



Queensland

Rural and Regional Adjustment (COVID-19 Taxi and Limousine Industry Assistance Scheme) Amendment Regulation 2020

Subordinate Legislation 2020 No. 149

made under the

Rural and Regional Adjustment Act 1994

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1 Short title

This regulation may be cited as the *Rural and Regional Adjustment (COVID-19 Taxi and Limousine Industry Assistance Scheme) Amendment Regulation 2020*.

2 Regulation amended

This regulation amends the *Rural and Regional Adjustment Regulation 2011*.

3 Amendment of s 3 (Approval of schemes—Act, s 11)

Section 3(1), ‘27’—

omit, insert—

28

4 Insertion of new sch 28

After schedule 27—

insert—

**Schedule 28 COVID-19 Taxi and
Limousine Industry
Assistance Scheme**

section 3(1)

Part 1 Preliminary

1 Objective of scheme

The objective of the scheme is to provide financial assistance to—

- (a) particular holders of taxi service licences and limousine licences; and

- (b) particular operators of taxi services and booked hire services; and
- (c) particular holders of booking entity authorisations.

2 Purpose of scheme

- (1) The purpose of the scheme is to address the disruption caused to the taxi and limousine industry by the COVID-19 emergency by supporting the services provided by the industry to allow them to operate or return to operation.
- (2) In this section—

COVID-19 emergency means the declared public health emergency under the *Public Health Act 2005*, section 319(2) for COVID-19 declared on 29 January 2020, as extended and further extended under that Act.

3 Definitions for schedule

In this schedule—

applicant means a person applying for financial assistance under the scheme.

authorisation register means the register of booking entity authorisations kept under the *Transport Operations (Passenger Transport) Act 1994*, section 91ZH.

booked hire service see the *Transport Operations (Passenger Transport) Act 1994*, section 71.

booking entity authorisation see the *Transport Operations (Passenger Transport) Act 1994*, section 91V(1).

closing day see section 14(1)(c).

eligible motor vehicle, for a booking entity authorisation, see section 5.

licence register means the register of licences kept under the *Transport Operations (Passenger Transport) Act 1994*, section 91U.

limousine means a motor vehicle stated in a limousine licence.

limousine licence see the *Transport Operations (Passenger Transport) Act 1994*, section 91H(1).

motor vehicle see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

notice means written notice.

operator see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3.

relevant booking entity authorisation see section 6.

relevant licence see section 4.

scheme means the scheme set out in this schedule.

taxi means a motor vehicle stated in a taxi service licence.

taxi service licence see the *Transport Operations (Passenger Transport) Act 1994*, section 91D.

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

ultimate lessee, of a relevant licence, means a person who—

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

4 What is a relevant licence

A **relevant licence** is a taxi service licence, or a limousine licence, that was in force on 16 June

2020.

5 What is an *eligible motor vehicle*

- (1) An *eligible motor vehicle*, for a booking entity authorisation, is a motor vehicle that—
 - (a) is available to be used to provide booked hire services under the booking entity authorisation; and
 - (b) is 1 of the following types—
 - (i) an exempted taxi;
 - (ii) a taxi, other than an exempted taxi, that displays the livery of the authorised booking entity that holds the booking entity authorisation;
 - (iii) a limousine.
- (2) In this section—

authorised booking entity see the *Transport Operations (Passenger Transport) Act 1994*, section 91V(2).

exempted taxi means a taxi that is not required under the taxi service licence for the taxi to be fitted with a taximeter.

6 What is a *relevant booking entity authorisation*

- (1) A *relevant booking entity authorisation* is a booking entity authorisation—
 - (a) that was in force for at least the period starting on 10 March 2020 and ending on 16 June 2020; and
 - (b) for which there were 1 or more eligible motor vehicles on 10 March 2020.
- (2) However, if 10 or more motor vehicles were available to be used to provide booked hire

services under the booking entity authorisation on 10 March 2020, the authorisation is a relevant booking entity authorisation only if 70% or more of those vehicles were eligible motor vehicles.

Part 2 Taxi service licences and limousine licences

7 Nature of assistance

The nature of the assistance that may be given under this part is a payment of an amount to particular holders of relevant licences and particular operators, based on the number of relevant licences held or operated.

8 Eligibility criteria

- (1) An applicant is eligible for assistance under the scheme if—
 - (a) on 16 June 2020, the applicant was recorded in the licence register as the holder of a relevant licence; or
 - (b) the applicant has been declared, under section 19, to be the holder of a relevant licence.
- (2) For subsection (1)(a), if 2 or more persons hold a relevant licence, the persons are collectively the holder of the relevant licence.
- (3) Also, an applicant is eligible for assistance under the scheme if—
 - (a) all of the following apply—
 - (i) the applicant was an operator on 16 June 2020;
 - (ii) on 16 June 2020—

- (A) the applicant was recorded in the licence register as the holder of a relevant licence and the licence was not subject to a lease or a relevant agreement; or
 - (B) the applicant was recorded in the licence register as the ultimate lessee of a relevant licence and the licence was subject to a lease but not subject to a relevant agreement; or
 - (C) the applicant was a party to a relevant agreement about a relevant licence under which the applicant was responsible for the majority of the costs associated with providing the services of a taxi or limousine under the licence;
- (iii) the relevant licence mentioned in subparagraph (ii)(A), (B) or (C) had a taxi or limousine stated in it on 10 March 2020; or
- (b) the applicant has been declared, under section 19, to be the operator of a relevant licence.
- (4) Further, an applicant is eligible for assistance under the scheme if, on 16 June 2020—
- (a) the applicant was an operator; and
 - (b) the applicant was a party to a relevant agreement about a relevant licence under which the applicant was responsible for half of the costs associated with providing the services of a taxi or limousine under the licence; and
 - (c) the relevant licence that was the subject of the relevant agreement mentioned in

paragraph (b) had a taxi or limousine stated in it on 10 March 2020.

(5) In this section—

relevant agreement, about a taxi service licence or limousine licence, means a written agreement between a person mentioned in subsection (3)(a)(ii)(A) or (B) (the *first party*) and another person (the *second party*) under which—

- (a) the parties agree to apportion the costs associated with providing the services of a taxi or limousine under the licence; and
- (b) the second party has made a payment to the first party for the right to provide the services of a taxi or limousine under the relevant licence.

9 Effect of declaration in relation to relevant licence

- (1) Subsection (2) applies if a person is declared, under section 19, to be the holder of a relevant licence.
- (2) For section 8(1)(a), the person who, on 16 June 2020, was recorded in the licence register as the holder of the relevant licence is taken not to have been so recorded on that day.
- (3) Subsection (4) applies if a person is declared, under section 19, to be the operator of a relevant licence.
- (4) For section 8(3)(a) and (4), a person who, on 16 June 2020, held an interest mentioned in section 8(3)(a)(ii)(A), (B) or (C) or (4)(b) in the relevant licence is taken not to have held the interest on that day.

10 Amount of assistance

- (1) The amount of assistance payable under this part to an applicant is the total of each amount payable under subsection (2), (3), (4) or (5).
- (2) If the applicant is eligible for assistance under section 8(1), the amount is \$1,000 for each relevant licence to which section 8(1)(a) or (b) applies.
- (3) If the applicant is eligible for assistance under section 8(3)(a), the amount is—
 - (a) \$3,500 for each relevant licence for which the applicant was recorded in the licence register as mentioned in section 8(3)(a)(ii)(A) or (B); and
 - (b) \$3,500 for each relevant licence about which the applicant was a party to a relevant agreement as mentioned in section 8(3)(a)(ii)(C); and
 - (c) \$1,000 for each relevant licence mentioned in paragraph (a) or (b) that had a wheelchair accessible taxi stated in it on 10 March 2020.
- (4) If the applicant is eligible for assistance under section 8(3)(b), the amount is—
 - (a) \$3,500 for each relevant licence in relation to which the applicant has been declared to be an operator; and
 - (b) \$1,000 for each relevant licence mentioned in paragraph (a) that had a wheelchair accessible taxi stated in it on 10 March 2020.
- (5) If the applicant is eligible for assistance under section 8(4), the amount is half the amount that would be payable if the applicant were eligible for assistance under section 8(3)(a)(ii)(C).
- (6) If 2 or more persons (*multiple holders*) are

eligible under section 8(1)(a) or (3)(a)(ii)(A) because the relevant licence is collectively held by the multiple holders, only 1 payment may be made to 1 of the multiple holders.

- (7) If 2 or more persons (also *multiple holders*) are eligible under section 8(3)(a)(ii)(B) because the multiple holders are all ultimate lessees of the relevant licence, only 1 payment may be made to 1 of the multiple holders.
- (8) For subsections (6) and (7), the 1 payment must be made by the authority to the multiple holder nominated to the authority by the multiple holders for payment under the scheme.
- (9) In this section—

wheelchair accessible taxi means a taxi that has the capacity to accommodate at least 1 wheelchair and the occupant of the wheelchair.

Part 3 Booking entity authorisations

11 Nature of assistance

The nature of the assistance that may be given under this part is a payment of an amount to holders of relevant booking entity authorisations based on the number of taxis and limousines that are eligible motor vehicles for the authorisations.

12 Eligibility criteria

- (1) An applicant is eligible for assistance under the scheme if—
 - (a) on 16 June 2020, the applicant was recorded in the authorisation register as the holder of a relevant booking entity authorisation; or

- (b) the applicant has been declared, under section 19, to be the holder of a relevant booking entity authorisation.
- (2) However, an applicant is not eligible for assistance unless—
- (a) on or before 16 June 2020, the applicant has provided the information mentioned in the *Transport Operations (Passenger Transport) Regulation 2018*, section 109 to the transport chief executive for the quarter ending 31 March 2020; or
 - (b) after 16 June 2020, the applicant—
 - (i) has provided the information mentioned in the *Transport Operations (Passenger Transport) Regulation 2018*, section 109 to the transport chief executive for the quarter ending 31 March 2020; and
 - (ii) has provided any information requested by the transport chief executive about the information mentioned in subparagraph (i).
- (3) For subsection (1), if 2 or more persons hold a relevant booking entity authorisation, the persons are collectively the holder of the relevant booking entity authorisation.

13 Amount of assistance

- (1) The amount of assistance payable under this part to an applicant who is eligible under section 12 is \$1,500 for each motor vehicle that, on 10 March 2020, was an eligible motor vehicle for a relevant booking entity authorisation of which the applicant was the holder as mentioned in section 12(1)(a) or (b).
- (2) However, the assistance payable under subsection

(1) is limited to a maximum of 1,000 eligible motor vehicles for each relevant booking entity authorisation.

Part 4 General provisions

14 Requirements for applications

- (1) An application for assistance under the scheme must—
 - (a) be made to the authority on the authority's application form; and
 - (b) be accompanied by the documents mentioned in the application; and
 - (c) be received on or before the day (the *closing day*) that is 5 weeks after the commencement.
- (2) The authority may ask an applicant to provide further information required to decide the application.

15 Extension of closing day

- (1) The authority may, by notice published on the authority's website (an *extension notice*), extend the closing day to a stated day that is not more than 3 months after the commencement.
- (2) However, the authority may publish an extension notice only if satisfied, following consultation with industry representatives, that applicants need more time in which to apply for assistance under the scheme.

16 Accepting late applications

Despite section 14(1)(c), the authority may accept an application for assistance under the scheme

that is received after the closing day under that section or as extended under section 15.

17 Deciding applications

The authority must consider, and decide to approve or refuse to approve, each application for assistance under the scheme.

18 Disclosure and use of information

- (1) This section applies in relation to information gained by the transport chief executive—
 - (a) through the transport chief executive's involvement in the administration of the *Transport Operations (Passenger Transport) Act 1994*; or
 - (b) because of an opportunity provided by that involvement.

Examples of information for subsection (1)—

- details of a relevant licence or relevant booking entity authorisation
 - the name, date of birth and contact details of the holder of a relevant licence or relevant booking entity authorisation
- (2) The transport chief executive may—
 - (a) disclose the information to the authority for the purpose of administering the scheme; or
 - (b) record or use the information to perform a function under this regulation.
 - (3) Also, to the extent the information relates to the persons who collectively are the holder of a relevant licence or a relevant booking entity authorisation or the ultimate lessees of a relevant licence, the transport chief executive may disclose the information about any of the persons to any of the other persons for the purpose of helping them

apply for assistance under the scheme.

(4) In this section—

function includes power.

perform, a function, includes exercise a power.

Part 5 **Declarations by transport chief executive**

19 Declarations

(1) The transport chief executive may, by notice given to the authority, declare that 1 or more stated persons are—

- (a) the holder of a relevant licence; or
- (b) the operator of a relevant licence; or
- (c) the holder of a relevant booking entity authorisation.

(2) The transport chief executive may make a declaration under subsection (1)(a) in relation to a person or persons only if satisfied—

- (a) before 16 June 2020, the relevant licence was transferred to the person or persons and approval for the transfer was given under the *Transport Operations (Passenger Transport) Regulation 2018*, section 161; or
- (b) both of the following apply—
 - (i) the relevant licence is vested in, or has been transferred to, the person or persons 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

or persons should be declared to be the relevant holder of the licence.

Example for paragraph (b)—

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

- (3) The transport chief executive may make a declaration under subsection (1)(b) or (c) in relation to 1 or more stated persons only if satisfied it is appropriate, having regard to the purpose of this scheme, to make the declaration.
- (4) If a declaration under subsection (1)(a), (b) or (c) is made in relation to 2 or more stated persons, the persons are collectively taken to be declared to be—
 - (a) the holder of the relevant licence; or
 - (b) the operator of the relevant licence; or
 - (c) the holder of the relevant booking entity authorisation.
- (5) The transport chief executive must, within 28 days after making a declaration under this section, give notice of the declaration to any person whose interests are affected by the declaration.

20 Internal review

- (1) A person whose interests are affected by a relevant declaration may apply to the transport chief executive for a review of the decision to make the declaration.

Note—

Under part 3A of the Act, a person may apply for review of a decision of the authority under section 17.

- (2) The *Transport Planning and Coordination Act 1994*, part 5, division 2, other than sections 32 and 34(4) and (6), applies for the review of the

decision as if—

- (a) the decision were an original decision to which that division applies; and
- (b) the reference in the *Transport Planning and Coordination Act 1994*, section 31(1) to the transport Act were a reference to section 19 of this regulation.

(3) In this section—

relevant declaration means a declaration under section 19 that 1 or more stated persons are—

- (a) the holder of a relevant licence; or
- (b) the operator of a relevant licence; or
- (c) the holder of a relevant booking entity authorisation.

21 Transport 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 schedule, the holder or operator of a relevant licence or the holder of a relevant booking entity authorisation.

ENDNOTES

- 1 Made by the Governor in Council on 30 July 2020.
- 2 Notified on the Queensland legislation website on 31 July 2020.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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