



Victoria Government Gazette

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Transport Act 1983

ORDER UNDER SECTION 143A

Metropolitan Taxi-Cab Zone

Definitions

For the purposes of this Order:

- 'Act' means the **Transport Act 1983**.
- 'Career taxi-cab driver' means a person who has been a full-time Victorian metropolitan taxi-cab driver where taxi-cab driving has been his or her primary source of income for a minimum of 40 weeks of each year since at least 1 July 2003.
- 'Continuously held' in reference to an applicant's accreditation or certificate as a taxi-cab driver means:
 - the accreditation or certification has been in force without interruption either by suspension or cancellation of the accreditation or certification, or by suspension or cancellation of the applicant's driver licence; and
 - neither the applicant's accreditation/certification nor his/her driver licence has expired and not been renewed or reissued (calculated by the date of payment for the accreditation, certificate or licence), later than within 90 days after the expiry date shown on the previous accreditation, certificate or licence.
- 'Hybrid vehicle' means a vehicle with at least two different energy converters and two different energy storage systems (on-board the vehicle) for the purposes of vehicle propulsion. For the purposes of this definition, a vehicle that carries a gas/petrol/diesel and an electric engine connected to the drive train as energy converters and a gas/petrol/diesel tank and battery as storage systems satisfies these criteria.
- 'Licensing authority' means the licensing authority for the purposes of Part VI of the Act. At the time of making this Order, the licensing authority is the Director of Public Transport.
- 'Metropolitan Peak Service Taxi-cab Licence' means a licence granted subject to this Order.
- 'Taxi accreditation scheme' means the scheme set out in Division 4 of Part VI of the Act.

I, Lynne Kosky, Minister for Public Transport, by Order pursuant to the provisions of section 143A of the Act relating to the granting of taxi-cab licences in taxi-cab zones:

Taxi-cab zone

- a) Proclaim the following area as a taxi-cab zone:
- 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,

SPECIAL

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).

Fees

- b) Specify that the fees to be paid for a Metropolitan Peak Service Taxi-cab Licence are fixed and consist of an issue fee of:
- \$765 (GST inclusive) where the licence is granted conditional upon the operation of only a hybrid vehicle; and
 - \$6,265 (GST inclusive) where the licence is granted without a specific requirement to operate a hybrid vehicle.

NOTE: Application fees, annual fees or any other applicable fees determined by the licensing authority under section 147B of the Act must be paid in addition to the issue fee specified above.

Number of licences

- c) Specify that up to 100 licences may be granted under this Order, made up of:
- (i) no more than 50 Metropolitan Peak Service Taxi-cab Licences granted conditional upon the operation of only a hybrid vehicle; and
 - (ii) no more than 50 Metropolitan Peak Service Taxi-cab Licences without a specific requirement to operate a hybrid vehicle.

NOTE: Subparagraphs c) (i) and (ii) are subject to the operation of subparagraph f) (vii) below, where, if a licence of a particular type remains not taken up after being offered to all eligible applicants, it may be substituted by the other type of licence. In these circumstances more than 50 licences of a particular type may be granted.

Classes of persons eligible to apply

- d) Specify that a person is eligible to apply for a Metropolitan Peak Service Taxi-cab Licence, if he or she is a natural person who, at the date of publication of this Order:
- (i) is a permanent resident of Victoria; and
 - (ii) is a career taxi-cab driver; and
 - (iii) has not previously been granted a Metropolitan Peak Service Taxi-cab Licence or a licence granted subject to a previous Order under section 143A of the Act allowing for the issue of metropolitan peak service taxi-cab licences; and
 - (iv) is not, in relation to more than one taxi-cab licence:
 - the operator of the taxi-cab operated under the licence, whether in his or her own capacity or as the trustee of a trust; or
 - a member of a partnership that is such an operator; or
 - a director, shareholder or member of an incorporated body that is such an operator; or
 - a beneficiary of a trust the trustee of which is such an operator; or
 - the spouse of any person referred to above in this subparagraph (iv); and
 - (v) is not, in relation to any taxi-cab licence :
 - the licence holder, whether in his or her own capacity or as the trustee of a trust; or

- a member of a partnership that is the licence holder; or
 - a director, shareholder or member of an incorporated body that is the licence holder; or
 - a beneficiary of a trust the trustee of which is the licence holder; or
 - the spouse of any person referred to above in this subparagraph (v);
- where the right to operate a vehicle under that licence has been assigned to another person under section 150 of the Act;
- (vi) was first issued with a Victorian Driver's Certificate endorsed to drive commercial passenger vehicles classified as 'metropolitan taxi-cabs' on or before 1 July 2003; has continuously held such a certificate from that date until 30 June 2007; and has continuously held accreditation as a taxi-cab driver under Division 6 of Part IV of the Act since then.

Qualifications of persons eligible to apply

- e) Specify that a person is eligible to apply for a Metropolitan Peak Service Taxi-cab Licence if, at the time of applying, the person is:
- (i) able to provide evidence to the licensing authority of financial capacity to be accredited as a taxi-cab operator and to meet the business and service standards for taxi-cab operators as would be required by regulation 5 of the Transport (Taxi-cab Industry Accreditation) Regulations 2007; and
 - (ii) able to satisfy the licensing authority that he or she would be suitable to be accredited as a taxi-cab licence holder and taxi-cab operator under the taxi accreditation scheme:
 - as would be required by section 132B(a) of the Act; and
 - in respect of any criminal offence history; and
 - in respect of any contravention of a service standard applicable to an accreditation held, or previously held; or any contravention of a condition, restriction or other limitation imposed on an accreditation held, or previously held.

NOTE: Applicants must meet these criteria whether or not they hold accreditation.

Demonstration of the ability to provide evidence or satisfy the licensing authority that the applicant would be suitable to be accredited, does not mean that a person will be accredited as a taxi-cab licence holder or taxi-cab operator. Applications for accreditation will be considered in light of all relevant circumstances when they are made.

Procedures for the granting of taxi-cab licences

- f) Specify the procedures to be followed for the granting of taxi-cab licences as follows:
- (i) Applications for, and the granting of, any taxi-cab licence to a person eligible under d) and e) above must be in the name of an individual natural person. Applications will not be accepted and licences will not be granted in the name of a partnership or an incorporated or unincorporated body. Only one application will be accepted from any one applicant.
 - (ii) 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 licensing authority.
 - (iii) The eligibility of any applicant to be considered for grant of a Metropolitan Peak Service Taxi-cab Licence will be determined on the basis of verifiable information that the applicant meets all of the specified eligibility criteria.
 - (iv) The applicants will be ranked. The procedure for ranking applicants will be as follows:

- Applicants will initially be ranked on the basis of:
 - (A) disclosable court outcomes based on a National Police Certificate; and
 - (B) driving history based on driver licence demerit points incurred since 1 July 2003.
- The highest ranked applicants will be invited to an interview to enable a personal assessment to be undertaken.
- At the completion of interviews, eligible applicants who have the highest degree of service excellence within the industry will be considered in preference over applicants who have a less satisfactory service history. Applicants' service excellence in the taxi industry will be ranked on the basis of:
 - (A) compliance with taxi-cab related provisions of the Act, and regulations made under it, since 1 July 2003; and industry-related complaints registered with the licensing authority and/or network service providers since 1 July 2003; and
 - (B) if any applicants are ranked equally after the criterion in paragraph (A) has been applied, then those applicants will be ranked by disclosable court outcomes based on a National Police Certificate, and driving history based on driver licence demerit points incurred since 1 July 2003; and
 - (C) if any applicants are still ranked equally after the criteria in paragraphs (A) and (B) have been applied, then those applicants will be ranked according to which applicant has held for the longest period of time a driver accreditation or certificate endorsed to drive metropolitan Melbourne taxi-cabs.
- Licences will be allocated to the highest ranked 100 applicants in ranking order from highest to lowest, with highest ranked applicants being offered their preference as indicated on their application forms for either a licence granted:
 - (A) conditional upon the operation of only a hybrid vehicle; or
 - (B) without a specific requirement to operate a hybrid vehicle.
- (v) In the event that all licences of the type (hybrid or non-hybrid) preferred by any of the highest ranked applicants have already been offered, they will be offered the other type of licence.
- (vi) If an eligible applicant who has been offered a licence then declines the licence, an offer will then be made to the next highest ranked applicant yet to be offered a licence, until all available licences have been allocated.
- (vii) If one or more licences of a particular type (hybrid or non-hybrid) remain not taken up after being offered to all eligible applicants, it/they may be substituted by the other type of licence. The other type of licence would be offered to the highest ranked applicant/s who had previously declined a licence offer until a total of 100 licences are granted.
- (viii) Where an application is approved, the licence will be granted on payment of the licence issue fee specified in paragraph b), and any applicable fees determined by the licensing authority under section 147B of the Act.

NOTE: Applicants cannot be granted a Metropolitan Peak Service Taxi-cab Licence unless and until they hold accreditation as a taxi-cab licence holder and as a taxi-cab operator.

Particulars to be included in Application

- g) Specify that the following particulars must be included in an application for a taxi-cab licence:
 - (i) confirmation the application is for a licence to operate a Metropolitan Peak Service Taxi-cab Licence within the Metropolitan Taxi-Cab Zone; and

- (ii) indication of an applicant's preference for either a licence granted conditional upon the operation of only a hybrid vehicle or a licence granted without a specific requirement to operate a hybrid vehicle; and
- (iii) the name, date of birth and address of the applicant; and
- (iv) confirmation the applicant is a permanent resident of Victoria; and
- (v) confirmation the applicant has not previously been granted a Metropolitan Peak Service Taxi-cab Licence or a licence granted subject to a previous Order under section 143A allowing for the issue of metropolitan peak service taxi-cab licences; and
- (vi) details of the applicant's driver accreditation including date of issue, classification and expiry date; and
- (vii) a declaration of:
 - taxi-cab licences in respect of which the applicant is an operator (as defined by the Act), whether as the holder of a licence or as an assignee, or in which the applicant has any direct or indirect interest, as specified in d(iv) above; and
 - taxi-cab licences currently held by the applicant, under which the right to operate a vehicle has been assigned to another person under section 150 of the Act, or such taxi-cab licences in which the applicant has any direct or indirect interest, as specified in d(v) above; and
- (viii) a declaration of taxi-cab driving experience; and
- (ix) a declaration of any traffic and/or other offences recorded in the name of the applicant; and
- (x) authorisation for the licensing authority to undertake any enquiries and records checks deemed appropriate to enable the licensing authority to be fully informed about the suitability of the applicant; and
- (xi) an application for a National Police Certificate in the name of the applicant, including sufficient proof to satisfy the proof of identity requirements, including a photocopy of the applicant's Victorian driver licence; and
- (xii) a cheque or money order for the amount of \$180.70, made payable to the Department of Transport being for:
 - a non-refundable application fee of \$150, as determined under section 147B of the Act; and
 - the fee for a National Police Certificate of \$30.70.

Required Supporting material for Application

- h) Specify that in addition to the information to be contained in the application, applicants will also be required to produce, at a time and place specified by the licensing authority, the following in support of their application:
 - (i) proof of identity as specified in a list of acceptable proofs of identity provided by the licensing authority; and
 - (ii) documentation to verify the applicants' class and qualification eligibility claims (see d) and e) above); and
 - (iii) verifiable evidence of metropolitan Melbourne taxi-cab driving experience, by way of providing all copies of personal Income Tax Returns covering the period since at least 1 July 2003 and all Business Activity Statements lodged with the Australian Taxation Office since 1 July 2003. These must be full copies – copies of Assessment Notices are not acceptable; and
 - (iv) the applicant's National Police Certificate – only if the applicant's National Police Certificate is sent by the relevant police authority to the applicant directly rather than to the licensing authority.

NOTE: If applicants' earnings and expenses from taxi-cab driving were declared through a company's, partnership's or trust's Income Tax Return/s, applicants will be required to provide all relevant company and/or partnership and/or trust Income Tax Returns covering the period since at least 1 July 2003, in addition to personal Income Tax Returns.

Due date for applications

- i) Specify the date by which applications for taxi-cab licences must be lodged with the licensing authority is no later than Monday 24 November 2008. All applications must be sealed in an envelope, marked 'Metropolitan Taxi-cab Peak Service Licence Issue TPSL 6/08' 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, no later than 2.00 pm on this date.

Lapsed applications

- j) Provide that all applications for taxi-cab licences within the Metropolitan Taxi-cab Zone lodged prior to 27 October 2008 are deemed to have lapsed.

Licences to be subject to conditions that they cannot be transferred or assigned

- k) Each Metropolitan Peak Service Taxi-cab Licence granted subject to this Order will be subject to:
- (i) a condition pursuant to section 143D(1)(a) that it cannot be transferred; and
 - (ii) a condition pursuant to section 143D(1)(b) that it cannot be assigned.

NOTE: It is currently intended that Metropolitan Peak Service Taxi-cab Licences granted subject to this Order will be subject to special conditions to ensure efficient and effective provision of taxi services including conditions that a taxi-cab operated under the licence:

- will only be permitted to operate for hire during the hours of 3.00 pm until 7.00 am the following morning on any day of the week, except:
 - at other times specified in licence conditions during major events such as the Formula One Grand Prix and Melbourne Cup; and
 - where a hiring commences prior to, but is not completed by, 7.00 am; and
- must meet all licensing requirements under the Act and must be registered in the name of the licence holder; and
- must be identified with special registration number plates and will be required to have the roof section, including door pillar sections, painted 'Victorian Taxi Green', as specified by the licensing authority. The remainder of the body will be painted 'Victorian Taxi Yellow' and fitted with standard taxi livery decals; and
- must be less than 2.5 years old when first licensed as a taxi; and
- must be less than 6.5 years of age. Age limits are calculated from the manufacturers' build date as shown on the vehicle compliance plate.

Dated 27 October 2008

LYNNE KOSKY
Minister For Public Transport

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