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1 Short title

This regulation may be cited as the *Rural and Regional Adjustment (Wheelchair Accessible Taxi Grants Scheme) Amendment Regulation 2019*.

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), ‘14’—
omit, insert—

15

4 Insertion of new sch 15

After schedule 14—
insert—

**Schedule 15 Wheelchair Accessible
Taxi Grants Scheme**

section 3(1)

Part 1 Preliminary

1 Objectives of scheme

- (1) The objectives of the scheme are—
- (a) to modernise, and reduce the average age of, the wheelchair accessible taxis being used to provide taxi services in Queensland; and

- (b) to provide the opportunity to replace taxis that are not wheelchair accessible vehicles with new wheelchair accessible taxis.
- (2) The objectives of the scheme are to be achieved by helping the holders and lessees of particular taxi service licences to meet the cost of replacing ageing wheelchair accessible taxis.

2 Definitions

In this schedule—

acquires, a new wheelchair accessible taxi, see section 3.

age, of a motor vehicle, means the number of years that have passed from the vehicle's date of compliance shown on the identification plate placed on the vehicle under the *Motor Vehicle Standards Act 1989* (Cwlth).

certificate of modification means—

- (a) a certificate of modification under the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010*; or
- (b) a certificate given under a law of the Commonwealth or another State that provides for approving the modification of vehicles.

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

cost, of acquiring a new wheelchair accessible taxi, see section 4.

eligible modification, for a motor vehicle, means the installation of a wheelchair-accessibility device—

- (a) for the purpose of converting the vehicle into a wheelchair accessible vehicle; and
- (b) for which a certificate of modification has been given.

eligible replaceable taxi see section 5.

licensee—

- (a) in relation to an application for reimbursement assistance under the scheme—see section 8(1); or
- (b) in relation to an application for purchase assistance under the scheme—see section 9(1).

new, for a motor vehicle, means the vehicle, when it was purchased—

- (a) had not been registered in Australia or another country; or
- (b) was otherwise a new vehicle under the *Motor Vehicle Standards Act 1989* (Cwlth).

purchase assistance see section 9(2).

reimbursement assistance see section 8(2).

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

taxi service see the *Transport Operations (Passenger Transport) Act 1994*, section 70.

taxi service licence see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3.

wheelchair-accessibility device, for a motor vehicle, means a device designed to—

- (a) load a wheelchair into the vehicle; or
- (b) secure a wheelchair in the vehicle; or
- (c) safely restrain an occupant of a wheelchair while the wheelchair is in the vehicle.

wheelchair accessible taxi condition, for a taxi service licence, means a condition of the licence that requires—

- (a) the motor vehicle stated in the licence to be a wheelchair accessible vehicle; and
- (b) a taxi service provided under the licence to be provided using a wheelchair accessible taxi.

wheelchair accessible taxi means a wheelchair accessible vehicle that—

- (a) is the motor vehicle stated in a taxi service licence; and
- (b) has been approved by the chief executive (transport) as a vehicle that may be used to provide a taxi service under the licence.

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

written-off vehicle see the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*, schedule 8.

3 When a person *acquires* a new wheelchair accessible taxi

- (1) A person ***acquires*** a new wheelchair accessible taxi if the person—
 - (a) buys a new motor vehicle from a licensed motor dealer; and
 - (b) has the new motor vehicle converted into a wheelchair accessible vehicle by eligible modifications; and
 - (c) asks, or intends to ask, the chief executive (transport) to have the new motor vehicle, as

converted, stated in a taxi service licence held by the person.

(2) In this section—

licensed motor dealer means the holder of a motor dealer licence under the *Motor Dealers and Chattel Auctioneers Act 2014*.

4 What is the **cost** of acquiring a new wheelchair accessible taxi

(1) For this schedule, the **cost** of acquiring a new wheelchair accessible taxi (a **new taxi**) includes the cost of—

- (a) buying a new wheelchair-accessibility device; and
- (b) changing the seats, or the configuration of seats, in a new motor vehicle to the extent necessary to install a wheelchair-accessibility device in the vehicle.

(2) However, for this schedule, the **cost** of acquiring a new taxi does not include the cost of any of the following—

- (a) removing a wheelchair-accessibility device or other thing from an existing wheelchair accessible vehicle or installing the device or other thing in the new taxi;
- (b) buying and installing devices (other than wheelchair-accessibility devices), signs and other things in the new taxi, including, for example, a security camera, EFTPOS system, signage, a taxi meter and a dispatch system;
- (c) the cost of maintaining, repairing or replacing the new taxi;

- (d) the cost of applying to the chief executive (transport) to amend a taxi service licence to—
 - (i) state the new taxi in the licence; or
 - (ii) add a wheelchair accessible taxi condition.

5 Meaning of *eligible replaceable taxi*

- (1) A wheelchair accessible taxi is an *eligible replaceable taxi* if—
 - (a) the age of the taxi is at least 8 years; or
 - (b) all of the following apply to the taxi—
 - (i) the age of the taxi is at least 6 years;
 - (ii) the taxi's odometer shows the taxi has been driven at least 800,000km;
 - (iii) a qualified mechanic, panel beater or other relevant tradesperson has advised, in writing, that the taxi requires repairs that would cost an estimated \$10,000 (excluding GST) or more; or
 - (c) the taxi is a written-off vehicle.
- (2) A taxi, other than a wheelchair accessible taxi, is an *eligible replaceable taxi* if—
 - (a) the taxi is the motor vehicle stated in a taxi service licence for an eligible taxi service area; and
 - (b) the holder or lessee of the licence has asked, or intends to ask, the chief executive (transport) to—
 - (i) change the vehicle stated in the licence to be a new wheelchair accessible taxi acquired by the holder or lessee; and

- (2) Applications for assistance under the scheme may be made while a round of the scheme is open.
- (3) A round of the scheme—
 - (a) opens on the day stated on the authority’s website as the day on which the round opens; and
 - (b) closes on the day stated on the authority’s website as the day on which the round closes.
- (4) The last round of the scheme must close on or before 30 June 2023.
- (5) The authority may accept applications for assistance under the scheme after a round of the scheme has closed if—
 - (a) the applications for assistance received while the round was open have been decided; and
 - (b) the authority’s assistance funds for the round are sufficient to pay further assistance under the scheme.

8 Eligibility criteria—reimbursement for acquiring new wheelchair accessible taxi

- (1) This section applies to the holder or lessee of a taxi service licence (the *licensee*) if the licensee has acquired a new wheelchair accessible taxi and paid for its acquisition in full.
- (2) The licensee is eligible for assistance (*reimbursement assistance*) under the scheme if the authority is satisfied—
 - (a) the licensee is registered for GST; and
 - (b) the new wheelchair accessible taxi is the motor vehicle stated in the taxi service licence; and

- (c) immediately before the new wheelchair accessible taxi was the vehicle stated in the taxi service licence, the vehicle stated in the licence was an eligible replaceable taxi; and
- (d) the licensee took reasonable steps to achieve value for money in acquiring the new wheelchair accessible taxi; and
- (e) the licensee did not use the new wheelchair accessible taxi to provide a taxi service under the taxi service licence before 1 July 2019.

9 Eligibility criteria—assistance to acquire new wheelchair accessible taxi

- (1) This section applies to the holder or lessee of a taxi service licence (also the *licensee*) if the licensee intends to acquire a new wheelchair accessible taxi.
- (2) The licensee is eligible for assistance (*purchase assistance*) under the scheme if the authority is satisfied—
 - (a) the licensee is registered for GST; and
 - (b) the motor vehicle stated in the taxi service licence is an eligible replaceable taxi; and
 - (c) the licensee intends to apply to the chief executive (transport) to change the motor vehicle stated in the taxi service licence to the new wheelchair accessible taxi acquired by the licensee; and
 - (d) the licensee is able to pay at least 50% of the cost of acquiring a new wheelchair accessible taxi.

10 Amount and payment of assistance

- (1) If the authority approves reimbursement

assistance or purchase assistance under the scheme for a licensee, the authority must pay the licensee the lesser of the following amounts—

- (a) 50% of the cost of acquiring a new wheelchair accessible taxi;
 - (b) \$45,000.
- (2) However, the authority may pay purchase assistance, made up of lesser amounts, at intervals decided by the authority.

11 Conditions of assistance

- (1) The payment of reimbursement assistance or purchase assistance under section 10 is subject to the conditions stated in this section.
- (2) Before receiving the reimbursement assistance or purchase assistance, the licensee must—
 - (a) give the authority, when asked to do so—
 - (i) a tax invoice for an amount the applicant is required to pay to acquire the new wheelchair accessible taxi; or
 - (ii) an official receipt for an amount the applicant has paid to acquire the new wheelchair accessible taxi; and
 - (b) enter into a written agreement with the authority that sets out the terms on which the assistance is provided.
- (3) The terms of the agreement must include the following—
 - (a) the licensee must ensure the new wheelchair accessible taxi is used to provide a taxi service under the licensee's taxi service licence for a period of at least 3 years;
 - (b) if the licensee does not use the new wheelchair accessible taxi to provide the

taxi service for at least 3 years, the licensee must repay the assistance on a pro-rata basis for the part of the 3-year period the taxi was not used to provide the taxi service.

(4) In this section—

official receipt means a receipt that states—

- (a) the name and address of the entity that issued the receipt; and
- (b) if the entity has an Australian Business Number—the entity’s Australian Business Number; and
- (c) a description of each item to which the receipt relates.

12 Additional conditions of purchase assistance

- (1) The payment of purchase assistance under section 10 to a licensee who intends to acquire a new wheelchair accessible taxi is also subject to the conditions stated in this section.
- (2) The licensee must take reasonable steps to achieve value for money in acquiring the new wheelchair accessible taxi.
- (3) The licensee must acquire the new wheelchair accessible taxi, and start to provide taxi services using the new wheelchair accessible taxi, within—
 - (a) 3 months after the licensee is paid the purchase assistance; or
 - (b) a longer period approved by the authority.
- (4) The licensee must not use the purchase assistance to pay any of the costs mentioned in section 4(2).
- (5) If the authority pays the purchase assistance to the licensee at intervals under section 10(2), before paying the last payment of the purchase

assistance, the authority must be satisfied—

- (a) the eligible modifications to which the assistance relates have been completed; and
- (b) the new wheelchair accessible taxi is stated in the licence; and
- (c) if the eligible replaceable taxi for the licensee's taxi service licence is not a wheelchair accessible vehicle—the licence has been amended to add a wheelchair accessible taxi condition.

13 Applications

- (1) An application for assistance under the scheme must be—
 - (a) given to the authority while a round of the scheme is open; and
 - (b) made in the approved form; and
 - (c) accompanied by any other documents stated in the approved form.
- (2) Subsection (1)(a) does not apply to an application mentioned in section 7(5).
- (3) If the authority asks the applicant to provide further information to decide the application, the applicant must provide the information.

14 Deciding applications

- (1) The authority must decide to approve, or refuse to approve, each application for assistance under the scheme.
- (2) The authority, for the State, may approve an application made during a round of the scheme only if the authority's assistance funds for the round of the scheme are sufficient to pay for the assistance.

- (3) The authority must refuse an application for assistance under the scheme (the *later application*) made by the holder or lessee of a taxi service licence if the holder or lessee has already received assistance under the scheme for the acquisition of a new wheelchair accessible taxi (the *first new taxi*) for the licence.
- (4) Subsection (3) does not apply if the later application is made because the first new taxi is a written-off vehicle.

15 Priority of consideration of applications

- (1) The authority must consider applications for assistance under the scheme in the following decreasing order of priority—
 - (a) applications in relation to an eligible replaceable taxi of a kind mentioned in section 5(1)(a);
 - (b) applications in relation to an eligible replaceable taxi of a kind mentioned in section 5(1)(b);
 - (c) applications in relation to an eligible replaceable taxi of a kind mentioned in section 5(1)(c);
 - (d) applications in relation to an eligible replaceable taxi of a kind mentioned in section 5(2).
- (2) The authority must consider the applications to which any of subsections (1)(a) to (d) applies in decreasing order of the age of the eligible replaceable taxi to which the application relates.

ENDNOTES

- 1 Made by the Governor in Council on 12 December 2019.
- 2 Notified on the Queensland legislation website on 13 December 2019.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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