taxi.

“(2) In subsections 27 (5) and (6), section 32 and subsections 35 (3) and (4) a reference to a licensee shall be read as including—

- (a) a person referred to in paragraph 31 (3) (a); and
- (b) a person referred to in paragraph 31 (3) (b).”.

Licences for public motor vehicles

4. Section 27 of the Principal Act is amended—

- (a) by omitting subsection (2B); and
- (b) by omitting from subsections (5) and (6) “owner” and substituting “licensee”.

Substitution

5. Sections 27A and 27B of the Principal Act are repealed and the following sections substituted:

Rights to be granted licences

“27A. (1) The Registrar may, on behalf of the Territory, auction a defined right.

“(2) The Registrar shall determine in writing the terms on which an auction under subsection (1) shall be conducted.

“(3) A defined right exists for a period of 28 days commencing on the expiration of the day on which that right was auctioned.

“(4) Where, before the expiration of a defined right—

- (a) its purchaser applies to the Registrar for an extension of the term of that right; and
- (b) the application is accompanied by the determined fee;

the Registrar may, by notice in writing, extend or further extend, the term of that right for the period specified in the notice of extension.

“(5) Subject to subsections 27 (2) and 31 (2), where the purchaser of a defined right applies for a licence to use a motor vehicle as a taxi, the Registrar shall, on payment of the balance of the purchase monies, grant such a licence to that person.

Limited number of taxi licences

“27B. The Registrar shall not grant a taxi licence or auction a defined right if the sum of the number of taxi licences and the number of defined rights would exceed 149 or such higher number as the Minister, by instrument published in the *Gazette*, determines.

Assignment of rights

“27C. (1) A defined right is not assignable unless the Registrar approves the assignment of the right to the proposed assignee.

“(2) The Registrar shall, on application in accordance with subsection (3), approve the assignment of a defined right.

“(3) An application shall—

- (a) be in writing signed by the assignor;
- (b) specify the assignee; and
- (c) be lodged with the Registrar with the determined fee.”.

Substitution

6. Section 31 of the Principal Act is repealed and the following section substituted:

Certain persons to have use, control and management of vehicles

“31. (1) The Registrar may cancel or suspend for any period a taxi licence or private hire car licence where she or he is not satisfied that at least one of the prescribed persons has the use, control and management of the taxi or private hire car.

“(2) The Registrar may refuse an application by a person for a licence, or for the renewal of a licence, for a taxi or private hire car where she or he is not satisfied that at least one of the persons who has or will have the use, control and management of the taxi or private hire car, is or will be a prescribed person.

“(3) For the purposes of subsections (1) and (2), the following persons are prescribed:

- (a) the holder of the licence;

- (b) a person in respect of whom the Registrar has been given notice in accordance with subsection (4);
- (c) an employee of a person referred to in paragraph (a) or (b).

“(4) A notice referred to in subsection (3) (b) is notice in writing that—

- (a) is signed by the person who is, or will be, the relevant licensee and by the person to whom the notice relates; and
- (b) has been lodged with the Registrar with the determined fee.”.

Fire extinguisher to be carried

7. Section 32 of the Principal Act is amended by omitting “owner” and substituting “licensee”.

Disinfection of vehicles

8. Section 35 of the Principal Act is amended—

- (a) by omitting from subsection (3) “owner” and substituting “licensee”;
- (b) by inserting in subsection (3) “her or” before “his”;
- (c) by omitting from subsection (4) “owner” and substituting “licensee”;
- (d) by inserting in subsection (4) “her or” before “his”; and
- (e) by inserting in subsection (4) “she or” before “he”.

Insertion

9. After section 39 of the Principal Act the following sections are inserted in Part III:

Review of decisions

“39A. Application may be made to the Tribunal for a review of a decision of the Registrar—

- (a) refusing to grant, renew or transfer a licence under this Part;
- (b) refusing to grant an extension of time under subsection 27A (4);
or
- (c) cancelling or suspending a licence under this Part.

Notice of decisions

“39B. (1) Where the Registrar makes a decision referred to in section 39A, she or he 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 1989*, an application may be made to the Tribunal for a review of the decision to which the notice relates; and
- (b) except where subsection 26 (11) 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 26 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.”.

Refusal, cancellation or suspension of licences or registrations

10. Section 104 of the Principal Act is amended by omitting from subsection (6) “a decision of the Registrar,” and substituting “a decision of the Registrar (other than a decision under Part III of this Act),”.

NOTE

1. Ordinance No. 45, 1936 as amended to date. For previous amendments see Note 1 to Act No. 4, 1990 and see also Acts Nos. 4, 14, 37, 38, 40 and 41, 1990.

[Presentation speech made in Assembly on 18 October 1990.]

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