



Queensland

Taxi and Limousine Industry Assistance Scheme Regulation 2016

Subordinate Legislation 2016 No. 245

made under the

Rural and Regional Adjustment Act 1994

State Penalties Enforcement Act 1999

Transport Operations (Passenger Transport) Act 1994

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Taxi and Limousine Industry Assistance Scheme Regulation 2016*.

2 Main purpose of regulation

The main purpose of this regulation is to provide for a scheme for the payment of financial assistance to certain persons for the purposes of—

- (a) the *Transport Operations (Passenger Transport) Act 1994*, section 155A; and
- (b) the *Rural and Regional Adjustment Act 1994*, section 11.

3 Approval of scheme

The scheme set out in part 3 is approved under the *Rural and Regional Adjustment Act 1994*, section 11(1)(c).

Part 2 Interpretation

4 Definitions

The dictionary in schedule 1 defines particular words used in this regulation.

5 What is a *relevant licence*

- (1) A *relevant licence* is—
 - (a) a taxi service licence in force immediately before the relevant day; or

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- (b) a limousine service licence, other than a special purpose limousine service licence, in force immediately before the relevant day.
- (2) Subsection (1) applies to a licence whether or not the licence is suspended under the *Transport Operations (Passenger Transport) Act 1994*.

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

- (1) The *relevant holder* of a relevant licence is—
 - (a) if, under this section, the transport chief executive declares a stated person is the relevant holder of the licence—the stated person; or
 - (b) otherwise—the person listed on the relevant licence register as the holder of the licence immediately before the relevant day.
- (2) 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.
- (3) The transport chief executive may declare a person is the relevant holder of a relevant licence only if—
 - (a) the person was listed on the relevant licence register as the holder of the licence immediately before the relevant day; or
 - (b) the licence was transferred to the person and the transport chief executive was given notice of the transfer under the *Transport Operations (Passenger Transport) Regulation 2005*, section 54(2) or 98(2) before the relevant day; or
 - (c) both of the following apply—
 - (i) the licence was vested in, or was 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 (c)—

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.

- (4) 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 relevant licence; and
 - (b) for working out the number of relevant licences held by the group of persons, only the relevant 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.

- (5) For this section, the transport chief executive may, by notice, ask a person for information the transport chief executive considers necessary to identify the relevant holder of a relevant licence.

- (6) In this section—

relevant licence register means—

- (a) for a taxi service licence—the register kept by the chief executive of all persons who hold a taxi service licence; and
- (b) for a limousine service licence—the register kept by the chief executive of all persons who hold a limousine service licence.

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Part 3 Transitional assistance

Division 1 Preliminary

7 Purpose of financial assistance

The purpose of financial assistance that may be given under the scheme is to assist relevant holders of relevant licences to adjust to changes in the taxi service industry and limousine service industry.

8 What is the *transitional assistance amount*

The *transitional assistance amount* for the relevant holder of a relevant licence is—

- (a) for a relevant holder in relation to a taxi service licence—
 - (i) if the relevant holder held only 1 taxi service licence immediately before the relevant day—\$20,000 for the licence; or
 - (ii) if the relevant holder held 2 or more taxi service licences immediately before the relevant day—\$40,000 in total for all the licences; or

Example for paragraph (a)(ii)—

If A held 3 taxi service licences immediately before the relevant day, the transitional assistance amount for A is \$40,000 in total for all the licences.

- (b) for a relevant holder in relation to a limousine service licence—\$10,000 for each limousine service licence, other than a special purpose limousine service licence, held by the relevant holder immediately before the relevant day.

Division 2 General provisions

9 Nature of financial assistance

The nature of the financial assistance that may be given under the scheme to the relevant holder of a relevant licence whose application is approved by the authority is the payment of a transitional assistance amount for the relevant holder.

10 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 relevant holder of a relevant licence 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 a relevant holder of a relevant licence may make the application;
 - (b) the details of the eligibility criteria under section 11;
 - (c) that the notice is given under this regulation.

11 Eligibility criteria

A person is eligible for financial assistance under the scheme if the person is the relevant holder of a relevant licence.

Division 3 Applications

12 Applying for financial assistance

- (1) A person (an *applicant*) may apply to the authority for financial assistance under the scheme.

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- (2) The application must be—
 - (a) in the approved form; and
 - (b) accompanied by any other documents stated in the approved form; and
 - (c) given to the authority by the end of the closing day or a later day under section 14.
- (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 must be made jointly by all of the persons.

13 Changing or withdrawing applications

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

14 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.

15 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 11; or
 - (b) the applicant does not comply with an information request under section 12(3) within the period mentioned in section 12(4) for the request; or
 - (c) the authority considers the applicant or, for an application made jointly by 2 or more persons who are jointly the relevant holder of 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.

16 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 15(1)(b) and the reasons for the conditions;
 - (iii) the amount of financial assistance under the scheme payable to the applicant; or
- (b) the application was refused and the reasons for the refusal.

Division 4 Other provisions

17 Recovering financial assistance

- (1) This section applies if the authority gives financial assistance under the scheme to a person and—

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- (a) the person is not eligible to receive the financial assistance; or
- (b) the person or, for financial assistance given to a group of 2 or more persons who is the relevant holder of a relevant licence, 1 or more of the persons has not complied with a condition on 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.

18 Internal review

- (1) A person whose interests are affected by the transport chief executive declaring a stated person as the relevant holder of a relevant licence under section 6 may ask the transport chief executive to review the decision about who is the relevant holder of 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.

19 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 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, 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 4 Expiry

20 Expiry of regulation

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

Part 5 Amendment of State Penalties Enforcement Regulation 2014

21 Regulation amended

This part amends the *State Penalties Enforcement Regulation 2014*.

22 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

Schedule 1, entry for the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*, entry for section 182(1), '2/5'—

omit, insert—

2

Schedule 1 Dictionary

section 4

applicant, for part 3, see section 12(1).

application, for part 3, means an application made under section 12.

approved form means a form approved by the authority for the scheme.

authority means QRAA established under the *Rural and Regional Adjustment Act 1994*, section 5.

closing day, for part 3, see section 10(3)(a).

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

notice means written notice.

relevant day means 11 August 2016.

relevant holder, of a relevant licence, see section 6.

relevant licence see section 5.

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

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

the scheme means the scheme set out in part 3.

transitional assistance amount see section 8.

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

ENDNOTES

- 1 Made by the Governor in Council on 15 December 2016.
- 2 Notified on the Queensland legislation website on 16 December 2016.
- 3 The administering agency is the Department of Transport and Main Roads.

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