



New South Wales

Point to Point Transport (Taxis and Hire Vehicles) (Industry Adjustment) Amendment Regulation 2017

under the

Point to Point Transport (Taxis and Hire Vehicles) Act 2016

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*.

ANDREW CONSTANCE, MP
Minister for Transport and Infrastructure

Explanatory note

The object of this Regulation is to make provision in relation to the payment of additional assistance funds to holders of private hire vehicle licences under provisions of the *Passenger Transport Act 1990* that are now repealed. A person who held a private hire vehicle licence continuously since 1 July 2015 may be entitled to a payment of funds if the person meets the other criteria specified in the Regulation.

This Regulation is made under the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*, including section 158 (the general regulation-making power) and clauses 4 and 5 of Schedule 3.

Point to Point Transport (Taxis and Hire Vehicles) (Industry Adjustment) Amendment Regulation 2017

under the

Point to Point Transport (Taxis and Hire Vehicles) Act 2016

1 Name of Regulation

This Regulation is the *Point to Point Transport (Taxis and Hire Vehicles) (Industry Adjustment) Amendment Regulation 2017*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Point to Point Transport (Taxis and Hire Vehicles) (Industry Adjustment) Regulation 2016

[1] Schedule 1 Adjustment assistance for taxi and hire vehicle industries

Insert “taxi” after “ordinary” wherever occurring in clauses 1 (1), 3–5 and 9 (3).

[2] Schedule 1, clause 1 Definitions

Omit “transitional” from the definition of *eligible person* in clause 1 (1).

[3] Schedule 1, clause 1 (1)

Insert in alphabetical order:

eligible private hire vehicle licence means a private hire vehicle licence issued under the *Passenger Transport Act 1990* that is of the category PHV1 or PHVC, as recorded on the private hire vehicle licence register.

private hire vehicle licence register means information and records relating to private hire vehicle licences under the *Passenger Transport Act 1990* kept by RMS immediately before the repeal of Part 4A of that Act.

[4] Schedule 1, Part 3, heading

Omit the heading. Insert instead:

Part 3 Assistance funds

[5] Schedule 1, Part 3, Division 1, heading

Omit the heading. Insert instead:

Division 1 Transitional assistance funds

[6] Schedule 1, Part 3, Division 1A

Insert after Division 1:

Division 1A Additional assistance funds

5A Eligible persons

- (1) A person is eligible to receive additional assistance funds if:
 - (a) the person was the sole or joint holder of an eligible private hire vehicle licence immediately before 1 July 2015 and the person:
 - (i) held that licence continuously (and, in the case of a joint licence, with the same person) until immediately before 1 November 2017, or
 - (ii) transferred the licence on or before 18 December 2015, and
 - (b) the person has applied for additional assistance funds in accordance with this Schedule, and
 - (c) the Minister has not determined that the person is not entitled to be paid additional assistance funds.

Note. A person who engages in improper conduct (as defined in clause 13 of Schedule 3 to the Act) may be subject to a determination by the Minister that the person is not entitled to be paid additional assistance funds.

- (2) For the purposes of this Schedule, a person is taken to be the holder of an eligible private hire vehicle licence on a certain date if:
- (a) the person is listed as the holder of the licence on the private hire vehicle licence register on that date, or
 - (b) the person otherwise establishes, to the satisfaction of TfNSW, that the person was the holder of an eligible private hire vehicle licence on that date.
- (3) TfNSW may, in a particular case, determine that a person is taken to be eligible under subclause (1) (a), despite not satisfying the requirements of that paragraph, if TfNSW is satisfied that there are exceptional circumstances.
- Note.** Exceptional circumstances include, for example, where the person became the licence holder after receiving the licence under a will of a deceased relative who held the licence prior to 1 July 2015.

5B Additional assistance funds amounts

- (1) The amount payable to a person who is eligible to receive additional assistance funds is:
- (a) for a Sydney metropolitan licence—\$80,000 or the indexed registered value of the licence, whichever is greater, or
 - (b) for a regional licence—\$30,000 or the indexed registered value of the licence, whichever is greater.
- (2) The amount payable to a person who held an eligible private hire vehicle licence immediately before 1 July 2015 and transferred the licence on or before 18 December 2015 is the amount payable under subclause (1) minus the transfer value of the licence.
- Note.** If the transfer value of the licence exceeds the amount payable to the person under subclause (1), no additional assistance funds are payable.
- (3) TfNSW is to calculate the *indexed registered value* of an eligible private hire vehicle licence in accordance with the following formula:

$$\text{registered value} \times \frac{A}{B}$$

where:

A is the CPI number for the December quarter of 2015.

B is the CPI number for the quarter that ended immediately before the eligible person acquired the licence.

CPI number means the All Groups Consumer Price Index number, being the weighted average of 8 capital cities, published by the Australian Bureau of Statistics.

registered value of an eligible private hire vehicle licence means the amount determined by TfNSW to be the amount paid by the eligible person for the licence (not including any amount paid for a vehicle, goodwill or taxes).

- (4) TfNSW is to determine the registered value or transfer value of an eligible private hire vehicle licence on the basis of information on the private hire vehicle licence register and any other documents and evidence provided to TfNSW.
- (5) If TfNSW determines that the registered value of an eligible private hire vehicle licence cannot be established to its satisfaction, the amount payable under subclause (1) is \$80,000 or \$30,000 as the case requires.

(6) In the case of a licence held jointly by more than one person, the amount is payable to the licence holders jointly and not to each person individually.

(7) In this clause:

regional licence means an eligible private hire vehicle licence for an area other than the Sydney metropolitan district.

Sydney metropolitan district means the Metropolitan transport district established under section 108 of the *Transport Administration Act 1988*.

Sydney metropolitan licence means an eligible private hire vehicle licence for the Sydney metropolitan district.

transfer value of an eligible private hire vehicle licence means the amount determined by TfNSW to be the amount paid to the eligible person for the licence by the transferee (not including any amount paid for a vehicle, goodwill or taxes).

[7] Schedule 1, clauses 6 (1) and (6) and 7 (1)

Omit “transitional” wherever occurring.

[8] Schedule 1, clause 6 Applications generally

Omit clause 6 (5). Insert instead:

(5) An application for assistance funds is taken to be refused if an applicant fails to provide the further information or evidence within:

(a) 60 days of being given the notice, in the case of an application for transitional assistance funds, or

(b) 45 days of being given the notice, in the case of an application for additional assistance funds, or

(c) any additional period approved by TfNSW for a particular application.

[9] Schedule 1, clause 7 Applications by joint licence holders

Omit “an eligible licence” from clause 7 (1).

Insert instead “an eligible ordinary taxi licence or an eligible private hire vehicle licence”.

[10] Schedule 1, clause 9 Determination of applications

Omit “transitional” wherever occurring in clause 9 (1), (4) (a) and (5).

[11] Schedule 1, clause 10 Conditions of assistance

Omit “transitional”.

[12] Schedule 1, clause 11 Right to seek review of decisions

Omit clause 11 (1) (a). Insert instead:

(a) a decision that a licence is not an eligible ordinary taxi licence or an eligible private hire vehicle licence,

[13] Schedule 1, clause 11 (1) (c)

Insert after clause 11 (1) (b):

(c) a decision that TfNSW cannot establish to its satisfaction the registered value of an eligible private hire vehicle licence as referred to in clause 5B (5).

[14] Schedule 1, clause 11 (3)

Insert after clause 11 (2):

- (3) An application for a review of a decision that relates to an application for additional assistance funds is to be made within 45 days of the applicant being given notice of the determination of the applicant's application.

[15] Schedule 1, clause 17 Application guidelines

Omit "transitional" from clause 17 (1).

[16] Schedule 1, clause 17 (2) (b)

Insert "or private hire vehicle licence register" after "taxi licence register".