

# Road Transport (Public Passenger Services) (Defined Rights Conditions) Determination 2008 (No 2)

Disallowable instrument DI2008–61

made under the

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

## EXPLANATORY STATEMENT

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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.

The *Road Transport (Public Passenger Services) Regulation 2002* 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 conditional non-transferable leased taxi licences on 27 May 2008.

The conditions for a defined right include the following:

- a conditional non-transferable licence is issued on the condition that the vehicle to be used is wheelchair accessible and is capable of carrying six (6) or more passengers;
- a defined right ends 120 days after the ballot of defined rights;
- a defined right allocated to a person from a reserve list ends 120 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 120 days.

The fee payable for an extended defined right must be refunded on the issue of a transferable leased taxi licence 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 120 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 120 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.