

Australian Capital Territory

Road Transport (General) Application of Road Transport Legislation (Deciding Applications for Registration – Taxi) Declaration 2023 (No 1)

Disallowable instrument DI2023–29

made under the

***Road Transport (General) Act 1999*, section 13 (Power to exclude vehicles, persons or animals from road transport legislation)**

EXPLANATORY STATEMENT

This instrument is made under section 13 of the *Road Transport (General) Act 1999* (the Act).

Section 13 of the Act confers power upon the Minister to declare that the road transport legislation, or a provision of the road transport legislation, does not apply to a vehicle, person or animal in a place or circumstance stated in the declaration.

The declaration has effect until it is revoked or, if a period is stated in the declaration, for that period.

A declaration under subsection 13 (1) is a disallowable instrument.

Road transport legislation is defined in section 6 of the Act and includes any other Act or any regulation prescribed by regulation. The *Road Transport (Vehicle Registration) Regulation 2000* forms part of the road transport legislation.

This instrument declares that section 32B of the *Road Transport (Vehicle Registration) Regulation 2000* is not applied to a number of specified taxi vehicles. This is to support a number of vehicle operators within the ACT taxi industry who are currently awaiting the delivery of new vehicles.

BACKGROUND

Taxis provide an essential service to the ACT community, especially for our vulnerable community members including people with disability and the elderly.

One of the requirements to be registered as a taxi in the ACT is that vehicles must meet maximum use or age requirements in section 32B of the *Road Transport (Vehicle Registration) Regulation 2000*.

The ACT taxi industry continues to be impacted by COVID-19, including by the global supply chain issues causing a worldwide shortage of new vehicles.

The motor vehicle industry is experiencing global manufacturer supply issues, which has resulted in many taxi operators being unable to secure new vehicles, in order to meet the age and use requirements under section 32B of the *Road Transport (Vehicle Registration) Regulation 2000*.

HUMAN RIGHTS IMPLICATIONS

During the development of this instrument, due regard was given to its effect in relation to the compatibility with human rights as set out in the *Human Rights Act 2004* (HRA).

The right to work and other work-related rights

This instrument promotes the right to work and other work-related rights (section 27B).

Section 27B of the HRA provides that everyone has the right to work, including:

- (1) the right to choose their occupation or profession freely;
- (2) the right to the enjoyment of just and favourable conditions of work;
- (3) the right to form or join a work-related organisation, including a trade union, with the objective of promoting or protecting their economic or other social interests;
- (4) the right to protection against acts of anti-union discrimination in relation to their employment;
- (5) everyone is entitled to enjoy these rights without discrimination.

Progressing the instrument to extend the time limit during which existing vehicles can continue to be used as taxis supports the right of the operators of these taxis to work.

Section NOTES

Section 1 Name of instrument

This section provides that the instrument may be cited as the *Road Transport (General) Application of Road Transport Legislation (Deciding Applications for Registration – Taxi) Declaration 2023 (No 1)*.

Section 2 Commencement

This section provides that the instrument commences on the day after it is notified.

Section 3 Declaration

The section declares that section 32B (1) of the *Road Transport (Vehicle Registration) Regulation 2000* does not apply to vehicles that are 6 or 7 years old and only applies to taxi vehicles that are 8 years old or older.

This section also declares that section 32B (2)-(5) of the *Road Transport (Vehicle Registration) Regulation 2000* does not apply to the vehicles identified in section 4 of the instrument if the conditions in section 5 are met.

Section 4 Taxi vehicles to which declaration applies

This section identifies the specific vehicles that the instrument applies to. It allows taxi vehicles that have exceeded the vehicle age or use requirements in the legislation by up to two years to continue to operate if certain conditions have been met.

Section 5 Conditions under which declaration applies

This section outlines the circumstances that accredited operators must satisfy in order to fall within the declaration's application.

Section 6 Period of effect of declaration

This section identifies the period of effect of the declaration.

Section 7 Revocation

This section states that this instrument revokes the *Road Transport (General) Application of Road Transport Legislation (Deciding Applications for Registration – Taxi) Declaration 2022 (No 1)* (DI2022-230).

Section 8 Expiry

This section provides that the instrument expires on 1 September 2024.