



Queensland

Taxi and Limousine Industry Assistance Scheme Amendment Regulation 2017

Subordinate Legislation 2017 No. 45

made under the

Rural and Regional Adjustment Act 1994

Transport Operations (Passenger Transport) Act 1994

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1 Short title

This regulation may be cited as the *Taxi and Limousine Industry Assistance Scheme Amendment Regulation 2017*.

2 Regulation amended

This regulation amends the *Taxi and Limousine Industry Assistance Scheme Regulation 2016*.

3 Amendment of s 2 (Main purpose of regulation)

Section 2, ‘a scheme’—

omit, insert—

2 schemes

4 Replacement of s 3 (Approval of scheme)

Section 3—

omit, insert—

3 Approval of schemes

The schemes set out in parts 3 and 4 are approved under the *Rural and Regional Adjustment Act 1994*, section 11(1)(c).

5 Amendment, relocation and renumbering of s 6 (Who is the *relevant holder* of a relevant licence)

(1) Section 6(6)—

omit.

(2) Section 6, as amended—

relocate to part 3, division 1 and *renumber* as section 7A.

6 Amendment of s 18 (Internal review)

Section 18(1), ‘6’—

[s 7]

omit, insert—

7A

7 Omission of pt 4 (Expiry)

Part 4—

omit.

8 Insertion of new pts 4 and 5

After part 3—

insert—

Part 4 Industry hardship assistance

Division 1 Preliminary

20 Purpose of financial assistance

The purpose of financial assistance that may be given under the scheme is to assist eligible persons who are experiencing hardship as a result of structural changes in the taxi service industry and limousine service industry.

Division 2 General provisions

21 Nature of financial assistance

The nature of the financial assistance that may be given under the scheme to an eligible person whose application is approved by the authority is the payment of the hardship assistance amount for the person.

22 Invitation notice

- (1) The authority must invite applications for financial assistance under the scheme by publishing on the authority's website a notice complying with subsections (2) and (3).
- (2) The notice must state that the authority invites each eligible person to apply, in the approved form, to the authority for financial assistance under the scheme.
- (3) The notice must also state the following—
 - (a) the first day and last day (the *closing day*) when an eligible person may make the application;
 - (b) the details of eligibility for financial assistance under section 23;
 - (c) the assistance amounts for the relevant licences under section 29;
 - (d) how the hardship assistance amount for an eligible person is worked out under section 30;
 - (e) that the notice is given under this regulation.

Division 3 Eligibility

23 Eligibility for financial assistance

A person is eligible (an *eligible person*) for financial assistance under the scheme if, for a relevant licence, the person is—

- (a) the relevant holder and the relevant operator;
or
- (b) the relevant holder, but not the relevant operator; or

- (c) the relevant operator, but not the relevant holder.

24 Who is the *relevant holder* of a relevant licence

- (1) The ***relevant holder*** of a relevant licence is a person who—
 - (a) is the relevant holder of the licence under section 7A; and
 - (b) was listed on the relevant licence register as the holder of the licence immediately before 9 March 2017.
- (2) However, if the transport chief executive makes a declaration under section 25 for the relevant licence, the ***relevant holder*** of the licence is the person stated as the relevant holder in the declaration.
- (3) If a group of 2 or more persons is the relevant holder of a relevant licence—
 - (a) the group of persons is collectively the relevant holder of the licence; and
 - (b) for working out the number of licences held by the group of persons, only the licences held by the persons as part of the same group are to be counted.

Example—

If A, B and C are the relevant holder of a relevant licence, only the relevant licences held by A, B, and C collectively are counted for working out the number of relevant licences held by A, B and C as a relevant holder. Any relevant licences held by A, B or C individually, and any licences held by a group that includes some but not all of A, B and C or includes all of A, B and C but also includes other persons, are not counted.

25 Declaration about relevant holder of relevant licence

- (1) The transport chief executive may, by notice given to the authority or other relevant persons, declare that a stated person is the relevant holder of a relevant licence.
- (2) The transport chief executive may declare a person is the relevant holder of a relevant licence only if—
 - (a) the person is—
 - (i) the relevant holder of the licence under section 7A; and
 - (ii) listed on the relevant licence register as the holder of the licence immediately before 9 March 2017; or
 - (b) both of the following apply—
 - (i) the licence was vested in, or transferred to, the person whether by operation of law or otherwise;
 - (ii) having regard to the matters relating to the vesting or transfer, the transport chief executive is satisfied the person should be declared to be the relevant holder of the licence.

Example for paragraph (b)—

If a relevant licence is vested in an executor of a deceased estate, the transport chief executive may be satisfied the executor should be declared to be the relevant holder of the licence.

26 Who is the *relevant operator* for a relevant licence

- (1) The *relevant operator* for a relevant licence is—
 - (a) if a taxi service licence was the subject of a lease immediately before the relevant

- day—the person who was, immediately before the relevant day—
- (i) an accredited operator; and
 - (ii) listed on the relevant licence register as the ultimate lessee of the licence; or
- (b) if a limousine service licence was the subject of a lease immediately before the relevant day—the person who was, immediately before both the relevant day and 9 March 2017—
- (i) an accredited operator; and
 - (ii) listed on the relevant licence register as the ultimate lessee of the licence; or
- (c) otherwise—the relevant holder of the licence.
- (2) However, if the transport chief executive makes a declaration under section 27 for the relevant licence, the **relevant operator** for the licence is the person stated as the relevant operator in the declaration.
- (3) If a group of 2 or more persons is the relevant operator for a relevant licence—
- (a) the group of persons is collectively the relevant operator for the licence; and
 - (b) for working out the number of licences for which the group of persons is the relevant operator, only licences held or leased by the persons as part of the same group are to be counted.

27 Declaration about the relevant operator for relevant licence

- (1) The transport chief executive may, by notice given to the authority or other relevant persons, declare that a stated person is the relevant

operator for a relevant licence.

- (2) The transport chief executive may declare a person is the relevant operator for a relevant licence if—
 - (a) the person is the relevant holder of the licence; or
 - (b) immediately before the relevant day, the person was an accredited operator and either—
 - (i) listed on the relevant licence register as the ultimate lessee of the licence; or
 - (ii) the licence was leased or subleased to the person and the transport chief executive was given notice of the lease or sublease under the *Transport Operations (Passenger Transport) Regulation 2005*, section 54(2) or 98(2) before the relevant day; or
 - (c) the transport chief executive is satisfied the person should be declared to be the relevant operator of the licence, having regard to matters that relate to the leasing of licences, and all of the following applied immediately before the relevant day—
 - (i) the person was an accredited operator;
 - (ii) the person was listed on the relevant licence register as a lessee or sublessee of the licence;
 - (iii) the licence was the subject of 2 or more leases or subleases.
- (3) Also, the transport chief executive may declare a person is the relevant operator for a limousine service licence if—
 - (a) the person is the relevant holder of the licence; and

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- (b) immediately before 9 March 2017, 1 or more leases or subleases of the licence were listed on the relevant licence register; and
- (c) the transport chief executive is satisfied each lease or sublease of the licence ended before 9 March 2017.

Example—

The chief executive is satisfied that no vehicle is being used under a limousine service licence.

28 Chief executive may ask for information

The transport chief executive may, by notice, ask a person for information the transport chief executive considers necessary to identify, under this division, the relevant holder of or relevant operator for a relevant licence.

Division 4 Hardship assistance amount

29 Assistance amounts for relevant licences

- (1) The *assistance amount* for a relevant licence is the amount determined and notified by the transport chief executive under this section.
- (2) The transport chief executive must determine the assistance amount for a taxi service licence and the assistance amount for a limousine service licence.
- (3) The assistance amount for a limousine service licence must be 50% of the assistance amount for a taxi service licence.
- (4) In determining the assistance amounts, the transport chief executive may consider any relevant matter including, for example—

- (a) the total amount of financial assistance available under the scheme; and
 - (b) the number of relevant licences for which financial assistance is likely to be paid under the scheme based on the information in the relevant licence registers.
- (5) The transport chief executive must notify the assistance amounts by—
 - (a) giving notice of the amounts to the authority; and
 - (b) publishing notice of the amounts on the transport department’s website.

30 Hardship assistance amount for an eligible person

- (1) The *hardship assistance amount* for an eligible person is the sum of the following amounts for the relevant licences, but for no more than 10 licences, for which the person is the relevant holder or relevant operator—
 - (a) for each relevant licence for which the person is the relevant holder and relevant operator—the assistance amount for the licence; or
 - (b) for each relevant licence for which the person is either the relevant holder or relevant operator, but not both—50% of the assistance amount for the licence.
- (2) If an eligible person is the relevant holder of, or relevant operator for, more than 10 relevant licences, the 10 licences for the person for subsection (1) are the first 10 licences counted in the following order—
 - (a) each taxi service licence for which the person is the relevant holder and relevant operator;

- (b) each taxi service licence for which the person is either the relevant holder or relevant operator, but not both;
- (c) each limousine service licence for which the person is the relevant holder and relevant operator;
- (d) each limousine service licence for which the person is either the relevant holder or relevant operator, but not both.

Division 5 Applications

31 Applying for financial assistance

- (1) A person (an *applicant*) may apply to the authority for financial assistance under the scheme.
- (2) The application must—
 - (a) be in the approved form; and
 - (b) be accompanied by any other documents stated in the approved form; and
 - (c) include a declaration of hardship completed by the applicant; and
 - (d) be given to the authority by the end of the closing day or a later day under section 33.
- (3) The authority may ask the applicant, by notice, for further information that the authority considers necessary to decide an application.
- (4) The notice must state the period, of at least 28 days after the notice is given, within which the further information must be given to the authority.
- (5) An application relating to a relevant licence for which a group of 2 or more persons is the relevant holder or relevant operator must be made jointly by all of the persons.

32 Changing or withdrawing applications

An applicant may change or withdraw an application before the application is decided by giving a notice to the authority.

33 Allowing late applications

The authority may allow a person to apply after the closing day if the authority considers it is appropriate to do so in the circumstances.

34 Deciding applications

- (1) The authority must consider and decide, for each application—
 - (a) to approve the application; or
 - (b) to approve the application subject to any conditions on the payment of financial assistance under the scheme the authority considers reasonable; or
 - (c) to refuse the application.
- (2) The authority may refuse an application only if—
 - (a) the applicant is not eligible for financial assistance under section 23; or
 - (b) the applicant does not comply with a request for information under section 31(3) within the period mentioned in section 31(4) for the request; or
 - (c) the authority considers the applicant or, for an application made jointly by 2 or more persons in relation to a relevant licence, 1 or more of the persons, has engaged in conduct that may contravene the *Rural and Regional Adjustment Act 1994*, sections 41 or 42.

35 Notice of decision

The authority must give the applicant notice of the decision stating—

- (a) all of the following—
 - (i) the application was approved;
 - (ii) any conditions imposed under section 34(1)(b) and the reasons for the conditions;
 - (iii) the amount of financial assistance payable to the applicant under the scheme; or
- (b) the application was refused and the reasons for the refusal.

Division 6 Other provisions

36 Recovering financial assistance

- (1) This section applies if the authority gives financial assistance to a person under the scheme and—
 - (a) the person is not eligible for the financial assistance under section 23; or
 - (b) 1 of the following applies—
 - (i) the person has not complied with a condition of the payment of the financial assistance;
 - (ii) for financial assistance given to a group of 2 or more persons who applied jointly as the relevant holder or relevant operator for a relevant licence—1 or more of the persons in the group has not complied with a condition of the payment of the financial assistance.

Note—

Under the *Rural and Regional Adjustment Act 1994*, section 43, the authority may call up financial assistance in particular circumstances.

- (2) The authority may recover the whole or any part of the amount paid from the person as a debt due to the State by action in a court of competent jurisdiction.

37 Internal review

- (1) A person whose interests are affected by the transport chief executive declaring a relevant holder under section 7A or 25, or a relevant operator under section 27, may ask the transport chief executive to review the decision about who is the relevant holder or relevant operator for the licence.

Note—

Under the *Rural and Regional Adjustment Act 1994*, part 3A, a person may apply for review of a decision of the authority under section 15.

- (2) The *Transport Planning and Coordination Act 1994*, part 5, division 2, other than sections 32 and 34(4) and (6)—
 - (a) applies to the review; and
 - (b) provides for the procedure for applying for the review and the way it is to be disposed of.

38 Disclosure and use of information

- (1) The transport chief executive may disclose to the authority, or use, information gained through involvement in the administration of the *Transport Operations (Passenger Transport) Act 1994* for the purpose of administering the scheme, including, for example, details about a holder of

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or operator for a relevant licence, including the holder's name, date of birth, contact details and gender.

- (2) For a relevant licence for which a group of 2 or more persons is the relevant holder or relevant operator, the authority may disclose information about 1 of the persons to the other persons for the purpose of inviting the group of persons to apply for financial assistance under the scheme.

Part 5 Expiry

39 Expiry of regulation

This regulation expires 2 years after the commencement of the *Transport Operations (Passenger Transport) Act 1994*, section 155A.

9 Amendment of sch 1 (Dictionary)

- (1) Schedule 1, definitions *applicant*, *application*, *authority*, *closing day*, *relevant holder* and *the scheme*—
omit.
- (2) Schedule 1—
insert—

applicant—

- (a) for part 3, see section 12(1); and
- (b) for part 4, see section 31(1).

application means—

- (a) for part 3, an application made under section 12; and
- (b) for part 4, an application made under section 31.

assistance amount, for a relevant licence, see

section 29(1).

authority see the *Rural and Regional Adjustment Act 1994*, section 4.

closing day—

(a) for part 3, see section 10(3)(a); and

(b) for part 4, see section 22(3)(a).

eligible person, for part 4, see section 23.

hardship assistance amount, for an eligible person, see section 30.

relevant holder, of a relevant licence—

(a) for part 3, see section 7A; and

(b) for part 4, see section 24.

relevant licence register means—

(a) for a taxi service licence—the register kept by the chief executive of all persons who hold, lease or sublease a taxi service licence; and

(b) for a limousine service licence—the register kept by the chief executive of all persons who hold, lease or sublease a limousine service licence.

relevant operator, for a relevant licence, for part 4, see section 26.

the scheme means—

(a) for part 3, the scheme set out in part 3; and

(b) for part 4, the scheme set out in part 4.

transport department means the department in which the *Transport Operations (Passenger Transport) Act 1994* is administered.

ultimate lessee, of a relevant licence that is the subject of a lease or sublease, means a person—

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- (a) who is a lessee or sublessee of the licence;
and
- (b) who has not leased the person's interest in
the licence to someone else.

ENDNOTES

- 1 Made by the Governor in Council on 30 March 2017.
- 2 Notified on the Queensland legislation website on 31 March 2017.
- 3 The administering agency is the Department of Transport and Main Roads.

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