

Road Transport (General) Application of Road Transport Legislation (Deciding Applications for Registration – Wheelchair-Accessible Taxis) Declaration 2026

Disallowable instrument DI2026–205

made under the

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

EXPLANATORY STATEMENT

This explanatory statement relates to the *Road Transport (General) Application of Road Transport Legislation (Deciding Applications for Registration – Wheelchair-Accessible Taxis) Declaration 2026* (the **instrument**) as presented to the Legislative Assembly (the **Assembly**). It has been prepared to assist the reader of the instrument. It does not form part of the instrument and has not been endorsed by the Assembly.

BACKGROUND

Wheelchair-Accessible Taxis (WATs) provide an essential service to the ACT community, especially for vulnerable community members.

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

Delays in the production of the most commonly supplied WAT vehicle model have caused a shortage of new WAT vehicles suitable for use across Australia. This has been compounded by delays in the manufacturer releasing a new model suitable for WAT use, meaning new WAT vehicles are unable to be purchased until as soon as January 2027. This affects WAT operators being able to secure new vehicles, preventing them from complying with the age and use requirements under section 32B of the *Road Transport (Vehicle Registration) Regulation 2000*.

WATs contain specialised lifting equipment that require extensive modifications to be made to the base vehicle model for the safe transportation of passengers in wheelchairs. This requirement means that relatively few models are suitable to be used as WATs and contributes to the constrained supply and range of new WATs in the ACT.

Overview

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. A declaration under section 13 (1) of the Act is a disallowable instrument. This instrument expires on 30 November 2027, or may be revoked prior to this date.

This instrument declares that section 32B (3) - (4) of the *Road Transport (Vehicle Registration) Regulation 2000* does not apply to certain WAT vehicles. This is to support WAT operators within the ACT taxi industry who are currently awaiting the delivery of new vehicles.

This instrument disapplies the maximum age of a WAT, provided that several conditions are met. These conditions ensure the continued safe operation of the WAT.

This determination, under section 13 of the Act, is a disallowable instrument and must be presented to the Legislative Assembly not later than 6 sitting days after its notification day, pursuant to section 64 of the *Legislation Act 2001* (the **Legislation Act**).

HUMAN RIGHTS IMPLICATIONS

Consistent with the Standing Committee on Legal Affairs (Legislative Scrutiny Role) (the **Scrutiny Committee**) terms of reference; during the development of this instrument, due regard was given to its compatibility with human rights as set out in the *Human Rights Act 2004* (the **HRA**).

This instrument engages the following rights under the HRA:

- Section 8 – Recognition and equality before the law
- Section 27B – Right to work and other work related rights
- Section 27C – Right to a healthy environment

Recognition and equality before the law

Section 8 of the HRA provides that everyone is equal before the law and is entitled to the equal protection of the law without discrimination. The ACT Government also has certain positive obligations to promote the right to equality and non-discrimination.

This instrument promotes the right to recognition and equality before the law by adapting regulatory settings to support access to transport for people with disability. Current regulatory settings may unreasonably limit access to WATs due to factors outside the control of WAT operators and users. This instrument helps ensure continued access to WAT services, while maintaining measures that support the safety of WAT vehicles.

Right to work and other work-related rights

Section 27B of the HRA provides that everyone has the right to work. This instrument promotes the right to work and other work-related rights. The right of the WAT operators to work will be supported by extending the time limit during which existing vehicles can continue to be used as WATs while replacement WAT vehicles are unavailable due to delays in obtaining suitable vehicles.

Right to a healthy environment

Section 27C of the HRA recognises a clean, healthy and sustainable environment as a human right that everyone is entitled to enjoy without discrimination. The mechanism in the instrument to allow a new vehicle order to be updated to accommodate a plug-in hybrid, hybrid electric, or zero-emission vehicle promotes the right to a healthy environment.

Climate Impact

This instrument has no material impact on climate change adaptation, greenhouse gas emissions production or abatement in the ACT.

A mechanism has been incorporated into this instrument to facilitate WAT drivers who wish to switch to a vehicle that emits less or zero emissions without affecting the WAT age and use exemption they are relying on, as detailed in the clause notes below.

Regulatory Impact Statement (RIS)

Section 34 of the Legislation Act provides that, if a proposed subordinate law or disallowable instrument (the ***proposed law***) is likely to impose appreciable costs on the community, or a part of the community, then, before the proposed law is made, the Minister administering the authorising law must arrange for a RIS to be prepared for the proposed law.

A RIS is not required under section 34 (1) of the Legislation Act as this instrument does not impose appreciable costs on the community or a part of the community.

The proposed law is specifically designed to mitigate any possible reduction of available WATs due to external factors beyond taxi operators' control which in turn affect the availability of new WAT vehicles in the ACT.

Scrutiny Committee Principles

This instrument has been developed in accordance with the Scrutiny Committee's terms of reference, principles and technical and stylistic standards expected by the Assembly.

CLAUSE NOTES

Clause 1 Name of instrument

Names the instrument the *Road Transport (General) Application of Road Transport Legislation (Deciding Applications for Registration – Wheelchair-Accessible Taxis) Declaration 2026*.

Clause 2 Commencement

Sets the commencement date of the instrument as the day after its notification day.

Clause 3 Declaration

Declares that the age and use limits for WATs specified in section 32B (3) - (4) of the *Road Transport (Vehicle Registration) Regulation 2000* do not apply if the conditions set out in clause 4 of this instrument are met.

Clause 4 Conditions under which declaration applies

This clause specifies the conditions that WAT operators must meet when relying on this declaration.

Clause 4 (1) (a) specifies that the conditions in clauses 4 (2) - (3) apply for the entire duration of whenever this declaration is in effect. This is to ensure the continued safe operation of WAT vehicles and operators relying on this declaration.

Clause 4 (1) (b) specifies that the conditions in clauses 4 (2) to (7) apply on or after 1 February 2027. This date takes into consideration the current situation of vehicle dealers unable to accept new orders or pre-orders of replacement WAT vehicles until January 2027 due to the possibility of new replacement vehicle models.

Clause 4 (2) imposes a requirement to pass a vehicle inspection. The WAT must pass an inspection by the Access Canberra Motor Vehicle Inspection Station in the past 30 days before relying on this declaration to renew its registration. Accredited operators must complete this inspection every time they wish to renew their registration and rely on this declaration. This is to ensure that the vehicles remain fit for safe operation, especially the WAT's specialised lifting equipment which is essential for transporting passengers in wheelchairs.

Clause 4 (3) restricts renewals under this declaration to the period of 3 or 6 months. This is to enforce the increase in frequency of vehicle inspections required, considering the WAT's advanced age.

Clause 4 (4) imposes three requirements:

- Clause 4 (4) (a) requires the WAT operator to have an order for a replacement vehicle placed with a dealer for a new WAT.
- Clause 4 (4) (b) requires the WAT operator to have paid a deposit to the dealer to show their commitment towards the new vehicle order.

- Clause 4 (4) (c) requires the WAT operator to have received written advice from the dealer on its estimated delivery date.

This ensures that this WAT age exemption is only used by WAT operators who have ordered a replacement WAT vehicle and are awaiting delivery of that vehicle from that vehicle dealer.

Clause 4 (5) imposes a restriction that an accredited operator must not on their own initiative cancel, defer, or alter the new vehicle order in any way that would cause the vehicle delivery date to be postponed. This is to ensure that the order for a replacement WAT vehicle is made by accredited operators and not only to seek maximum age extensions to their existing WAT. Clause 4 (5) provides an exception where the accredited operator may switch to a more fuel-efficient hybrid or zero emission model under clause 4 (6).

Clause 4 (6) allows the WAT operator to make a one-time switch of an existing new vehicle order to a more fuel-efficient hybrid model or zero-emissions model, subject to the conditions in clause 4 (7), if the vehicle dealer makes such vehicle models available for purchase in the ACT.

- Clause 4 (6) (a) permits a switch of the new vehicle order from a non-hybrid internal combustion engine (ICE) model to a hybrid-electric model or a zero-emissions model.
- Clause 4 (6) (b) permits a switch of the new vehicle order from a hybrid-electric model to a zero-emissions model.

Replacement WAT models previously available and delivered to accredited operators were diesel-powered internal combustion engine only models. WAT operators have an economic incentive to switch to more fuel-efficient hybrid or zero emission models if such vehicles become available on the market in the future. This mechanism will also help reduce the taxi fleet's overall reliance on fossil fuels and support the transition towards the ACT's Zero Emissions Vehicles Strategy 2022-30 commitments.

Clause 4 (7) ensures that clause 4 (6) is not used as a mechanism to continually defer the delivery date of a new vehicle to seek maximum age extensions to their existing WAT. It does this by imposing two restrictions on how clause 4 (6) may be used by a WAT operator:

- Clause 4 (7) (a) specifies that the model switch under clause 4 (6) applies only once per vehicle ordered. For example, clause 4 (6) (b) cannot be exercised if clause 4 (6) (a) has already been exercised by the WAT operator.
- Clause 4 (7) (b) specifies that the dealer has provided written advice to the WAT operator that it is able to deliver the hybrid model or zero-emissions model to the WAT operator in a reasonable timeframe of 6 months.

Clause 5 Expiry

Sets the expiry date of this instrument to be on 30 November 2027.