

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 right conditions)

EXPLANATORY STATEMENT

The *Road Transport (Public Passenger Services) Regulation 2002* (the regulation) provides for the issue of non-transferable leased taxi licences. This instrument determines the conditions for defined rights to be allocated in a ballot of defined rights for non-transferable leased taxi licences on 13 April 2011.

Section 84D of the regulation provides the mechanism to issue new taxi licences by way of a ballot in which defined rights for taxi licences are allocated.

The purpose of a defined right period is to give applicants sufficient time to apply for accreditation as a taxi operator and to obtain a vehicle to operate as a taxi, which must occur before a taxi licence can be issued. A 60 day period is considered sufficient for most genuine applicants to meet these requirements.

There is a possibility that not all applicants will be able to satisfy the requirements within a 60 day period, and so there is a need to allow this period to be extended on application under certain conditions. The Road Transport Authority may refuse an extension to a defined right in the event that it does not consider that the applicant intends to operate a vehicle as a taxi under the licence offered through the defined right.

Section 84M of the *Road Transport (Public Passenger Services) Regulation 2002* allows the Road Transport Authority to determine conditions for defined rights allocated in a ballot of defined rights for relevant taxi licences including conditions as to when a defined right comes to an end.

Clause 1 contains the name of the instrument.

Clause 2 provides for the commencement of the instrument.

Clause 3 explains that the conditions for the defined rights as set out in the Schedule.

The conditions for a defined right include the following:

- a defined right ends 60 days after the ballot of defined rights;
- a defined right allocated to a person from a reserve list ends 60 days from the offer of the defined right;
- the holder of a defined right may apply in writing for an extension of the defined right period in writing;
- to extend a defined right, the holder must provide evidence that he/she has made progress towards becoming accredited as a taxi operator and acquiring a vehicle to operate as a taxi, the Road Transport Authority must be satisfied that the extended defined right period is necessary for the holder to complete the process of becoming accredited and acquiring a vehicle to operate as a taxi, and the holder must pay the determined fee for the issue of a defined right extension; and
- any extended defined right period will be determined by the Road Transport Authority and may be no more than 60 days.

The fee payable for an extended defined right must be refunded on the issue of a non-transferable leased taxi licence to the holder of the defined right.

Clause 4 revokes the previous determination.