



# Victoria Government Gazette

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## Transport Act 1983

ORDER MADE UNDER SECTION 143A OF THE **TRANSPORT ACT 1983** (VIC.)

Order for the Granting of Taxi-Cab Licences in Taxi-Cab Zones

### Definitions

In this Order:

**Application Forms** means the application forms specified by the licensing authority;

**Conventional Fixed-Term Licence** means a taxi-cab licence granted or applied for under this Order which will operate for a fixed-term of 10 years, other than a WAT Fixed-Term Licence;

**Fixed-Term Licence** means a Conventional Fixed-Term Licence or a WAT Fixed-Term Licence;

**Metropolitan Taxi-Cab Zone** means the area described as such in Schedule 1 to this Order;

**Outer Suburban Taxi-Cab Zone** means the area described as such in Schedule 1 to this Order;

**Rules** means the document attached as Appendix 1 to this Order;

**Transport Act** means the **Transport Act 1983** (Vic.);

**WAT** means a wheelchair accessible taxi-cab, which is a taxi-cab specially constructed or modified for the carriage of at least one person seated in a wheelchair; and

**WAT Fixed-Term Licence** means a taxi-cab licence granted or applied for under this Order which will operate for a fixed-term of 10 years and to which is attached (or intended to be attached) a condition that the taxi-cab licensed to operate under the licence is a WAT.

Unless otherwise indicated, words used in this Order have the meanings given in the Transport Act.

### Order

I, the Hon Martin Pakula MP, Minister for Public Transport, by Order under section 143A of the Transport Act relating to the granting of taxi-cab licences in taxi-cab zones:

Taxi-cab zones

1. proclaim the Metropolitan Taxi-Cab Zone as a proclaimed taxi-cab zone for the purpose of this Licence issue;
2. proclaim the Outer Suburban Taxi-Cab Zone as a proclaimed taxi-cab zone for the purpose of this Licence issue;

Characteristics of licences

3. specify that each Fixed-Term Licence may be granted for a fixed term of 10 years only. This term will commence on the date the Fixed-Term Licence is granted by the licensing authority;
4. specify that each Fixed-Term Licence will be subject to a condition that the Fixed-Term Licence cannot be assigned.

Note: The information in paragraph 4 is stated for the purpose of section 143D(2) of the Transport Act; the non-assignment condition will be imposed under section 143D(1)(b) of the Transport Act.

Licence fee

5. specify that the licence fee to be paid for each Fixed-Term Licence is to be determined by tender, in accordance with Part C of the Rules;

Note: The licensing authority may allow the licence fee to be paid by instalments (section 143A(10)). Application fees, annual fees and any other applicable fees determined by the licensing authority under section 147B of the Transport Act must be paid in addition to the licence fee.

**SPECIAL**

## Class and qualifications of persons eligible to apply

6. specify that a person is eligible to apply for a Fixed-Term Licence if and only if the person satisfies the eligibility requirements specified in rule 6.2 of the Rules;

## Procedures

7. specify that the procedures to be followed for the granting of Fixed-Term Licences by the licensing authority are the procedures set out in Parts B to D of the Rules;

## Particulars

8. specify that:
- 8.1 each application for a Conventional Fixed-Term Licence must include a completed Application Form specified to be applicable to applications for that licence type; and
  - 8.2 each application for a WAT Fixed-Term Licence must include a completed Application Form specified to be applicable to applications for that licence type.

Note: An application must be accompanied by the appropriate application fee determined by the licensing authority under section 147B of the Transport Act (section 143A(7)).

## Due date

9. specify that each application for a Fixed-Term Licence must be lodged with the licensing authority on or before the relevant due date; and
10. the relevant due dates are:
- 10.1 Conventional Fixed-Term Licences: 26 July 2010; and
  - 10.2 WAT Fixed-Term Licences: 13 September 2010.

Dated 17 June 2010

THE HON. MARTIN PAKULA MP  
Minister for Public Transport

### SCHEDULE 1: PROCLAIMED TAXI-CAB ZONES

#### Metropolitan Taxi-Cab Zone

The Metropolitan Taxi-Cab Zone is 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–Kingslake, 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 McMahrens Roads a direct south line to Rossiter Road, northern boundary of City of Frankston, Eel Race Road to the coastline.

#### Outer Suburban Taxi-Cab Zone

The Outer Suburban Taxi-Cab Zone is the area bounded by the coastline from Gunyong Creek to Eel Race Road, northern boundary of the City of Frankston, Rossiter Road, a direct north line to Wilson and McMahrens Roads, Pillars, Springvale, Lower Dandenong, Centre Dandenong, Old

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Dandenong, Boundary, Heatherton and Westall Roads, railway line, Kombi and McNaughton Roads, Princes Highway, Garden, Wellington, Cardinia Creek and Duffys Roads, the MMBW boundary, Red Hill, Lewis, Emerald–Beaconsfield Road, Split Rock, Officer–Upper Beaconsfield, Brown and Starling Roads, Princes Highway, Station Street, Officer, South Road to the intersection of Leckey Road, a straight line to the intersection of Soldiers and Thompsons Roads, Thompson, Berwick–Cranbourne, Ballarto and Clyde–Five Ways Road, South Gippsland Highway, Browns, Hastings–Dandenong, McKays, Centre, Cranbourne–Frankston, Warrandyte, Baxter–Tooradin, Sages and Moorooduc Roads, Wooralla Drive, Tower Road and Gunyong Creek to the coastline.

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## APPENDIX 1: PROCEDURAL RULES

**PROCEDURAL RULES****A. PRELIMINARY****1. Definitions****1.1 In these Rules:**

**Accreditation Process** means the phase of the Application Process described in Part D;

**Applicant** means a person who makes an Application for one or more Fixed-Term Licences by lodging an Application Form;

**Application** means an application for one or more Fixed-Term Licences, which is made by an Applicant completing and lodging an Application Form;

**Application Fee** means the application fee of AUD\$154 (GST exempt) that must accompany an Application, as determined by the Licensing Authority under section 147B of the Transport Act;

**Application Form** means the Conventional Application Form or the WAT Application Form (as applicable);

**Application Information Booklet** means the booklet referred to in Rule 3.1 which will be prepared and issued by the Licensing Authority and will include these Rules as an Appendix;

**Application Process** means the procedures for the granting of Fixed-Term Licences specified by the Minister under the Order and documented in these Rules, which operates in the following three sequential phases:

- (a) Phase 1: Initial Application Process;
- (b) Phase 2: Tender Process; and
- (c) Phase 3: Accreditation Process;

**Bid** means an application in respect of a single Fixed-Term Licence or multiple Fixed-Term Licences made by an Applicant in a Bid Form which includes a Bid Amount and a Bid Quantity and otherwise complies with the requirements in Rule 10;

**Bid Amount** means, in respect of each Bid, the amount specified as such in a Bid Form;

**Bid Form** means the specified form which forms part of the Application Form and is used by Applicants to lodge their Bids, as described in Rule 10.2;

**Bid Quantity** means, in respect of each Bid, the quantity specified as such in a Bid Form;

**Bid Schedule** means the schedule in a Bid Form which is used to make more than one (but no more than five) Bids in respect of one Licence Kind, as described in Rule 10.6;

**Business Day** means Monday to Friday excluding public holidays in Melbourne, Victoria;

**Conventional Application Form** means the specified form (including the Bid Forms) to be used to lodge an Application for a Conventional Fixed-Term Licence;

**Conventional Due Date** means the due date for Applications for Conventional Fixed-Term Licences, as specified by the Minister in the Order and published in the Application Information Booklet;

**Conventional Fixed-Term Licence** means a taxi-cab licence granted or applied for under the Order which will operate for a fixed-term of 10 years, other than a WAT Fixed-Term Licence;

**Conventional Uniform Price** means the amount described in Rule 13.2.5;

**Corporations Act** means the **Corporations Act 2001** (Cth);

**CPI** means the Consumer Price Index All Groups – Melbourne for the June to June period;

**DOT** means the State of Victoria acting through the Department of Transport;

**Due Date** means the Conventional Due Date or the WAT Due Date (as applicable);

**Eligibility Criteria** means the criteria described in Rule 6.2;

**Fixed-Term Licence** means a Conventional Fixed-Term Licence or a WAT Fixed-Term Licence;

**Higher Bid** has the meaning given in Rule 13.4.4;

**Higher Quantity** has the meaning given in Rule 13.4.4;

**Initial Application Process** means the phase of the Application Process described in Part B;

**Initial Instalment** means an instalment payable on a Licence Fee under Rules 13.2.3(a) and 13.3.3(a) in the following amounts:

(a) for Conventional Fixed-Term Licences, AUD\$20,000 per licence (GST exempt); and

(b) for WAT Fixed-Term Licences, AUD\$2,000 per licence (GST exempt);

**Instalment Payment Date** means, in respect of an Applicant, the date that the Licensing Authority receives payment of the Initial Instalment(s) from that Applicant;

**Licence Fee** means the fee payable for a Fixed-Term Licence in accordance with section 143A(4) of the Transport Act, as determined by the Tender Process;

**Licence Kinds** means the four kinds of Fixed-Term Licence available to be granted in the Application Process, as described in Rule 3.4;

**Licence Type** means the two types of Fixed-Term Licence available to be granted in the Application Process, as described in Rule 3.2;

**Licensing Authority** has the meaning given in section 2 of the Transport Act;

**Metropolitan Taxi-cab Zone** means the area described as such in the Order;

**Minister** means the Minister for Public Transport;

**Multiple Bid** means a Bid for more than one Fixed-Term Licence (that is, a Bid with a Bid Quantity of more than one), as described in Rule 10.5;

**Nominated Responsible Person** has the meaning given in Rule 6.2.2(c)(ii);

**Order** means the Order of the Minister under section 143A(1) of the Transport Act, published in the Victoria Government Gazette, which gives effect to these Rules;

**Outer Suburban Taxi-cab Zone** means the area described as such in the Order;

**Phase 2 Applicant** means an Applicant who has an Application progress from the Initial Application Process to the Tender Process, as described in Rule 8.2;

**Phase 3 Applicant** means an Applicant who has an Application progress from the Tender Process to the Accreditation Process, as described in Rule 13.2.4 and 13.3.4 (as applicable);

**Quantity Threshold** has the meaning given in Rule 11.1.1;

**Relevant Person** has the meaning given in section 130A of the Transport Act;

**Rules** means these Procedural Rules which govern the Application Process, a copy of which are an Appendix to the Order;

**Selected Bid** means a Bid that is selected by the Licensing Authority during the Tender Process, as described in Rules 10.6.4 and 13.2.2(c);

**Selected Bid Notice** means a notice given by the Licensing Authority under Rule 13.2.3(a) or 13.3.3(a);

**Single Bid** means a Bid for a single Fixed-Term Licence (that is, a Bid with a Bid Quantity of one), as described in Rule 10.4;

**Taxi-cab Zone** means the Metropolitan Taxi-cab Zone or the Outer Suburban Taxi-cab Zone;

- Tender Process** means the phase of the Application Process described in Part C;
- Tie Break Process** means a random ballot conducted by the Licensing Authority where a number of tokens equal to the Bid Quantities of Tied Bids (subject to Rule 13.4.4) is placed in the ballot and selected at random;
- Tied Bid** has the meaning given in Rule 13.4.3;
- Tied Quantity** has the meaning given in Rule 13.4.4;
- Transport Act** means the **Transport Act 1983** (Vic.);
- Uniform Price** means the Conventional Uniform Price or the WAT Uniform Price (as applicable);
- Victorian Taxi Directorate** means a department within DOT which supports the Licensing Authority as regulator of the taxi-cab industry in Victoria;
- WAT** means a wheelchair accessible taxi-cab, which is a taxi-cab specially constructed or modified for the carriage of at least one person seated in a wheelchair;
- WAT Application Form** means the specified form (including the Bid Forms) to be used to lodge an Application for a WAT Fixed-Term Licence;
- WAT Due Date** means the due date for Applications for WAT Fixed-Term Licences, as specified by the Minister in the Order and published in the Application Information Booklet;
- WAT First Instalment** has the meaning given in Rule 13.3.5(b)(i);
- WAT Fixed-Term Licence** means a taxi-cab licence granted or applied for under the Order which will operate for a fixed-term of 10 years and to which is attached (or intended to be attached) a condition that the taxi-cab licensed to operate under the licence is a WAT;
- WAT Uniform Price** means the amount described in Rule 13.3.5(a); and
- Withdrawal Fee** means a fee of AUD\$2,000 which is payable in the circumstances described in Rule 15.2.2 and which amount is a genuine pre estimate of the loss suffered by the Licensing Authority if a Phase 3 Applicant does not complete the Accreditation Process.
- 1.2** Unless otherwise indicated, words used in these Rules have the meanings given in the Transport Act.
- 2. Statutory power**
- 2.1 Ministerial Order**
- 2.1.1 These Rules are made by the Minister under the Order.
- 2.1.2 In these Rules, the Minister specifies:
- (a) the particulars that must be included in an Application;
  - (b) the classes of people and the qualifications of people eligible to apply for Fixed-Term Licences; and
  - (c) the procedures to be followed for the granting of Fixed-Term Licences.
- 2.2 Purpose of Rules**
- The purpose of these Rules is for the Minister to specify criteria and procedures that determine:
- 2.2.1 who is eligible to apply for a Fixed-Term Licence;
  - 2.2.2 how many Fixed-Term Licences are available to be granted by the Licensing Authority;
  - 2.2.3 which Applicants may be granted a Fixed-Term Licence;
  - 2.2.4 how many Fixed-Term Licences each Applicant may be granted; and
  - 2.2.5 the amount of the Licence Fee payable for each Fixed-Term Licence.

### 3. Outline

Note: This Rule provides an outline of the Application Process and gives an overview of the key concepts and mechanisms used in these Rules.

#### 3.1 Application Information Booklet

The Licensing Authority will prepare and release an Application Information Booklet to provide information to prospective Applicants about this Application Process. The Application Information Booklet will include these Rules as an Appendix and, to the extent of any inconsistency between the Application Information Booklet and these Rules, these Rules will prevail.

#### 3.2 Licence Types

There are two types of Fixed-Term Licences available in the Application Process:

3.2.1 Conventional Fixed-Term Licence; and

3.2.2 WAT Fixed-Term Licence.

#### 3.3 Taxi-cab Zones

The Fixed-Term Licences will be subject to a condition restricting the area in which the licensed taxi-cab is permitted to operate to one or the other of the following Taxi-cab Zones:

3.3.1 Metropolitan Taxi-cab Zone; or

3.3.2 Outer Suburban Taxi-cab Zone.

The Taxi-cab Zones are described in the Order and will be pictorially represented in the Application Information Booklet.

#### 3.4 Licence Kinds

Noting the two Licence Types and two Taxi-cab Zones, there are therefore four kinds of Fixed-Term Licence for which Applicants may apply in the Application Process:

3.4.1 Conventional Fixed-Term Licence to operate for 10 years in the Metropolitan Taxi-cab Zone;

3.4.2 Conventional Fixed-Term Licence to operate for 10 years in the Outer Suburban Taxi-cab Zone;

3.4.3 WAT Fixed-Term Licence to operate for 10 years in the Metropolitan Taxi-cab Zone; and

3.4.4 WAT Fixed-Term Licence to operate for 10 years in the Outer Suburban Taxi-cab Zone.

#### 3.5 Application Process

3.5.1 A separate Application Process will be held for each of the two Licence Types. The separate Application Processes will operate sequentially, with the Application Process for Conventional Fixed-Term Licences to start before the Application Process for WAT Fixed-Term Licences.

3.5.2 The Application Processes for the two Licence Types will operate independently. Accordingly, there are different:

(a) Application Forms for each Licence Type (the Conventional Application Form and the WAT Application Form); and

(b) Due Dates for Applications for each Licence Type (the Conventional Due Date and the WAT Due Date).

3.5.3 The Licensing Authority will notify Applicants who have lodged Applications for a Conventional Fixed-Term Licence whether or not they will progress in the Application Process as a Phase 3 Applicant in respect of that Application before the Due Date for WAT Fixed-Term Licence Applications.

### 3.6 Phases in the Application Process

There are three phases in the Application Processes for Fixed-Term Licences governed by these Rules:

#### 3.6.1 Phase 1: Initial Application Process (described in Part B)

- (a) Applicants lodge their Applications using the applicable Application Form and are assessed against the Eligibility Criteria.
- (b) Applicants who meet the Eligibility Criteria become Phase 2 Applicants.
- (c) Applicants who do not meet the Eligibility Criteria are ineligible for a Fixed-Term Licence and their Application will be refused by the Licensing Authority.

#### 3.6.2 Phase 2: Tender Process (described in Part C)

- (a) Phase 2 Applicants progress to the Tender Process.
- (b) The Tender Process will rank the Bids that have been made by Phase 2 Applicants highest to lowest based on Bid Amounts, and the Licensing Authority will then determine which Bids are selected to be offered the opportunity to proceed to the Accreditation Process. The Applicants with Selected Bids who pay the Initial Instalment become Phase 3 Applicants.
- (c) Applicants who are not Phase 3 Applicants will have their Applications refused by the Licensing Authority.

#### 3.6.3 Phase 3: Accreditation Process (described in Part D)

- (a) Phase 3 Applicants progress to the Accreditation Process.
- (b) The Licensing Authority must not grant a Fixed-Term Licence to an Applicant unless the Applicant:
  - (i) is accredited under the Transport Act as a taxi-cab licence holder and a taxi-cab operator; and
  - (ii) is the owner, or intending owner, of a taxi-cab.

Note: These are requirements under sections 143A(2), (12) and (13) of the Transport Act.
- (c) Accordingly, in this phase of the Application Process, Phase 3 Applicants must obtain accreditation under the Transport Act and provide evidence of ownership (or intending ownership) of a taxi-cab before the Licensing Authority may grant the Phase 3 Applicant a Fixed-Term Licence.
- (d) If the Phase 3 Applicant satisfies the requirements of the Transport Act, the Licensing Authority may grant that Applicant a Fixed-Term Licence under section 143A(2) of the Transport Act.

## 4. Standing Rules

### 4.1 Application

- 4.1.1 The following Rules apply to Applicants from the time an Application is made until the time a decision is made on the Application by the Licensing Authority.
- 4.1.2 The Licensing Authority may refuse the Application of any Applicant who fails to comply with any requirement in these Rules.

### 4.2 Improper assistance and communications

Applicants must not:

- 4.2.1 seek or obtain assistance from personnel, consultants or contractors of the Victorian Taxi Directorate unless such assistance is authorised by the Licensing Authority (all assistance contemplated in the Application Information Booklet will be deemed to be authorised by the Licensing Authority for the purpose of this Rule) or make any unlawful inducements in connection with the preparation and lodgement of an Application;



4.2.2 engage in any activities that may be perceived as, or that may have the effect of, improperly influencing the outcomes of the Application Process in any way; or

4.2.3 make any media release or other public comment, announcement or statement in connection with the Application Process or the Fixed-Term Licences without the prior written authorisation of the Licensing Authority.

#### **4.3 Anti-competitive conduct**

The Applicant must not engage in conduct prohibited by the **Collusive Practices Act 1965** (Vic.) or the **Trade Practices Act 1974** (Cth) during the Application Process (including when preparing and lodging an Application), including any collusion with other taxi-cab industry participants or other anti-competitive conduct.

#### **4.4 Suspension or cancellation of Application Process**

The Licensing Authority may, exercising absolute discretion, suspend or cancel the Application Process at any time without granting any Fixed-Term Licences.

### **B. PHASE 1: INITIAL APPLICATION PROCESS**

#### **5. Outline**

Note: This Rule provides an outline of the Initial Application Process.

#### **5.1 Purpose**

In this phase of the Application Process:

5.1.1 persons who wish to apply for one or more Fixed-Term Licences lodge their Applications using the applicable Application Form; and

5.1.2 the Licensing Authority checks each Application received to determine whether the Applicant is eligible to lodge an Application.

#### **5.2 Progress to Tender Process**

Applicants who progress through the Initial Application Process without having their Application refused by the Licensing Authority become Phase 2 Applicants and their Application progresses to the Tender Process.

### **6. Eligibility**

#### **6.1 Entitlement to lodge**

6.1.1 A person is only eligible to apply for a Fixed-Term Licence if that person satisfies the Eligibility Criteria.

Note: Satisfying the Eligibility Criteria does not mean that a person is eligible to be granted a Fixed-Term Licence. The persons who are entitled to be granted a Fixed-Term Licence will be determined by the Licensing Authority in accordance with these Rules.

6.1.2 Each person who satisfies the Eligibility Criteria may lodge one Conventional Application Form and/or one WAT Application Form.

#### **6.2 Eligibility Criteria**

The Eligibility Criteria are as follows:

6.2.1 The person must be:

- (a) a natural person;
- (b) a partnership;
- (c) a company;
- (d) a co-operative;
- (e) an incorporated association; or
- (f) a body corporate,

but must not be an unincorporated body or association (other than a partnership).

6.2.2 The person's Application must:

- (a) be lodged with the Victorian Taxi Directorate on or before the applicable Due Date;
- (b) include at least one signed Bid Form;
- (c) include the following information or documentation:
  - (i) if the Applicant is a natural person:
    - the Applicant's full name and one or more of the following:
      - valid residential address;
      - valid contact phone number; or
      - valid email address;
    - copies of two forms of proof of identity evidence in compliance with the requirements stated in the Application Form;
    - a copy of a signed privacy consent and statutory declaration in compliance with the requirements stated in the Application Form;
  - (ii) if the Applicant is not a natural person:
    - the Applicant's name, Australian Business Number or Australian Company Number, a nominated responsible person authorised to act as a representative of the Applicant in relation to the Application (**Nominated Responsible Person**) and one or more of the following:
      - registered business address;
      - valid contact number; or
      - valid email address;
    - for the Nominated Responsible Person, copies of two forms of proof of identity evidence in compliance with the requirements stated in the Application Form;
    - for the Nominated Responsible Person, a copy of a signed privacy consent and statutory declaration in compliance with the requirements stated in the Application Form.

6.2.3 At the time of lodging the Application, the person must not be disqualified from applying for accreditation as a taxi-cab licence holder or taxi-cab operator in Victoria under sections 132H or 135A of the Transport Act.

6.2.4 At the time of lodging the Application, the person, or a Relevant Person in relation to that person, must not:

- (a) currently be an undischarged bankrupt under the law of Australia or any place outside Australia;
- (b) currently be disqualified from managing a corporation under Part 2D.6 of the Corporations Act or under the law of any place outside Australia; or
- (c) have been found guilty of an offence against section 209(3) or Part 5.8 of the Corporations Act or of an offence against a law of a place outside Australia that corresponds to that section or Part.

6.2.5 If the person is not a natural person, the person must not at the time of lodging the Application:

- (a) have had a receiver or receiver and manager, within the meaning of the Corporations Act, appointed in relation to the person;

- (b) have been placed in administration under the Corporations Act or under the law of any place outside Australia; or
  - (c) have been the subject of a court order made under the Corporations Act for the winding up of the person.
- 6.2.6 At the time of lodging the Application, the person must be able to provide evidence to the Licensing Authority that the person has the financial capacity to act as a taxi-cab licence holder and taxi-cab operator for the maximum number of Fixed-Term Licences applied for by the person in the Application (with such evidence to be signed by an accounting practitioner and provided in a form determined by the Licensing Authority and included in the Application Form).
- 6.2.7 Subject to Rule 6.2.8, at the time of lodging the Application, the person must pay the Application Fee to the Victorian Taxi Directorate.
- 6.2.8 A person who has already paid the Application Fee when applying for a Conventional Fixed-Term Licence does not need to pay an Application Fee to lodge a WAT Fixed-Term Licence Application.
- 6.2.9 If the person is a natural person, at the time of lodging the Application the person must be a resident of Australia.
- 6.2.10 If the person is not a natural person, at the time of lodging the Application the Nominated Responsible Person for the person must be a resident of Australia.

Note: If an Applicant fails to meet any of the Eligibility Criteria, the Licensing Authority must refuse the Application.

## **7. Applications**

### **7.1 Application Form**

- 7.1.1 All Applications for Conventional Fixed-Term Licences must be made using a Conventional Application Form.
- 7.1.2 All Applications for WAT Fixed-Term Licences must be made using a WAT Application Form.
- 7.1.3 Applicants must complete all information as required in the applicable Application Form and must provide all documents and evidence requested in the Application Form.

### **7.2 Bid Form**

- 7.2.1 An Application Form must include a completed Bid Form for each Licence Kind in the applicable Licence Type that the Applicant wishes to apply for. Each Bid Form relates to one of the four available Licence Kinds.
- 7.2.2 The Bid Form is the means by which the Applicant places a Bid or Bids for consideration in the Tender Process.

Note: Please refer to Rule 10 for the detailed requirements relating to Bids and Bid Forms.

### **7.3 Lodgement**

Applications must be lodged with the Victorian Taxi Directorate:

- 7.3.1 during the period for lodgement of Applications as determined by the Licensing Authority and specified in the Application Information Booklet;
- 7.3.2 by the applicable Due Date; and
- 7.3.3 in the manner specified by the Licensing Authority (the methods of lodgement described in the Application Information Booklet will be deemed to be specified by the Licensing Authority for the purpose of this Rule).

**8. Eligibility check****8.1 Check**

The Licensing Authority will check all Applications lodged in accordance with these Rules to determine whether the Applicant has met the Eligibility Criteria.

**8.2 Phase 2 Applicant**

8.2.1 If an Applicant meets the Eligibility Criteria, that Applicant becomes a Phase 2 Applicant and the Application will progress to the Tender Process.

8.2.2 If an Applicant does not meet the Eligibility Criteria, the Licensing Authority must refuse the Application.

**C. PHASE 2: TENDER PROCESS****9. Outline**

Note: This Rule provides an outline of the Tender Process.

**9.1 Purpose**

9.1.1 In this phase of the Application Process, the Bids made by Phase 2 Applicants will be ranked highest to lowest by Bid Amount and may be selected by the Licensing Authority in accordance with Rule 12.

9.1.2 In each stage, the following will be determined by the Licensing Authority:

- (a) how many Fixed-Term Licences of the relevant Licence Kind are available to Phase 2 Applicants;
- (b) which Phase 2 Applicants may be granted one or more Fixed-Term Licences of the relevant Licence Kind;
- (c) how many Fixed-Term Licences of the relevant Licence Kind each Phase 2 Applicant may be granted (if any); and
- (d) the amount of the Licence Fee payable for each Licence Type.

**9.2 Progress to Accreditation Process**

Applicants who have a Selected Bid and who pay the Initial Instalment(s) become Phase 3 Applicants and their Application progresses to the Accreditation Process.

**10. Bids****10.1 Bids generally**

A Bid must:

10.1.1 be written in English;

10.1.2 include a Bid Amount (expressed in full Australian dollars only) and a Bid Quantity;

10.1.3 specify the Bid Amount and (except in a Single Bid Form) the Bid Quantity in both numerical and written form (noting that where there is a discrepancy between the numerical and written forms, the written form will take precedence); and

10.1.4 be set out in a Bid Form.

**10.2 Bid Form**

10.2.1 There are four Bid Forms in the Conventional Application Form as follows:

- (a) Conventional Fixed-Term Licence to operate in Metropolitan Taxi-cab Zone: Single Bid Form;
- (b) Conventional Fixed-Term Licence to operate in Metropolitan Taxi-cab Zone: Bid Schedule Form;
- (c) Conventional Fixed-Term Licence to operate in Outer Suburban Taxi-cab Zone: Single Bid Form; and
- (d) Conventional Fixed-Term Licence to operate in Outer Suburban Taxi-cab Zone: Bid Schedule Form.

10.2.2 There are four Bid Forms in the WAT Application Form as follows:

- (a) WAT Fixed-Term Licence to operate in Metropolitan Taxi-cab Zone: Single Bid Form;
- (b) WAT Fixed-Term Licence to operate in Metropolitan Taxi-cab Zone: Bid Schedule Form;
- (c) WAT Fixed-Term Licence to operate in Outer Suburban Taxi-cab Zone: Single Bid Form; and
- (d) WAT Fixed-Term Licence to operate in Outer Suburban Taxi-cab Zone: Bid Schedule Form.

Note: A Single Bid Form is used to submit a Single Bid for one Fixed-Term Licence. A Bid Schedule Form is used to submit a Bid for more than one Fixed-Term Licence (this may be done by making up to five Bids in the Bid Schedule).

10.2.3 Applicants may complete up to two Bid Forms per Application Form (one per Licence Kind) and must use the correct Bid Form as described in these Rules.

### **10.3 Making a Bid**

There are two types of Bids that an Applicant can make:

10.3.1 a Single Bid; and

10.3.2 a Multiple Bid.

### **10.4 Single Bids**

10.4.1 In a Single Bid, the Applicant places a Bid with a Bid Quantity of one Fixed-Term Licence for a specified Bid Amount.

10.4.2 To submit one Single Bid, the Applicant must use the Single Bid Forms described in Rules 10.2.1(a), 10.2.1(c), 10.2.2(a) and 10.2.2(c). A Single Bid can also be included in a Bid Schedule if an Applicant wishes to make more than one Bid per Licence Kind.

Example: Submit a Single Bid Form for the applicable Taxi-cab Zone with the following Single Bid: \$1 [Bid Amount] for one [Bid Quantity] Conventional Fixed-Term Licence.

### **10.5 Multiple Bids**

10.5.1 In a Multiple Bid, the Applicant places a Bid with a Bid Quantity of more than one Fixed-Term Licence, but specifies a single Bid Amount that applies to each Fixed-Term Licence in the Bid Quantity.

10.5.2 To submit a Multiple Bid, the Applicant must use the Bid Schedule Forms described in Rules 10.2.1(b), 10.2.1(d), 10.2.2(b) and 10.2.2(d).

Example: Submit a Bid Schedule Form for the applicable Taxi-cab Zone with up to five of the following Multiple Bids: \$1 each [Bid Amount] for three [Bid Quantity] Conventional Fixed-Term Licences.

### **10.6 Bid Schedule**

10.6.1 Applicants are entitled to make up to five Bids for each Licence Kind. To make more than one Bid, the Applicant must use a Bid Schedule.

10.6.2 A Bid Schedule may include:

- (a) one Single Bid;
- (b) up to five Multiple Bids; and
- (c) up to five Bids in total.

10.6.3 Bids must be entered in the Bid Schedule starting at the top and working down. For each Bid that follows in the Bid Schedule, the Bid Amount must increase and the Bid Quantity must decrease.

10.6.4 The Licensing Authority will only select one Bid in each Bid Schedule as a Selected Bid.

10.6.5 To submit a Bid Schedule, the Applicant must use the Bid Schedule Forms described in Rules 10.2.1(b), 10.2.1(d), 10.2.2(b) and 10.2.2(d).

Example:

\$1 each [Bid Amount] for three [Bid Quantity] Conventional Fixed-Term Licences;

\$2 each [Bid Amount] for two [Bid Quantity] Conventional Fixed-Term Licences; or

\$3 [Bid Amount] for one [Bid Quantity] Conventional Fixed-Term Licence.

Note: The Applicant cannot be granted Fixed-Term Licences based on more than one Bid in the Bid Schedule. The Bid that will be selected (if any) is determined by Rule 12.1.2(d).

## **11. Cap on number of Fixed-Term Licences available**

### **11.1 Licensing Authority will determine numbers**

11.1.1 The Licensing Authority will determine, subject to Rule 11.2, the number of Fixed-Term Licences of the relevant Licence Kind to be made available in the Application Process (**Quantity Threshold**).

11.1.2 The Licensing Authority may vary a Quantity Threshold in accordance with Rule 13.2.3(c)(i) or 13.3.3(c)(i).

11.1.3 In determining the Quantity Threshold, the Licensing Authority may have regard to:

- (a) the total number of Fixed-Term Licences to be granted;
- (b) the Bid Amounts of Bids made by Phase 2 Applicants;
- (c) a combination of the total number of Fixed-Term Licences and the Bid Amounts;
- (d) the applicable Uniform Price that will result from the number of Fixed-Term Licences to be granted; and
- (e) any other matters considered relevant in the public interest.

### **11.2 Maximum licence quantities**

The quantity of Fixed-Term Licences available is subject to the following maximum limits:

11.2.1 seven Conventional Fixed-Term Licences to operate in the Outer Suburban Taxi-cab Zone;

11.2.2 20, in total, Fixed-Term Licences to operate in the Outer Suburban Taxi-cab Zone (whether Conventional Fixed-Term Licences or WAT Fixed-Term Licences);

11.2.3 200, in total, Conventional Fixed-Term Licences (whether to operate in the Metropolitan Taxi-cab Zone or the Outer Suburban Taxi-cab Zone);

11.2.4 330, in total, WAT Fixed-Term Licences (whether to operate in the Metropolitan Taxi-cab Zone or the Outer Suburban Taxi-cab Zone);

11.2.5 530 Fixed-Term Licences in total.

## **12. Ranking and selecting Bids**

### **12.1 Process**

12.1.1 The Licensing Authority must undertake a ranking and selection process for all Bids made by Phase 2 Applicants.

12.1.2 The ranking and selection process used by the Licensing Authority must meet the following requirements:

- (a) Bids for Conventional Fixed-Term Licences must be ranked separate to Bids for WAT Fixed-Term Licences;

- (b) Bids must be ranked from highest to lowest by Bid Amount;
- (c) Bids within the applicable Quantity Threshold must be selected;
- (d) where a Bid Schedule is used, the Bid in that Bid Schedule with the lowest Bid Amount that is within the applicable Quantity Threshold must be selected (if any); and
- (e) the process must be reasonable, fair and equitable having regard to the public interest.

## **12.2 Process deemed to comply**

The ranking and selection process described in Rule 13 below is deemed to meet the requirements in Rule 12.1.2.

## **13. Ranking and selection process**

### **13.1 Process generally**

The ranking and selection process will be:

13.1.1 conducted in two stages (Conventional Fixed-Term Licence Applications first, then WAT Fixed-Term Licence Applications); and

13.1.2 in each stage, undertaken in five sequential steps.

### **13.2 Stage 1: Conventional Fixed-Term Licence Applications**

13.2.1 Step 1: Outer Suburban Taxi-cab Zone qualifier

- (a) All Applications for Conventional Fixed-Term Licences to operate in the Outer Suburban Taxi-cab Zone must be pooled together and then ranked from highest to lowest by Bid Amount.
- (b) The Bids with the highest Bid Amounts, within the Quantity Threshold will be selected to progress to the next step in the ranking and selection process.
- (c) Any Bid that is not selected to progress to step 2 is discarded.

13.2.2 Step 2: All Conventional Fixed-Term Licences

- (a) The Bids selected in step 1 will be added to the pool of all Applications for Conventional Fixed-Term Licences to operate in the Metropolitan Taxi-cab Zone.
- (b) All Bids in the pool must be ranked from highest to lowest by Bid Amount.
- (c) The Bids with the highest Bid Amounts, within the Quantity Threshold become Selected Bids and will be selected to progress to the next step in the ranking and selection process.

Note: Only one Bid (regardless of whether that Bid is a Single Bid or a Multiple Bid) in a Bid Schedule can be a Selected Bid (refer to Rule 10.6.4). If an Applicant who has used a Bid Schedule has more than one Bid within the Quantity Threshold, the Bid with the lowest Bid Amount above the Quantity Threshold will become the Selected Bid and the other Bid or Bids in that Bid Schedule are discarded.

13.2.3 Step 3: Initial Instalment payable

- (a) All Applicants with a Selected Bid in step 2 will be sent a Selected Bid Notice by the Licensing Authority requiring the Applicant to pay the Initial Instalment for the Bid Quantity of Conventional Fixed-Term Licences in the Selected Bid. The Applicant must make the payment to the Victorian Taxi Directorate within 5 Business Days of the Selected Bid Notice date and in accordance with the instructions provided in the Selected Bid Notice.

Note: Under section 143A(10) of the Transport Act, the Licensing Authority may allow a Licence Fee to be paid in instalments.

- (b) If an Applicant fails to comply with Rule 13.2.3(a), that Applicant's:
  - (i) Selected Bid is automatically discarded and is no longer a Selected Bid; and
  - (ii) WAT Fixed-Term Licence Application (if one has or is made) may be refused by the Licensing Authority.
- (c) If one or more Applicants fail to comply with Rule 13.2.3(a), the Licensing Authority may, exercising absolute discretion, return to the pool of ranked Bids established in step 2 (refer to Rule 13.2.1(a)) and:
  - (i) vary the Quantity Threshold;
  - (ii) select the highest ranked Bids within the varied Quantity Threshold that are not (or have not been) Selected Bids to become Selected Bids; and
  - (iii) send a Selected Bid Notice to the Applicants who made those Selected Bids.
- (d) Any bid that is not a Selected Bid at the conclusion of step 3 is discarded.

#### 13.2.4 Step 4: Phase 3 Applicants

- (a) Each Applicant with a Selected Bid who complies with Rule 13.2.3(a) in respect of that Selected Bid becomes a Phase 3 Applicant in respect of that Selected Bid and their Application progresses to the Accreditation Process.
- (b) Each Applicant who does not become a Phase 3 Applicant before the WAT Due Date may have their Application refused by the Licensing Authority.

#### 13.2.5 Step 5: Conventional Uniform Price

The Conventional Uniform Price is the amount that is equal to the lowest Bid Amount of the Selected Bids held by Phase 3 Applicants.

Note: The amount of the Conventional Uniform Price will be notified to applicable Phase 3 Applicants at the time a Conventional Fixed-Term Licence is granted in accordance with Rule 17. The amount may be made available earlier at the discretion of the Licensing Authority. A Phase 3 Applicant who is granted a Conventional Fixed-Term Licence will pay a Licence Fee that is lower than or equal to the Bid Amount in their applicable Selected Bid.

### 13.3 Stage 2: WAT Fixed-Term Licence Applications

#### 13.3.1 Step 1: Outer Suburban Taxi-cab Zone qualifier

- (a) All Applications for WAT Fixed-Term Licences to operate in the Outer Suburban Taxi-cab Zone must be pooled together and then ranked from highest to lowest by Bid Amount.
- (b) The Bids with the highest Bid Amounts, within the Quantity Threshold will be selected to progress to the next step in the ranking and selection process.
- (c) Any Bid that is not selected to progress to step 2 is discarded.

#### 13.3.2 Step 2: All WAT Fixed-Term Licences

- (a) The Bids selected in step 1 will be added to the pool of all Applications for WAT Fixed-Term Licences to operate in the Metropolitan Taxi-cab Zone.
- (b) All Bids in the pool must be ranked from highest to lowest by Bid Amount.
- (c) The Bids with the highest Bid Amounts, within the Quantity Threshold become Selected Bids and will be selected to progress to the next step in the ranking and selection process.

Note: Only one Bid (regardless of whether that Bid is a Single Bid or a Multiple Bid) in a Bid Schedule can be a Selected Bid (refer to Rule 10.6.4). If an Applicant who has used a Bid Schedule has more than one Bid within the Quantity Threshold, the Bid with the lowest Bid Amount above the Quantity Threshold will become the Selected Bid and the other Bid or Bids in that Bid Schedule are discarded.



### 13.3.3 Step 3: Initial Instalment payable

- (a) All Applicants with a Selected Bid in step 2 will be sent a Selected Bid Notice by the Licensing Authority requiring the Applicant to pay the Initial Instalment for the Bid Quantity of WAT Fixed-Term Licences in the Selected Bid. The Applicant must make the payment to the Victorian Taxi Directorate within 5 Business Days of the Selected Bid Notice date and in accordance with the instructions provided in the Selected Bid Notice.

Note: Under section 143A(10) of the Transport Act, the Licensing Authority may allow a Licence Fee to be paid in instalments.

- (b) If an Applicant fails to comply with Rule 13.3.3(a), that Applicant's Selected Bid is automatically discarded and is no longer a Selected Bid.
- (c) If one or more Applicants fail to comply with Rule 13.3.3(a), the Licensing Authority may, exercising absolute discretion, return to the pool of ranked Bids established in step 2 (refer to Rule 13.3.1(a)) and:
- (i) vary the Quantity Threshold;
  - (ii) select the highest ranked Bids within the varied Quantity Threshold that are not (or have not been) Selected Bids to become Selected Bids; and
  - (iii) send a Selected Bid Notice to the Applicants who made those Selected Bids.
- (d) Any bid that is not a Selected Bid at the conclusion of step 3 is discarded.

### 13.3.4 Step 4: Phase 3 Applicants

- (a) Each Applicant with a Selected Bid who complies with Rule 13.3.3(a) in respect of that Selected Bid becomes a Phase 3 Applicant in respect of that Selected Bid and their Application progresses to the Accreditation Process.

### 13.3.5 Step 5: WAT Uniform Price

- (a) The WAT Uniform Price is the amount that is equal to the lowest Bid Amount of the Selected Bids held by Phase 3 Applicants.
- (b) The Bid Amount for each Bid made in respect of a WAT Fixed-Term Licence is deemed to include the following:
- (i) the Bid Amount specified by the Applicant is the amount of the first instalment payable on the Licence Fee for each WAT Fixed Term Licence (**WAT First Instalment**); and
  - (ii) the total Licence Fee payable for each WAT Fixed Term Licence is the WAT First Instalment plus a further nine instalments, with each further instalment being the amount of the previous instalment indexed in accordance with movement in the CPI with the change to be effective from 1 September each year.

Note: The amount of the WAT Uniform Price will be notified to applicable Phase 3 Applicants at the time a WAT Fixed-Term Licence is granted in accordance with Rule 17. The amount may be made available earlier at the discretion of the Licensing Authority. A Phase 3 Applicant who is granted a WAT Fixed-Term Licence will pay a Licence Fee that is lower than or equal to the Bid Amount in their applicable Selected Bid.

## 13.4 Ranking and selection process Rules

The following Rules will be applied by the Licensing Authority as required during the ranking and selection process:

13.4.1 If two or more Bids have the same Bid Amount, they are ranked equally.

13.4.2 If the lowest ranked Bid at the Quantity Threshold has a Bid Quantity that exceeds

the available number of Fixed-Term Licences, the Licensing Authority may reduce the Bid Quantity of that Bid so that it matches the available number of Fixed-Term Licences. That Bid, with a reduced Bid Quantity, may then be selected by the Licensing Authority as a Selected Bid.

Example: If the lowest ranked Bid at the Quantity Threshold has a Bid Quantity of 10, no higher Bids in the same Bid Schedule that have already been selected and only three Fixed-Term Licences of the relevant Licence Type remain available, the Licensing Authority may reduce the Bid Quantity of the lowest ranked Bid to three and then select that Bid as a Selected Bid.

13.4.3 If two or more Bids are tied by Bid Amount at the Quantity Threshold (**Tied Bids**), the Licensing Authority may reduce the Bid Quantities of the Tied Bids using the Tie Break Process so that the combined Bid Quantities of the Tied Bids matches the available number of Fixed-Term Licences of the applicable Licence Type. Those Tied Bids, with a reduced Bid Quantity following the Tie Break Process, may then be selected by the Licensing Authority as a Selected Bid (unless the Bid Quantity of a Tied Bid is reduced to zero in which case the Bid is discarded).

Example: There are two lowest ranked Bids tied by Bid Amount at the Quantity Threshold. Bid A has a Bid Quantity of 10. Bid B has a Bid Quantity of five. Neither Bid has any higher Bids in a Bid Schedule that have already been selected. Only four Fixed-Term Licences of the relevant Licence Type remain available. The Licensing Authority will use a Tie Break Process to determine the allocation of the remaining four Fixed-Term Licences. Fifteen tokens will be entered into a ballot (10 for Bid A and five for Bid B) and four will be selected at random. The Licensing Authority may then reduce the Bid Quantities of Bids A and B in accordance with the results of the Tie Break Process and then select those Bids as a Selected Bid (or one of the Bids if the other Bid now has a Bid Quantity of zero).

13.4.4 If a Tied Bid is part of a Bid Schedule which includes a Bid with a Bid Amount that is higher than the Tied Bid (**Higher Bid**), the Bid Quantity of the Higher Bid (**Higher Quantity**) will already have been counted in the Quantity Threshold meaning that the Tied Bid is only tied in respect of the difference between the Higher Quantity and the Bid Quantity of the Tied Bid (**Tied Quantity**). Only the Tied Quantity (and not the Higher Quantity) will be subject to the Tie Break Process in accordance with Rule 13.4.3.

Example: If in the example at Rule 13.4.3, Bid A was part of a Bid Schedule which included a higher ranked Bid with a Bid Quantity of three, Bid A has already been allocated three Fixed-Term Licences and, accordingly, the Bid Quantity of Bid A that is at risk in the Tie Break Process is only seven.

## **D. PHASE 3: ACCREDITATION PROCESS**

### **14. Outline**

Note: This Rule provides an outline of the Accreditation Process.

#### **14.1 Purpose**

In this phase of the Application Process, Phase 3 Applicants must obtain accreditation and meet all other relevant requirements of the Transport Act required to hold a Fixed-Term Licence.

#### **14.2 Process**

The Accreditation Process will operate as follows:

##### **14.2.1 Phase 3 Applicants must:**

- (a) apply for accreditation as a taxi-cab licence holder and a taxi-cab operator within 28 days of the Instalment Payment Date (unless the Applicant is already accredited) as a taxi-cab licence holder and a taxi-cab operator;

- (b) provide evidence to the Licensing Authority that the Applicant owns (or intends to own) a taxi-cab (in the case of a WAT Fixed-Term Licence, the taxi-cab must be a WAT) within 28 days of the Instalment Payment Date; and
- (c) satisfy all requirements under the Transport Act to hold a Fixed-Term Licence and pay the amount of the Licence Fee required by Rule 15.3 within 90 days of the Instalment Payment Date.

14.2.2 Subject to compliance with the requirements above, the Licensing Authority may grant one or more Fixed-Term Licences to a Phase 3 Applicant of the Licence Kind(s) corresponding to that Applicant's Selected Bid.

## **15. Licence Fee**

### **15.1 Amount of Licence Fee**

15.1.1 The Licence Fee payable for a Conventional Fixed-Term Licence is the Conventional Uniform Price.

15.1.2 The Licence Fee payable for a WAT Fixed-Term Licence is the WAT Uniform Price.

### **15.2 Initial Instalment**

15.2.1 On payment of an Initial Instalment in accordance with Rules 13.2.3(a) or 13.3.3(a), the Licensing Authority will hold the amount of the Initial Instalment on trust to be:

- (a) applied as an instalment on the Licence Fee payable if the Applicant is granted the Fixed-Term Licence in respect of which the Initial Instalment was paid; or
- (b) subject to Rule 15.2.2, refunded to the Applicant if the Applicant is not granted the Fixed-Term Licence in respect of which the Initial Instalment was paid.

15.2.2 If a Phase 3 Applicant is not granted a Fixed-Term Licence because the Applicant has not complied with any or all of the requirements in Rule 16, the Licensing Authority may retain a Withdrawal Fee from each Initial Instalment paid by the Applicant.

### **15.3 Payment**

15.3.1 The Licence Fee for a Conventional Fixed-Term Licence (less the amount of the Initial Instalment) must be paid in full within 90 days of the Instalment Payment Date in accordance with Rule 16.3.2.

15.3.2 The Licence Fee for a WAT Fixed-Term Licence is payable in 10 annual instalments. The first instalment (less the amount of the Initial Instalment) is payable in full within 90 days of the Instalment Payment Date in accordance with Rule 16.3.2, and each instalment after that is payable on the anniversary of the date the licence was granted by the Licensing Authority.

Note: The Licensing Authority may allow a licence fee to be paid by instalments and may cancel or suspend the licence if the instalment is not paid by the due date.

## **16. Legislative requirements**

### **16.1 Timing for application for accreditation**

16.1.1 Subject to Rule 16.1.2, each Phase 3 Applicant must make an application to the Licensing Authority under the Transport Act for accreditation as a taxi-cab licence holder and taxi-cab operator within 28 days of the Instalment Payment Date.

16.1.2 Rule 16.1.1 does not apply to the extent a Phase 3 Applicant is already accredited under the Transport Act as a taxi-cab licence holder and a taxi-cab operator.

Note: Accreditation is a requirement of sections 143A(12) and (13) of the Transport Act.

### **16.2 Ownership of a taxi-cab**

16.2.1 The Licensing Authority may only grant a Fixed-Term Licence to the owner, or a person who intends to be the owner, of a taxi-cab.

16.2.2 Each Phase 3 Applicant must, in respect of each Fixed-Term Licence the Applicant has applied for in their Selected Bid, provide evidence to the Licensing Authority that they are a person who owns, or intends to own, a taxi-cab within 28 days of the Instalment Payment Date.

Note: Ownership of a taxi-cab is a requirement of section 143A(2) of the Transport Act.

**16.3 Attendance at Victorian Taxi Directorate**

16.3.1 Within 90 days of the Instalment Payment Date, a Phase 3 Applicant must attend the Victorian Taxi Directorate with evidence of the following:

- (a) accreditation as a taxi-cab licence holder and a taxi-cab operator;
- (b) ownership of a taxi-cab that meets all vehicle specifications for taxi-cabs as determined by the Licensing Authority from time to time; and
- (c) compliance with the conditions applying to the applicable Licence Type.

16.3.2 On attendance at the Victorian Taxi Directorate, the Phase 3 Applicant must pay the amount of the Licence Fee required by Rule 15.1.

**16.4 Extension of time**

Subject to Rule 18, the Licensing Authority may extend the period of time for an Applicant to comply with any of the requirements in this Part D.

**17. Licence grant**

Under section 143A(2) of the Transport Act, the Licensing Authority may grant a Phase 3 Applicant who satisfies the requirements of the Transport Act one or more Fixed-Term Licences of the Licence Kinds corresponding to that Applicant's Selected Bid or Selected Bids.

**18. Expiry of Applications**

The Licensing Authority is empowered, by section 143A(8) of the Transport Act, to grant Fixed-Term Licences to Applicants at any time within one year of the Due Date for Applications. Accordingly, all Applications in respect of which no Fixed-Term Licence has been granted within one year of the applicable Due Date for that Application must be refused by the Licensing Authority.

Dated 17 June 2010

THE HON. MARTIN PAKULA MP  
Minister for Public Transport

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