
Passenger Transport Amendment (Taxi Licensing) Bill 2009

Amendments proposed by Legislative Council on 26 November 2009.

No. 1 Page 4, Schedule 1 [5]. Insert after line 7:

32C Availability of annual licences (other than licences for wheelchair accessible taxi-cabs)

- (1) The Director-General must determine, before 31 March in each year, the number of annual licences to be issued for taxi-cabs during the year commencing on the following 1 July.
- (2) Any such determination may also do any of the following:
 - (a) determine the number and class of annual licences that are to be issued to authorised taxi-cab drivers who are also accredited taxi-cab operators or who have applied for such accreditation,
 - (b) limit the number of annual licences that may be granted to the same applicant or related applicants if, in the opinion of the Director-General, such a limitation is likely to promote competition that will benefit the public,
 - (c) provide for any other matter relating to the issue of annual licences that is prescribed by the regulations.
- (3) In making a determination, the Director-General is to have regard to the following matters:
 - (a) likely passenger demand and latent demand for taxi-cab services,
 - (b) the performance of existing taxi-cab services,
 - (c) the demand for new taxi-cab licences,
 - (d) the viability and sustainability of the taxi-cab industry,
 - (e) any other matters the Director-General considers relevant, having regard to the objective of ensuring improved taxi-cab services.
- (4) The Director-General may, if the Director-General thinks fit, obtain expert advice in relation to any of the matters referred to in subsection (3).
- (5) The Director-General may seek public submissions before making a determination and may take into account any submissions received for the purposes of making the determination.
- (6) The Director-General is to have regard to any applicable determination under this section when determining an application for an annual licence.
- (7) This section does not apply to licences for wheelchair accessible taxi-cabs.

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- No. 2 Page 4, Schedule 1 [5], proposed section 32C. Insert after line 15:
- (3) An annual licence must not be renewed more than 9 times (that is, so that a licence is in force for a total period of not more than 10 years).
 - (4) A person may apply for a new annual licence, with a new fee determined under section 32JA, before or after the end of the 10 year period during which another annual licence held by the person may be renewed.
- No. 3 Page 5, Schedule 1 [10], proposed section 32JA. Insert after line 12:
- (1) The amount of the licence fee for an annual licence (other than a licence for a wheelchair accessible taxi-cab) must be determined by inviting applicants for the licence to bid for it at public auction or to submit sealed tenders for it.
 - (2) The Director-General may, in the circumstances specified in the regulations, determine a licence fee for any such annual licence without complying with subsection (1).
 - (3) The amount of the licence fee for an annual licence determined under subsection (1) or (2) is the licence fee payable on each renewal of the licence.
- No. 4 Page 5, Schedule 1 [10], proposed section 32JA (1), line 13. Insert “for a wheelchair accessible taxi-cab” after “annual licence”.
- No. 5 Page 5, Schedule 1 [10], proposed section 32JA (2), lines 15 and 16. Omit all words on those lines.
- No. 6 Page 7, Schedule 1 [12], proposed clause 62 (2). Insert after line 29:
- (3) A transfer of an operative pre-1990 licence or other transaction referred to in subclause (2) is valid whether or not it complies with any conditions that would, under this Part, be applicable to such a transfer after the commencement of the 2009 Act.
- No. 7 Page 11, Schedule 1 [12]. Insert after line 16:

Division 5 Annual licences

69 Issue of annual licences before 1 July 2010

- (1) Despite section 32C, the Director-General may issue up to 100 annual licences during the period commencing on the commencement of the 2009 Act and ending on 1 July 2010.
- (2) This clause does not apply to annual licences for wheelchair accessible taxi-cabs.