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Transport Act 1983

PROCLAMATION OF THE PORT PHILLIP TAXI-CAB ZONE AND SPECIFICATION OF LICENSING PROCEDURES

Definitions: For the purposes of this Order:

- “*career taxi-cab driver*” means a person for whom driving a taxi in the Westernport Taxi-cab Zone and/or Port Phillip Taxi-cab Zone has been his/her primary source of income for each year since at least 1 October 2000;
- “*continuously held*” in reference to the applicant’s Drivers’ Certificate means that the Drivers’ Certificate held by the applicant has been in force without interruption either by suspension or cancellation of the drivers’ certificate or the applicant’s driver licence and neither the Drivers’ Certificate or driver licence has expired and not been renewed or reissued, calculated by the date of payment for the certificate or licence, later than ninety (90) days after the expiry date shown on the previous certificate or licence.

I, Peter Batchelor, Minister for Transport, by Order pursuant to the provisions of section 143A of the **Transport Act 1983** relating to the granting of taxi-cab licences in taxi-cab zones:

- (a) Proclaim the area bounded by the coastline, Canadian Bay Road, Mt Eliza Way, Wooralla Drive, Moorooduc Road, Eramosa Road, Derril Road, Ellerina Road, Balnarring Road, Tubbarubba Road, Bittern–Dromana Road, Red Hill Road, Station Road, Red Hill–Shoreham Road, Shands Road, Mornington–Flinders Road, Meakin Road, Boneo Road, Cape Schanck Road and the coastline to Canadian Bay Road (herein referred to as the Port Phillip Taxi-Cab Zone), as a proclaimed taxi-cab zone for the purpose of taxi-cab licence issue under the provisions of the **Transport Act 1983**;
- (b) Specify that the annual fees to be paid for the issue of 2 wheelchair accessible taxi-cab licences and 1 conventional taxi licence in the Port Phillip Taxi-cab Zone shall be as follows:

| Type | Annual Licence Fee |
|-----------------------|------------------------------|
| Wheelchair Accessible | \$2057 per licence (inc GST) |
| Conventional | \$4125 per licence (inc GST) |

For the first year of operation, the Annual Licence Fee, together with the existing Annual Licence Administration Fee for taxi-cab licences of \$434 (GST exempt), will be the total amount payable. In subsequent years, the Annual Licence Fee will be indexed in line with the Consumer Price Index (CPI).

- (c) Specify that 1) a maximum of 3 licences may be issued under this Order and 2) special conditions also apply to the proposed licences which are set out below:
- 2 of the licensed vehicles (1 wheelchair accessible taxi (WAT) and 1 conventional) must be operated predominantly in the area south of Dromana–Bittern Road;
 - 1 WAT must be operated predominantly in the area north of Dromana–Bittern Road;
 - the WAT vehicles must be specially constructed or modified for the carriage of at least one person seated in a wheelchair and be fitted with approved wheelchair anchorages, wheelchair restraints and seatbelts so as to comply with ‘VicRoads Licensed Passenger Vehicle Standards—Taxis’ and ‘Accessible Public Transport Disability Standards under the **Disability Discrimination Act 1992**’;

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- (iv) the licensed vehicle must operate through the depot approved by the Department of Infrastructure (DOI) to receive and dispatch bookings for taxi-cabs operating within the Port Phillip Taxi-Cab Zone; (for the purposes of this requirement, the depot is Peninsula Radio Cabs) and
 - (v) the licences are not transferable or assignable at any time.
- (d) Specify that persons eligible to apply for Port Phillip Taxi-cab Zone licences under this Order are natural persons who:
- are a permanent resident of Victoria;
 - do not hold and have never held an interest (including any indirect interest) in a taxi-cab licence issued in Victoria or in a company which holds or has held such a licence (interest does not include operation of a taxi-cab licence under an approved Assignment Agreement);
 - were first issued with a taxi-cab driver's certificate on or before 1 October 2000 and have continuously held such a certificate since that date;
 - provide evidence of being a career taxi-cab driver in the Port Phillip or Western Port taxi-cab zones since 1 October 2000;
 - provide evidence of financial stability; and
 - satisfy the Department of Infrastructure they are a fit and proper person to hold a taxi-cab licence;

Note:

- 1) Applications for, and the granting of, any taxi-cab licence to eligible persons must be in the name of an individual natural person. Applications will not be accepted and licences will not be issued in the name/s of a partnership or an incorporated body. Only one application will be accepted from any one applicant.
- 2) Applicant character checks will include assessment of disclosable court outcomes based on a National Police Certificate, driving history and any other relevant information available to the DOI.
- 3) Applicants are also to provide evidence of financial stability including, but not limited to, a statement by a registered Certified Practising Accountant, chartered accountant or financial planner confirming the financial capacity of the applicant to operate the proposed type of taxi-cab (WAT or conventional taxi-cab) in the Port Phillip Zone.
- 4) Applicants are also to provide evidence which verifies compliance with the definition of career taxi-cab driver in this Order, including, but not limited to, copies of taxation returns and Business Activity Statements lodged with the Australian Taxation Office and covering the period since at least 1 October 2000.
- 5) The eligibility of any applicant to be considered for issue of a Port Phillip Taxi Licence will be determined on the basis of verifiable information that the applicant meets all of the specified eligibility criteria and satisfies the DOI that he/she is a fit and proper person to be issued a licence.

Fitness to hold a licence will include consideration of:

- traffic and other offences proven against the applicant;
- industry-related complaints registered with the DOI and/or taxi depots;
- compliance with laws and other legal responsibilities the DOI may consider relevant to determination of applicant suitability; and
- aptitude and capability to provide a high quality taxi service including services to people with disabilities.

- 6) Applicants without offences recorded against them and who otherwise have the highest degree of service excellence within the industry will be considered in preference over applicants who have a less satisfactory service history.
- (e) Specify that applications must contain the following particulars—
- a statement of whether the application is for a licence to operate a WAT or a conventional Taxi-Cab within the Port Phillip taxi-cab zone;
 - in the case of an application to operate a WAT, a statement of whether the application is to operate predominantly in that part of the Port Phillip Taxi-cab Zone which is south of the Dromana–Bittern Road or in that part of the Zone which is north of the Dromana–Bittern Road;
 - the name, date of birth and address of the applicant;
 - confirmation the applicant is a permanent resident of Victoria;
 - details of the applicant’s Drivers’ Certificate including date of issue and expiry date;
 - a declaration of taxi-cab licences previously or currently held (owned) by the applicant or which the applicant has any direct or indirect interest in, excluding the operation of a taxi-cab as the assignee of a taxi-cab licence;
 - a declaration of taxi-cab driving experience in the Port Phillip and/or Westernport Taxi-cab zones since at least 1 October 2000;
 - a declaration of any traffic and/or other offences recorded in the name of the applicant;
 - authorisation for the DOI to undertake any enquiries and records checks deemed appropriate to enable the DOI be fully informed about the suitability of the applicant to be considered for licence issue;
 - an application for a National Police Certificate in the name of the applicant, together with a cheque or money order for the amount of \$24 and made payable to Victoria Police; and
 - a non-refundable application fee of \$144.
- In addition to the information to be contained in the application, applicants will also be required, if requested at a later time by the DOI, to produce the following in support of their application:
- proof of identity as specified in a list of acceptable proofs of identity provided by the DOI; and
 - documentation to verify applicant eligibility claims (as outlined in Notes 1–5 above).
- (f) Specify that completed application forms must be sealed in an envelope, marked “Taxi-Cab Licence Issue—Port Phillip Taxi-cab Zone” and mailed or delivered to the Victorian Taxi Directorate, P.O. Box 666, North Melbourne 3051 (Level 6, 14–20 Blackwood Street, North Melbourne) to be received not later than 2.00 pm on **Friday 12 December 2003**. Any application received later than 2.00 pm on **12 December 2003** will be excluded from consideration;
- (g) Specify the following procedures for determination of applications by the DOI:
- (i) Only one licence will be issued to any one person;
 - (ii) Where an application is approved, the licence will be issued on payment of the appropriate annual licence fee, in full, referred to in (b) above;
 - (iii) A maximum of 3 Port Phillip taxi licences will be issued

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- (iv) Initially, applicants will be ranked on the basis of disclosable court outcomes based on a National Police Record Certificate and driving history (including demerit points). The highest ranked applicants will be invited to an interview to enable a personal assessment to be carried out;
- (v) If, after consideration of all eligibility and selection criteria, including ranking applicants on the basis that applicants with the highest degree of service excellence will be considered in preference over applicants who have a less satisfactory service history, any number of career taxi-cab driver applicants are rated as equal, licence allocation will be determined in the order of longest verifiable periods of Mornington Peninsula based taxi driving experience.
- (vi) All licences will be issued subject to special conditions to ensure efficient and effective provision of taxi services including:
- 2 of the licensed vehicles (1 WAT and 1 conventional) must be operated predominantly in that part of the Port Phillip Taxi-cab Zone which is south of the Dromana–Bittern Road;
 - 1 WAT must be operated predominantly in that part of the Port Phillip Taxi-cab Zone which is north of the Dromana–Bittern Road;
 - the WAT vehicles must be specially constructed or modified for the carriage of at least one person seated in a wheelchair and be fitted with wheelchair anchorages, wheelchair restraints and seatbelts so as to comply with ‘VicRoads Licensed Passenger Vehicle Standards—Taxis’ and ‘Accessible Public Transport Disability Standards under the **Disability Discrimination Act 1992**’;
 - WATs must be operated so as to give priority to bookings for people in wheelchairs;
 - the taxi-cabs attached to these licences must operate through the depot approved by the DOI to receive and dispatch bookings for taxi-cabs operating within the Port Phillip Taxi-Cab Zone;
 - the licences are not transferable or assignable at any time;
(This does not prevent the licence holder from employing or engaging a driver under a Driver Bailment Agreement) and
 - The maximum vehicle age limit for a country based conventional taxi is 7.5 years. The maximum vehicle age limit for a WAT is 10.5 years. Age limits are calculated from the manufacturers’ build date as shown on the vehicle compliance plate.

PETER BATCHELOR MP
Minister for Transport

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