

Road Transport (Public Passenger Services) (Defined Rights Conditions Determination 2015 (No 1))

Disallowable instrument DI2015–56

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* provides for the issue of restricted taxi licences. Section 84M of that Regulation allows the Road Transport Authority to determine conditions upon which defined rights are allocated in a ballot of defined rights for relevant taxi licences.

This Instrument determines the conditions that will apply to defined rights to be allocated in a ballot of defined rights for restricted taxi licences for wheelchair accessible taxis on 13 May 2015.

The conditions under which a defined right will be allocated include the following:

- a defined right allocated to a person ends 60 days from the acceptance of the defined right;
- a defined right allocated to a person from a reserve list ends 60 days from the acceptance of the defined right;
- the holder of a defined right may apply 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 towards 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 period must be refunded on the issue of a restricted taxi licence for a wheelchair accessible taxi to the holder of the defined right.

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 applicants to meet these requirements.

There is a possibility that not all applicants will be able to satisfy the requirements within the 60 day period, 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 wheelchair accessible taxi under the licence offered through the defined right.