



# Victoria Government Gazette

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## Transport Act 1983

### PROCLAMATION OF METROPOLITAN TAXI-CAB ZONE AND SPECIFICATION OF LICENSING PROCEDURES

Definitions: For the purposes of this Order

- “career taxi-cab driver” means a person who has been a full time metropolitan taxi-cab driver where taxi-cab driving has been the primary source of income for a minimum of 40 weeks of each year since at least 1 January 1999;
- “continuously held” in reference to the applicant’s Driver’s Certificate means that the Driver’s Certificate held by the applicant has been in force without interruption either by suspension or cancellation of the Driver’s Certificate or the applicant’s Driver Licence and neither the Driver’s 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 within 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, the mouth of the Werribee River, a direct line to Cherry Tree Creek and its intersection with the Princes Highway, a direct line to the intersection of Bulban and Ball Roads, a direct line to the Werribee River and its intersection with Hobbs Road, Hobbs, Boundary and Robinsons Roads, Western Highway, Clarke Road, Monaghans Road, a straight line from the intersection of Monaghans Road and Taylors Road to the intersection of Holden Road and Calder Highway, a straight line to the intersection of Bulla Road and Quartz Street, Bulla, Somerton, Oaklands, Konagadera, Mt Ridley, Summerhill, Epping, Bridge Inn and Doctors Gully Roads, Bannans Lane North, Hurstbridge—Arthurs Creek, Heidelberg—Kinglake, Cherry Tree, Kangaroo Ground—St Andrews, Eltham—Yarra Glen and Kangaroo Ground—Warrandyte Roads, Pigeon Bank Lane, Pigeon Bank Gully Creek, Yarra River in a north-easterly direction, Victoria Road, McIntyre Lane, Yarra Glen, St Huberts, Boundary, Killara and Gruyere Roads, Old Gippsland Road, Sebire Avenue, Warburton Highway, Beenak, Wandin East, Queens, Monbulk, Stonyford, Olinda Creek, Barbers, Doughtys, Falls, The Georgian, Olinda—Monbulk, Main, Emerald—Monbulk, Moxhams, Priors, Kallista—Emerald, William, Grantulla, Belgrave—Gembrook, Wellington and Garden Roads, Princes Highway, McNaughton and Kombi Roads, railway line, Westall, Heatherton and Boundary Roads, Old Dandenong, Centre Dandenong, Lower Dandenong, Springvale, Pillars, Wilson and McMahens Roads, a direct south line to Rossiter Road, northern boundary of City of Frankston, Eel Race Road to the coastline (hereinafter referred to as the Metropolitan Taxi-Cab Zone), as a proclaimed taxi-cab zone for the purpose of taxi-cab licence issue.
- b) Specify that the fee to be paid for issue of a taxi-cab licence to operate a Peak Service taxi-cab in the Metropolitan Taxi-Cab Zone will be \$5,660 (GST inclusive), together with the existing annual licence administration fee for taxi-cab licences of \$434 (GST exempt), will be the amount payable annually for the right to operate a taxi-cab on the licence. The licence issue fee of \$5,660 will be indexed for annual increases in line with the percentage increase in the Consumer Price Index (All Groups Index, Melbourne) for the same period. Licence fees for years subsequent to issue will be GST exempt.
- c) Specify that up to 100 metropolitan Peak Service taxi-cab licences may be issued under this Order.

**SPECIAL**

- d) Specify that persons eligible to apply for metropolitan Peak Service taxi-cab licences are natural persons who:
- are a permanent resident of Victoria; and
  - are a career taxi-cab driver; and
  - do not hold and have never previously 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; and
  - do not operate and have never previously operated a taxi-cab as the assignee of a taxi-cab licence under an approved Assignment Agreement, either as a natural person, jointly with another person/s or as the director of an incorporated body; and
  - were first issued with a taxi-cab Driver's Certificate endorsed to drive commercial passenger vehicles classified as "metropolitan taxi-cabs" on or before 1 January 1999 and have continuously held such a certificate since that date; and
  - provide evidence of having been a career taxi-cab driver; and
  - provide evidence of service excellence in the taxi industry; and
  - provide evidence of financial stability; and
  - satisfy the Department of Infrastructure they are a fit and proper person to hold a taxi-cab licence; and
  - satisfactorily complete, prior to the issue of any Peak Service taxi-cab licence, the Taxicare Taxi Operator Training Course as approved by the Victorian Taxi Directorate.

Note:

- 1) Applications for, and the granting of, any taxi-cab licence to persons eligible under d) above 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 (provided by applicant), driving history and any other relevant information available to the Department of Infrastructure.
- 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 a Peak Service taxi-cab, in addition to any other business activities the applicant may be involved with.
- 4) Applicants are also to provide verifiable evidence of metropolitan taxi-cab driving experience, including, but not limited to, copies of taxation returns covering the period since at least 1 January 1999 and Business Activity Statements (since 1 July 2000) lodged with the Australian Taxation Office.
- 5) The eligibility of any applicant to be considered for issue of a Peak Service licence will be determined on the basis of verifiable information that the applicant meets all of the specified eligibility criteria and satisfies the Department of Infrastructure 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 Department and/or taxi depots; and
  - compliance with laws and other legal responsibilities the Department may consider relevant to determination of applicant suitability.

- 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:—
- confirmation the application is for a licence to operate a Peak Service taxi-cab within the Metropolitan Taxi-Cab Zone;
  - the name, date of birth and address of the applicant;
  - confirmation the applicant is a permanent resident of Victoria;
  - details of the applicant's Driver's Certificate including date of issue, classification and expiry date;
  - a declaration of (a) the applicant not holding and having never previously 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; and (b) the applicant not operating and having never previously operated a taxi-cab as the assignee of a taxi-cab licence under an approved Assignment Agreement, either as a natural person, jointly with another person/s or as the director of an incorporated body;
  - a declaration of taxi-cab driving experience;
  - a declaration of any traffic and/or other offences recorded in the name of the applicant;
  - authorisation for the Department of Infrastructure to undertake any enquiries and records checks deemed appropriate to enable the Department to 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; and
  - a cheque or money order for the amount of \$168.70 and made payable to Department of Infrastructure being for a non-refundable application fee, which includes the fee for a National Police name check.
- In addition to the information to be contained in the application, applicants will also be required to produce, when requested by the Department of Infrastructure, the following in support of their application:
- proof of identity as specified in a list of acceptable proofs of identity provided by the Department of Infrastructure; and
  - documentation to verify applicant eligibility claims (as outlined in Notes 1–5 above).
- f) Specify that all applications for taxi-cab licences within the proclaimed zone must be sealed in an envelope, marked "Metropolitan Taxi-Cab Peak Service Licence Issue TPSL2/04" and mailed to be received by, or delivered to, the Victorian Taxi Directorate, Level 6, 14–20 Blackwood Street, (PO Box 666) North Melbourne 3051, not later than 2.00pm on Monday, 19 April 2004.
- g) Specify the following procedures for determination of applications by the Department of Infrastructure:
- (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 licence fee, in full, referred to in paragraph b);
  - (iii) A maximum of 100 Metropolitan Taxi-Cab Peak Service Licences will be issued as a result of this application process.
  - (iv) All licences issued will be subject to special conditions to ensure efficient and effective provision of taxi services including:

- Peak Service taxi-cabs will only be permitted to operate for hire during the hours of 3pm until 7am the following morning on any day of the week. Peak Service taxi-cabs will also be authorised to operate at other times specified in licence conditions during major events such as the Formula One Grand Prix and Melbourne Cup;
  - a hiring which commences prior to, but not completed by 7am will be permitted to be completed;
  - Peak Service taxi-cabs must meet Victorian Taxi Directorate specifications for licensing as a taxi and must, at the time of licensing, be registered in the name of the licence holder;
  - Peak Service taxi-cabs will be identified with special registration number plates and will be required to have the roof section, including door pillar sections, painted "Victorian Taxi Green" to Victorian Taxi Directorate specifications. The remainder of the body will be painted "Victorian Taxi Yellow" and fitted with standard taxi livery decals;
  - any vehicle presented for licensing as a peak time taxi-cab must be less than 2.5 years old when first licensed as a taxi. The vehicle must not be operated as a taxi if it is more than 6.5 years of age. Age limits are calculated from the manufacturers' build date as shown on the vehicle compliance plate; and
  - Peak Service taxi-cab licences must not be transferred or assigned to another person at any time. This does not prevent the licence holder from employing a driver or engaging a driver under a Driver Bailment Agreement. At any time, the licence holder may cease operating the licence by surrendering the licence and taxi-cab registration plates to the Victorian Taxi Directorate. In the event of the surrender of a licence at any time, any remaining portion of the licence fee paid for that year of operation will be forfeited by the licence holder.
- vii) Initially, applicants will be ranked on the basis of disclosable court outcomes based on a National Police Record Certificate and driving history. The highest ranked applicants will be invited to an interview to enable a personal assessment to be undertaken.
- 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 applicants are rated as equal, licence allocation will be determined in the order of longest verifiable periods of metropolitan taxi-cab driving experience.
- viii) The release of the 100 licences will be staged over a 12 month period.
- h) All applications for taxi-cab licences within the proclaimed zone lodged prior to 29 March 2004 are deemed to have lapsed.

Dated 29 March 2004

PETER BATCHELOR  
Minister for Transport

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