

Australian Capital Territory

Road Transport (Public Passenger Services) (Defined Rights Conditions) Determination 2011 (No 1)

Disallowable instrument DI2011–36

made under the

Road Transport (Public Passenger Services) Regulation 2002, section 84M (Defined Rights Conditions)

1 Name of instrument

This instrument is the Road Transport (Public Passenger Services) (Defined Rights Conditions) Determination 2011 (No 1).

2 Commencement

This instrument commences on the day after notification.

3 Determination

The conditions contained in the Schedule are the defined rights conditions for a ballot of defined rights for non-transferable leased taxi licences to be held on 13 April 2011.

4 Revocation

I revoke Disallowable Instrument DI2008-228.

Gary Byles
Road Transport Authority

18 February 2011

**SCHEDULE TO THE ROAD TRANSPORT (PUBLIC PASSENGER SERVICES)
DEFINED RIGHTS CONDITIONS) DETERMINATION 2011 (No 1)**

**DEFINED RIGHTS CONDITIONS FOR
NON-TRANSFERABLE LEASED TAXI LICENCES**

1. Unless extended by the Road Transport Authority (the Authority) under clause 4, a defined right for a non-transferable leased taxi licence allocated to a person in a ballot of defined rights will end:
 - **60 days** after the day of the ballot; or
 - when the holder of a defined right submits written notice to the Authority that they wish to surrender the defined right; or
 - a taxi licence to which the right relates is issued to the holder of the right.

2. Unless extended by the Authority under clause 4, a defined right for a non-transferable leased taxi licence offered to a person on a reserve list of ballot entrants will end:
 - **60 days** after the day the person receives the offer of the defined right; or
 - when the person on the reserve list submits written notice to the Authority that they wish to surrender the defined right; or
 - a taxi licence to which the right relates is issued to the holder of the right.

3. A person who is the holder of a defined right pursuant to clause 1 or 2 may apply to the Authority for an extension of the relevant defined right period on the following terms:
 - (a) the application must:
 - (i) be in writing,
 - (ii) be received by the Authority prior to the expiration of the relevant defined period referred to in clause 1 and 2 (as applicable), and
 - (iii) specify the additional period of time (not exceeding 60 days from the date of the application) sought by the applicant and the reasons for the applicant seeking the specified period of time; and

 - (b) the application must include evidence of the applicant having substantially commenced and progressed the following:
 - (i) the process of becoming accredited to operate a taxi service, and
 - (ii) obtaining and fitting out a vehicle in accordance with the vehicle standards for taxis under the *Road Transport (Vehicle Registration) Regulation 2000*.

4. The Authority may approve an application for an extended defined right if the Authority believes, on reasonable grounds, that the person intends to operate a vehicle under a non-transferable leased taxi licence and the additional time sought in the application is necessary to enable the holder of the defined right to:
 - (a) complete the process of becoming accredited to operate a taxi service, and/or

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- (b) obtain and fit out a vehicle in accordance with the vehicle standards for taxis under the *Road Transport (Vehicle Registration) Regulation 2000*.
5. If the Authority approves an application to extend the defined right period:
- (a) it will notify the applicant what the **extended defined right period** will be;
 - (b) the approval will specify the date on which the extended defined right ends; and
 - (c) the applicant must pay the determined fee for the issue of the extended defined right period.
6. A person who is the holder of a defined right must, before the day the defined right period or extended defined right period, if applicable, ends:
- (a) apply to the Authority to be issued with a conditional non-transferable leased taxi licence; and
 - (b) either:
 - (i) pay the determined annual fee for a non-transferable leased taxi licence, or
 - (ii) if paying the annual fee in quarterly instalments, pay the first instalment.

Notes

Under the Road Transport (General) (Public Passenger Services Licence and Accreditation Fees) Determination 2008 (No 1), the fee for the issue of an extension of defined right period is \$500.

Under the Road Transport (General) (Public Passenger Services Licence and Accreditation Fees) Determination 2008 (No 1), if a holder of an extended defined right is issued with a non-transferable leased taxi licence before the extended defined right ends, the determined fee for the issue of an extension of defined right period must be refunded to the person. If the holder of an extended defined right is not issued with a non-transferable leased taxi licence before the extended defined right period ends, the determined fee for the issue of an extension of defined right period is not refundable to the person.

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