

Australian Capital Territory

Road Transport (Public Passenger Services) (Defined Right Conditions) Determination 2012 (No 1)

Disallowable instrument DI2012–42

made under the

Road Transport (Public Passenger Services) Regulation 2002, section 84M (Defined right conditions)

1. Name of instrument

This instrument is the Road Transport (Public Passenger Services) (Defined Right Conditions) Determination 2012 (No 1).

2. Commencement

This instrument commences on the day after notification.

3. Approval

I determine that the conditions contained in Schedule 1 are the defined right conditions for a ballot of defined rights for restricted taxi licences for wheelchair accessible taxis to be held on 23 May 2012.

Kathy Leigh
Road Transport Authority
11 April 2012

SCHEDULE 1

DEFINED RIGHT CONDITIONS FOR RESTRICTED TAXI LICENCES FOR WHEELCHAIR ACCESSIBLE TAXIS 23 MAY 2012

1. Unless an extension is granted by the Road Transport Authority (the Authority) under clause 4, a defined right for a restricted taxi licence for a wheelchair accessible taxi allocated to a person in a ballot of defined rights will end:
 - **120 days** after the day of the ballot; or
 - when the person allocated the defined right submits written notice to the Authority that they wish to surrender the offer of the defined right; or
 - when a taxi licence to which the defined right relates is issued to the holder of the defined right,;whichever is the earlier.
2. Unless an extension is granted by the Authority under clause 4, a defined right for a restricted taxi licence for a wheelchair accessible taxi offered to a person on a reserve list of ballot entrants will end:
 - **120 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 offer of the defined right; or
 - when a taxi licence to which the defined right relates is issued to the holder of the defined right,whichever is the earlier.
3. A person who is the holder of a defined right may apply to the Authority for an extension of the defined right on the following terms:
 - (a) the application must:
 - (i) be in writing,
 - (ii) be received by the Authority prior to the expiration of the defined right period under clause 1 or 2 (as applicable), and
 - (iii) specify the additional period of time (not exceeding 120 days) sought by the applicant and the reasons for requesting the extension;
 - (b) the application must include evidence of the applicant's having substantially commenced and progressed the following:
 - (i) the process of becoming accredited to operate a restricted taxi service for a wheelchair accessible taxi, and
 - (ii) obtaining and fitting out a vehicle in accordance with the vehicle standards for taxis under the *Road Transport (Vehicle Registration) Regulation 2000*.

THIS IS SCHEDULE 1 TO THE ROAD TRANSPORT (PUBLIC PASSENGER SERVICES) (DEFINED RIGHT CONDITIONS) DETERMINATION 2012 (NO.1)

4. The Authority may approve an application for an extension of a defined right if the Authority believes, on reasonable grounds, that the person intends to operate a vehicle under a restricted taxi licence and the additional time is necessary to enable the holder of the defined right to:
 - (a) complete the process of becoming accredited to operate a taxi service, and
 - (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:
 - (a) it will notify the applicant of the extended defined right,
 - (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. .
6. A person who is the holder of a defined right must, before the day the defined right or extended defined right, if applicable, ends:
 - (a) apply to the Authority to be issued with a restricted taxi licence for a wheelchair accessible taxi; and
 - (b) pay the determined annual fee for a restricted taxi licence for a wheelchair accessible taxi.

Notes

- i. Under the Road Transport (General) Public Passenger Service Licence and Accreditation Fees Determination DI 2011-110, the fee for the issue of an extension of defined right period is **\$500**.
- ii. Under the Road Transport (General) Public Passenger Service Licence and Accreditation Fees Determination DI 2011-110), 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.