

Road Transport (General) (COVID-19 Emergency Response—Taxi Industry) Application Order 2021 (No 1)

Disallowable instrument DI2021–229

made under the

Road Transport (General) Act 1999, section 14 (Application orders and emergency orders)

EXPLANATORY STATEMENT

OVERVIEW

This instrument is made under section 14 of the *Road Transport (General) Act 1999* (the Act).

Section 14 (1) allows the Minister to order that the operation of regulations made under the road transport legislation, or a provision of such regulations, is suspended for a stated period or varied in the way stated in the order.

An order under subsection (1) is a disallowable instrument.

Road transport legislation is defined in section 6 of the Act and includes the *Road Transport (Vehicle Registration) Act 1999* and the *Road Transport (Vehicle Registration) Regulation 2000*.

This instrument orders that section 32B of the *Road Transport (Vehicle Registration) Regulation 2000*, is varied in response to the current health emergency.

BACKGROUND

On 30 January 2020, the Director-General of the World Health Organisation (WHO) declared the outbreak of COVID-19 a Public Health Emergency of International Concern. On 11 March 2020, the Director-General of the WHO declared COVID-19 a global pandemic. The WHO requested that every country urgently take necessary measures to ready emergency response systems.

On 16 March 2020, the Minister for Health declared a public health emergency under section 119 of the *Public Health Act 1997* (the Public Health Act) due to the public health risk to the ACT community posed by COVID-19. The emergency declaration has since been extended a number of times.

On 18 August 2021, the Chief Health Officer signed the *Public Health (Lockdown Restrictions) Emergency Direction 2021 (No 6)* (Direction) to contain the spread of

COVID-19 and reduce its risk to the health of Canberrans. The Direction requires all Canberrans to stay home and leave only for essential reasons outlined in the Direction. The Direction remains in effect until 5:00pm Friday 17 September 2021 and may be extended if required.

COVID-19 and the Taxi Industry

Section 32B of the *Road Transport (Vehicle Registration) Regulation 2000* provides that the road transport authority must refuse an application to register a vehicle as a standard taxi if the vehicle is more than 8 years of age or has been used as a taxi for more than 6 years. Similarly, for wheelchair accessible taxis (WATs), the road transport authority must refuse an application to register a vehicle as a single capacity WAT if the vehicle is more than 8 years of age or a dual capacity WAT if the vehicle is more than 10 years old. Vehicles are also prevented from being registered as a WAT if it has been used as a single capacity WAT for 10 years or more or a dual capacity WAT for 12 years or more. The age of a vehicle is measured from 6 months after the end of the month shown on the vehicle's compliance plate.

COVID-19 has seen a significant decline in taxi customers and as such, registered taxi vehicles are being used less often than they usually would.

In light of the current COVID-19 health emergency, the current legislative requirement has resulted in a situation where vehicles that reach their respective maximum age or use limit during the COVID-19 health emergency are unable to continue to operate notwithstanding the decline in their use since the beginning of the public health emergency declaration.

This instrument temporarily extends the maximum taxi vehicle age and use requirements for standard taxis and WATs under section 32B of the *Road Transport (Vehicle Registration) Regulation 2000* for two years. This additional temporary extension allows vehicles that reach the maximum age or use limit during the COVID-19 health emergency to be eligible for registration and continue to operate up until 12 September 2022, after which the vehicle will need to be replaced with a vehicle that has not reached the maximum age or use limit.

This temporary extension is not designed to encourage vehicles being registered as a taxi that are unsafe to the community and all applications to register a vehicle as a standard taxi or WAT remain subject to existing powers to refuse an application for registration under section 32 (1) (Deciding applications for registration general) and section 68 (Renewal of registration) of the *Road Transport (Vehicle Registration) Regulation 2000*. Where applicable, an annual roadworthy inspection will also remain required for an application to register a vehicle as a standard taxi or WAT.

HUMAN RIGHTS IMPLICATIONS

The instrument does not engage any human rights set out in the *Human Rights Act 2004*.

CLIMATE CHANGE IMPLICATIONS

There are no climate change implications associated with this instrument.

CLAUSE NOTES

Clause 1 Name of instrument

This clause specifies the name of the instrument. This clause provides that the instrument may be cited as the *Road Transport (General) (COVID-19 Emergency Response—Taxi Industry) Application Order 2021 (No 1)*.

Clause 2 Commencement

This clause provides for the commencement of the instrument. This instrument commences on 13 September 2021.

Clause 3 Application order

This clause orders that for the duration of the period set out in clause 4 that section 32B of the *Road Transport (Vehicle Registration) Regulation 2000* is varied to extend the age and use limits for registering a vehicle as a taxi.

The age limit for a standard taxi is being extended from 8 years to 10 years. The use limit for a standard taxi is being extended from 6 years to 8 years.

The age limit for a single capacity WAT is being extended from 8 years to 10 years. The use limit for a single capacity WAT is being extended from 10 years to 12 years.

The age limit for a dual capacity WAT is being extended from 10 years to 12 years. The use limit for a dual capacity WAT is being extended from 12 years to 14 years.

Extending the maximum age limit for vehicles seeking registration as a standard taxi, single capacity WAT or dual capacity WAT will allow an additional 24 months of registration which will enable the operators of these vehicles to continue to operate up until 12 September 2022, after which the vehicle will need to be replaced with a vehicle that has not reached the maximum age or limits.

Clause 4 Period of effect of application order

This clause sets out the period for which the application orders in clause 3 applies. The application order in clause 3 will have effect until 12 September 2022.

Clause 5 Expiry

This clause notes that the instrument expires on 13 September 2022.