

Australian Capital Territory

# Road Transport (Public Passenger Services) Standard and Wheelchair Taxi Licence— Additional Eligibility Criteria Determination 2016 (No 1)

Notifiable Instrument NI 2016–413

made under the

*Road Transport (Public Passenger Services) Regulation 2002*, section 92C (Standard and wheelchair licences—decision on application)

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## 1 Name of instrument

This instrument is the *Road Transport (Public Passenger Services) Standard and Wheelchair Taxi Licence—Additional Eligibility Criteria Determination 2016 (No 1)*.

## 2 Commencement

This instrument commences on 1 August 2016.

## 3 Availability of taxi licences

I determine the eligibility criteria for the road transport authority to issue a taxi licence under section 92C(3) of the *Road Transport (Public Passenger Services) Regulation 2002* (the **Regulation**) as outlined at Schedule 1.

Kerry Bell  
Delegate  
Road Transport Authority, Access Canberra

29 July 2016

## SCHEDULE 1

### ADDITIONAL ELIGIBILITY CRITERIA

- (1) In addition to matters specified in section 92C of the Regulation, the Road Transport Authority must be satisfied that:
- (a) when issued with one (1) taxi licence, the applicant (*the principal*) and related parties are not issued with a further licence until such time as other pre-approved applicants (at the time the taxi licence is issued to the principal) are issued or refused a taxi licence or their pre-approvals expire or are withdrawn;
  - (b) the applicant and related parties:
    - (i) have not, together, been issued with more than 5 taxi licences in the preceding 12 months;
    - (ii) do not, together, hold or operate a total of more than 25 taxi licences.

- (2) In this schedule ***related parties*** means:

- (a) family members of the applicant;
- (b) close associates of the applicant
- (c) if the applicant is a corporation – influential people for the applicant.

Note: Family member, close associate and influential person – see (3).

- (3) In this schedule:

***business*** includes—

- (a) a business not carried on for profit; and
- (b) a trade or profession.

***close associate***—a person is a ***close associate*** of someone (the ***related person***) if—

- (a) the person holds or will hold an executive position (however described) in the related person's business; or
- (b) the road transport authority is satisfied that the person is or will be able to exercise a significant influence in relation to the conduct of the related person's business because the person holds or will hold a financial interest, or is entitled to exercise a relevant power, in the business.

**executive position**—a position (however described) in the related person's business is an **executive position** if the holder of the position is concerned with, or takes part in, the management of the business.

**exercise** a power includes exercise the power on behalf of someone else.

**family member**, of an applicant, means:

- (a) a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the member or their spouse;
- (b) a spouse of any individual specified above.

**financial interest**, in a business, means—

- (a) a share in the capital of the business; or
- (b) an entitlement to receive income derived from the business, however the entitlement arises.

**hold** a position includes hold the position on behalf of someone else.

**influential person**, for a corporation, means any of the following:

- (a) an executive officer of the corporation;
- (b) a person who may exercise a relevant power in relation to the corporation;
- (c) a related corporation;
- (d) an executive officer of a related corporation.

**power** means a power exercisable—

- (a) by voting or otherwise; and
- (b) alone or with others.

**related corporation** means a related body corporate under the Corporations Act.

**relevant power**, for a business or corporation, means a power—

- (a) to take part in a directorial, managerial or executive decision for the business or corporation; or
- (b) to elect or appoint a person as an executive officer in the business or corporation; or
- (c) for a corporation—to exercise a significant influence in relation to the conduct of the corporation.