



Australian Capital Territory

Road Transport Legislation (Taxi Licences) Amendment Regulation 2006 (No 2)

Subordinate Law SL2006-31

The Australian Capital Territory Executive makes the following regulation under the *Road Transport (General) Act 1999* and the *Road Transport (Public Passenger Services) Act 2001*.

Dated 20 June 2006.

JOHN HARGREAVES
Minister

SIMON CORBELL
Minister



Australian Capital Territory

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1 Name of regulation

This regulation is the *Road Transport Legislation (Taxi Licences) Amendment Regulation 2006 (No 2)*.

2 Commencement

This regulation commences immediately after the commencement of the *Road Transport Legislation Amendment Act 2006*.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This regulation amends the *Road Transport (Public Passenger Services) Regulation 2002*.

Note This regulation also amends the following legislation (see sch 1):

- *Road Transport (General) Regulation 2000*
- *Road Transport (Offences) Regulation 2005*.

4 Section 71

substitute

71 Affiliation of accredited taxi service operators with taxi network

- (1) An accredited taxi network provider commits an offence if—
- (a) the accredited operator of a taxi service applies to the network provider for affiliation with the network; and

- (b) the network provider refuses to affiliate the accredited operator with the network.

Maximum penalty: 20 penalty units.

- (2) Subsection (1) does not apply to the accredited taxi network provider if the accredited operator of the taxi service does not comply with the network's accepted service standards for affiliation of accredited operators of taxi services.

Note *Accepted service standard* is defined in the dictionary.

- (3) An offence against this section is a strict liability offence.

5 Section 82 (2)

substitute

- (2) A taxi licence, other than a restricted taxi licence, may be issued as—
 - (a) a transferable taxi licence for the term stated in the licence (a *transferable leased taxi licence*); or
 - (b) a non-transferable taxi licence for the term stated in the licence (a *non-transferable leased taxi licence*); or
 - (c) a taxi licence that is not limited to a term stated in the licence.

Note For the transferability of taxi licences, see the Act, s 41.

6 Section 82 (3)

omit everything after

mentioned in

substitute

subsection (2) (c) on or after 7 March 2006.

7 Section 82 (4)

omit

the commencement of this subsection

substitute

7 March 2006

8 New division 4.2.3

insert

Division 4.2.3 Non-transferable leased taxi licences—issue**83B Non-transferable leased taxi licences—application for issue**

The holder of a defined right for a non-transferable leased taxi licence may apply to the road transport authority for the issue of a non-transferable leased taxi licence.

Note 1 For how a defined right is obtained, see div 4.2.7.

Note 2 If a form is approved under the *Road Transport (General) Act 1999*, s 225 for this provision, the form must be used.

Note 3 A fee for the application may be determined under the *Road Transport (General) Act 1999*, s 96.

83C Non-transferable leased taxi licences—decision on application

- (1) On application under section 83B, the holder of a defined right for a non-transferable leased taxi licence is entitled to be issued with a non-transferable leased taxi licence if—
 - (a) the holder is accredited to operate a taxi service (other than a restricted taxi service); and

- (b) the vehicle for which the licence is to be issued is not a vehicle in relation to which, under the *Road Transport (Vehicle Registration) Regulation 2000*, section 32B (1) (Deciding applications for registration—taxis), the road transport authority must refuse to approve an application for registration as a taxi (other than a wheelchair-accessible taxi); and
- (c) the holder has complied with the conditions for the defined right.

Note For defined right conditions, see s 84M.

- (2) To remove any doubt, subsection (1) does not prevent the holder of the defined right from applying for the issue of a non-transferable leased taxi licence but the road transport authority must not issue the licence unless the holder is entitled to be issued with the licence under that subsection.
- (3) If the road transport authority does not refuse the application, the authority must issue a non-transferable leased taxi licence to the holder.
- (4) The road transport authority must give the holder written notice of the authority's decision on the application.
- (5) The maximum period for which the road transport authority may issue a non-transferable leased taxi licence is 6 years.
- (6) A non-transferable leased taxi licence may be issued subject to a condition imposed by the road transport authority.

9 Divisions 4.2.3 to 4.2.7

renumber as divisions 4.2.4 to 4.2.8

10 Section 83G (2)

substitute

- (2) However, the road transport authority must refuse the application if—
 - (a) a taxi licence, or an accreditation to operate any kind of taxi service, held by the operator is suspended under chapter 6 (Disciplinary action); or
 - (b) the operator is disqualified under chapter 6 from holding or applying for a restricted taxi licence.

11 Section 84

substitute

84 Leased taxi licences not renewable

- (1) The road transport authority must not renew a leased taxi licence.
- (2) Compensation is not payable to anyone because a leased taxi licence is not renewed.
- (3) In this section:

leased taxi licence means a non-transferable leased taxi licence or transferable leased taxi licence.

12 Section 84B (2)

substitute

- (2) The road transport authority must refuse the application if—
 - (a) the licence-holder does not hold the relevant accreditation for the restricted taxi licence to which the application relates; or
 - (b) the licence-holder is disqualified under chapter 6 from holding or applying for a restricted taxi licence; or

- (c) for an application for the renewal of a wheelchair-accessible taxi licence—the vehicle for which the licence is to be renewed is not a vehicle in relation to which, under the *Road Transport (Vehicle Registration) Regulation 2000*, section 32B (2) (Deciding applications for registration—taxis), the authority must refuse to approve an application for registration as a wheelchair-accessible taxi.

13 Section 84D (2)

substitute

- (2) In this section:

relevant taxi licence means—

- (a) a transferable leased taxi licence; or
- (b) a non-transferable leased taxi licence; or
- (c) a wheelchair-accessible taxi licence.

14 Section 84F (2) (c)

substitute

- (c) whether the taxi licences to which the defined rights relate are—
 - (i) transferable leased taxi licences; or
 - (ii) non-transferable leased taxi licences; or
 - (iii) restricted taxi licences for wheelchair-accessible taxis;

15 Section 84H (1)

substitute

- (1) The road transport authority must refuse an application for entry into a ballot of defined rights if—
 - (a) a taxi licence, or an accreditation to operate any kind of taxi service, held by the applicant is suspended under chapter 6 (Disciplinary action); or
 - (b) the applicant is disqualified under chapter 6 from holding or applying for—
 - (i) if the ballot relates to a taxi licence other than a restricted taxi licence—a taxi licence; or
 - (ii) if the ballot relates to a restricted taxi licence—a restricted taxi licence; or
 - (c) for an application by an individual—the applicant is a child.

16 New section 84K (2)

insert

- (2) If a reserve list for defined rights for non-transferable leased taxi licences is in force, the road transport authority may, in writing, offer a defined right for a non-transferable leased taxi licence to people on the reserve list if—
 - (a) a defined right of that kind allocated to a person under this division ends before a non-transferable leased taxi licence is issued to the person; or
 - (b) a non-transferable leased taxi licence is cancelled or surrendered.

17 Section 84K (2) and (3)

renumber as section 84K (3) and (4)

18 Dictionary, new definition of *non-transferable leased taxi licence*

insert

non-transferable leased taxi licence—see section 82 (2).

Schedule 1 Other amendments

(see s 3)

Part 1.1 Road Transport (General) Regulation 2000

[1.1] Section 14 (3) (e)

substitute

- (e) a fee, charge or other amount paid in relation to the issue of any of the following licences under the *Road Transport (Public Passenger Services) Act 2001* if the licence is surrendered in accordance with that Act:
- (i) a leased hire car licence;
 - (ii) a transferable leased taxi licence;
 - (iii) a non-transferable leased taxi licence;
 - (iv) a wheelchair-accessible taxi licence;

[1.2] Schedule 1, part 1.7, new items 2 and 3

insert

| | | |
|---|---------|--|
| 2 | 120 (3) | police officer or authorised person—refuse to remove noncompliance notice |
| 3 | 120 (3) | police officer or authorised person—refuse to direct that noncompliance notice be taken to have been removed |

Schedule 1 Other amendments
Part 1.1 Road Transport (General) Regulation 2000
Amendment [1.3]

[1.3] Schedule 1, part 1.8, new item 12A

insert

| | | |
|-----|---------|---|
| 12A | 83C (6) | road transport authority—issue non-transferable leased taxi licence subject to conditions |
|-----|---------|---|

[1.4] Schedule 1, part 1.8, items 36 and 37

omit

Part 1.2 Road Transport (Offences) Regulation 2005

[1.5] Schedule 1, part 1.10, table, item 5

substitute

| | | | | | |
|---|--------|--|----|--|--|
| 5 | 33 (1) | unaccredited person operate taxi network | 50 | | |
|---|--------|--|----|--|--|

[1.6] Schedule 1, part 1.10, table, item 7

omit

[1.7] Schedule 1, part 1.10, table, new items 25 to 30

insert

| | | | | | |
|----|---------|--|----|-----|--|
| 25 | 116 (5) | not provide records/information for enforcement purposes | 20 | 300 | |
|----|---------|--|----|-----|--|

Schedule 1 Other amendments
Part 1.2 Road Transport (Offences) Regulation 2005

Amendment [1.8]

| | | | | | |
|----|---------|---|----|-----|--|
| 26 | 117 (5) | not comply with requirement by police officer/authorised person for maintenance facility enforcement purposes | 20 | 300 | |
| 27 | 118 (4) | not comply with request/signal by police officer/authorised person for enforcement purposes | 20 | 300 | |
| 28 | 119 (3) | operator not comply with inspection requirement by police officer/authorised person for enforcement purposes | 20 | 300 | |
| 29 | 120 (4) | unauthorised removal of noncompliance notice | 20 | 300 | |
| 30 | 121 (4) | not state name/address when required by police officer/authorised person for enforcement purposes | 10 | | |

[1.8] Schedule 1, part 1.11, item 91

omit

[1.9] Schedule 1, part 1.11, items 289 to 294

omit

[1.10] Schedule 1, part 1.14, new item 1A

before item 1, insert

| | | | | | |
|----|---------|--|----|----|--|
| 1A | 17B (5) | not comply with requirement by police officer/authorised person for approved premises enforcement purposes | 20 | 80 | |
|----|---------|--|----|----|--|

[1.11] Schedule 1, part 1.15, item 100

omit

Part 1.3 Road Transport (Public Passenger Services) Regulation 2002

[1.12] Section 4A, note 1, new dot point

insert

- s 71 (Affiliation of accredited taxi service operators with taxi network)

[1.13] Section 4A, note 1

omit

- a provision of ch 7 (Enforcement)

[1.14] Section 83, note 1

substitute

Note 1 For how a defined right is obtained, see div 4.2.7.

[1.15] Section 83A (1) (b)

omit

authority

substitute

road transport authority

[1.16] Section 83D, note 1

substitute

Note 1 For how a defined right is obtained, see div 4.2.7.

[1.17] Section 83E (1) (b)

omit

authority

substitute

road transport authority

[1.18] Section 84A (2)

omit

the road transport authority at least 14 days

substitute

the authority at least 14 days

[1.19] Section 515

omit

division 4.2.3

substitute

division 4.2.4

[1.20] Further amendments, references to section 234

omit

section 234

substitute

the Act, section 120

in

- section 34
- section 45
- section 112

- section 126
- section 196
- section 205

[1.21] Further amendments, references to s 234

omit

s 234

substitute

the Act, s 120

in

- section 34 (2), notes 1 and 2
- section 45 (2), notes 1 and 2
- section 112 (2), notes 1 and 2
- section 126 (2), notes 1 and 2
- section 196 (2), notes 1 and 2
- section 205 (2), notes 1 and 2

[1.22] Dictionary, note 3, new dot point

insert

- fittings

Endnotes

1 Notification

Notified under the Legislation Act on 26 June 2006.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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