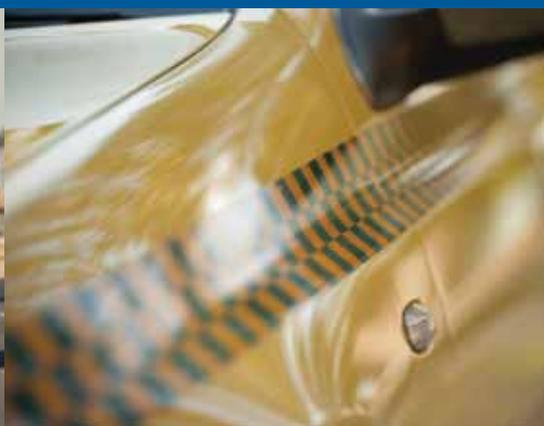




# Greater Melbourne Taxi Licence Release

## Application Information Booklet



## Important Notice

This Application Information Booklet must be read in conjunction with the Procedural Rules which are found in the Application Information Booklet as Appendix C. The Procedural Rules are the rules that govern the Application Process for the Fixed-Term Licences and must be accepted and followed by Applicants as a condition of participation in the Application Process. The use of this Application Information Booklet is subject at all times to the Procedural Rules. If there is any inconsistency with this Application Information Booklet or the PricewaterhouseCoopers report, the Procedural Rules prevail.

To lodge an Application, Applicants must complete the Application Form applicable to the Fixed-Term Licence sought by the Applicant. Copies of the Application Forms have been provided with this Application Information Booklet.

Additional copies of the Application Pack are available from the Victorian Taxi Directorate. These can be collected from Level 23, 80 Collins Street, Melbourne.

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# 1. Ministerial foreword



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## 1. MINISTERIAL FOREWORD

Taxis play a vital role in the Victorian community by providing a unique, personalised service that complements the State's extensive public transport network.

The Brumby Government is now releasing up to 530 new taxi licences to respond to growth in demand for taxis in Melbourne.

Importantly, 330 of these licences will be for wheelchair accessible taxis. This is a significant boost to the wheelchair accessible taxi fleet in Melbourne, and ensures that people with mobility issues can access taxi services more easily.

The State Government is committed to improving the taxi industry, and ensuring that there are more taxis available when people need them most. Over recent years, we have introduced an improved regulatory structure that is overseen by the Victorian Taxi Directorate to clarify the role of industry participants through accreditation.

Safety for taxi drivers and passengers remains a priority. Significant investment is being made through a range of measures to improve safety in vehicles and at our taxi ranks across Melbourne.

This booklet contains specific information about the licences that are being released including detailed commentary on their terms and conditions and clear instructions to assist you in lodging your Application. I encourage you to read this document in detail and seek independent professional advice before you place your Application.

Operating a taxi is a flexible, rewarding career choice of thousands of Victorians who enjoy the benefits of being their own boss and developing their own business. If you think you would like to enter this industry and you are committed to serving your community, then I would strongly encourage you to consider taking up this unique opportunity.

Please contact the Victorian Taxi Directorate on 1800 638 802 or visit [www.taxi.vic.gov.au](http://www.taxi.vic.gov.au) if you would like any more information about this licence release.

A handwritten signature in black ink, appearing to read 'Martin Pakula', written in a cursive style.

Martin Pakula MP  
**Minister for Public Transport**

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## 2. Outline of the Application Pack



## 2. Outline of the Application Pack

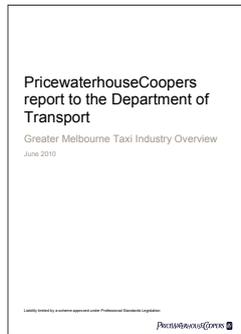
### 2. OUTLINE OF THE APPLICATION PACK

The Application Pack contains the following documents:



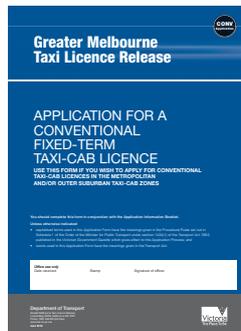
#### Application Information Booklet

Provides information to assist prospective Applicants in preparing their Application for a Fixed-Term Licence.



#### PricewaterhouseCoopers Report

An independent report prepared by PricewaterhouseCoopers for the Department of Transport collating publicly available information about the Taxi-cab industry in Victoria.



#### Conventional Application Form

Contains all documents necessary to complete an Application for a Conventional Fixed-Term Licence as follows:

- Conventional Fixed-Term Licence Application Form; and
- Conventional Fixed-Term Licence Application response envelope.



#### WAT Application Form

Contains all documents necessary to complete an Application for a WAT Fixed-Term Licence as follows:

- WAT Fixed-Term Licence Application Form; and
- WAT Fixed-Term Licence Application response envelope.

# 3. Definitions



## 3. DEFINITIONS

In the table below, the specific meanings of capitalised terms used in the Application Information Booklet are explained. Prospective Applicants should note that the Procedural Rules also include a complete list of defined terms that are used in that document.

Term	Meaning
Accreditation Process	The phase of the Application Process described in Part D of the Procedural Rules.
Applicant	A person who makes an Application for one or more Fixed-Term Licences by lodging an Application Form.
Application	An application for one or more Fixed-Term Licences, which is made by an Applicant completing and lodging an Application Form.
Application Fee	The application fee of \$154 (GST exempt) that must accompany an Application.
Application Form	The Conventional Application Form or the WAT Application Form (as applicable).
Application Information Booklet	This booklet, which has been released by the Licensing Authority to provide information to prospective Applicants about the Application Process.
Application Pack	The complete set of documents that allows an Applicant to complete and lodge an Application. These documents are: <ul style="list-style-type: none"> <li>• the Application Information Booklet;</li> <li>• the Pricewaterhouse Coopers report;</li> <li>• the Conventional Application Form; and</li> <li>• the WAT Application Form.</li> </ul>
Application Process	The procedures for the granting of the Fixed-Term Licences, which operates in the following three sequential phases: <ul style="list-style-type: none"> <li>• Phase 1: Initial Application Process;</li> <li>• Phase 2: Tender Process; and</li> <li>• Phase 3: Accreditation Process.</li> </ul>
Bid	An application in respect of a single Fixed-Term Licence or multiple Fixed-Term Licences made by an Applicant in a Bid Form which includes a Bid Amount and a Bid Quantity and otherwise complies with the requirements in the Procedural Rules.
Bid Amount	The maximum amount an Applicant is willing to pay as a Licence Fee for each Fixed-Term Licence the Applicant is applying for in that Bid, as specified by the Applicant in a Bid Form.
Bid Form	The sections in the Application Form used by Applicants to submit their Bids.

Term	Meaning
Bid Quantity	The number of Fixed-Term Licences the Applicant is applying for in that Bid, as specified by the Applicant in a Bid Form.
Bid Schedule	The schedule in a Bid Form which is used to make more than one (but no more than five) Bids in respect of one Licence Kind.
Conventional Application Form	The specified form (including Bid Forms) to be used to lodge an Application for a Conventional Fixed-Term Licence, a copy of which is included with this Application Information Booklet.
Conventional Due Date	The due date for Applications for Conventional Fixed-Term Licences.
Conventional Fixed-Term Licence	A Taxi-cab licence granted or applied for under the Order which will operate for a fixed-term of 10 years, other than a WAT Fixed-Term Licence.
CPI	Consumer Price Index All Groups – Melbourne for the June to June period, as published by the Australian Bureau of Statistics.
DOT	The State of Victoria acting through the Department of Transport.
Eligible Criteria	The criteria that must be met for a person to be eligible to lodge an Application, as described in the Procedural Rules.
Fixed-Term Licence	A Conventional Fixed-Term Licence or a WAT Fixed-Term Licence (as applicable).
Greater Melbourne	The area covering both Metropolitan Taxi-Cab Zone and Outer Suburban Taxi-Cab Zone.
Initial Application Process	The phase of the Application Process described in Part B of the Procedural Rules.
Initial Instalment	The instalment payable on a Fixed-Term Licence as follows: <ul style="list-style-type: none"> <li>• Conventional Fixed-Term Licence: \$20,000 (GST exempt) per licence; and</li> <li>• WAT Fixed-Term Licence: \$2,000 (GST exempt) per licence.</li> </ul>
Licence Fee	The fee payable for a Fixed-Term Licence in accordance with section 143A(4) of the Transport Act, as determined by the Tender Process.
Licence Kind	The four kinds of Fixed-Term Licence available to be granted in this Application Process, as described in the Procedural Rules.
Licence Type	The two types of Fixed-Term Licence available to be granted in the Application Process, as described in rule 3.2
Licensing Authority	The Director of Public Transport.
Metropolitan Taxi-Cab Zone	The area described in Appendix D of this Application Information Booklet.

### 3. Definitions

Term	Meaning
Minister	The Minister for Public Transport.
Multiple Bid	A Bid for more than one Fixed-Term Licence (that is, a Bid with a Bid Quantity of more than one).
Network Service Provider	A provider of Taxi-cab network services.
Order	The Order of the Minister under section 143A(1) of the Transport Act, published in the <i>Victorian Government Gazette</i> , which gives effect to the Procedural Rules.
Outer Suburban Taxi-Cab Zone	The area described in Appendix D of this Application Information Booklet.
Procedural Rules	The Procedural Rules governing the Application Process as set out in Appendix C of this Application Information Booklet.
Single Bid	A Bid for a single Fixed-Term Licence (that is, a Bid with a Bid Quantity of one).
Taxi-cab	A Taxi-cab is a commercial passenger vehicle that is available on-demand for public hire.
Tender Process	The phase of the Application Process described in Part C of the Procedural Rules (Appendix C).
Transport Act	The <i>Transport Act 1983 (Vic)</i> .
Uniform Price	The Conventional Uniform Price or the WAT Uniform Price, determined in accordance with the Rules. The Uniform Price will be the amount that is equal to the lowest Bid Amount of the Selected Bids. This will be the Licence Fee that will be paid by all Successful Applicants for each type of Fixed-Term Licence.
Victorian Taxi Directorate or VTD	A department within DOT which supports the Licensing Authority as regulator of the Taxi-cab industry in Victoria.
WAT	A Wheelchair Accessible Taxi-cab, which is a Taxi-cab specially constructed or modified for the carriage of at least one person seated in a wheelchair.
WAT Application Form	The specified form (including Bid Forms) to be used to lodge an Application for a WAT Fixed-Term Licence, a copy of which is included with this Application Information Booklet.
WAT Due Date	The due date for Applications for WAT Fixed-Term Licences.
WAT Fixed-Term Licence	A Taxi-cab licence granted or applied for under the Order which will operate for a fixed-term of 10 years and to which is attached (or intended to be attached) a condition that the Taxi-cab licensed to operate under the licence is a WAT.

# 4. Introduction



### 4. INTRODUCTION

In December 2009 the Victorian Government announced the release of up to 530 Fixed-Term Licences in Greater Melbourne to reward career Taxi-cab drivers and provide more timely and efficient Taxi-cab services for Taxi-cab users, especially those with special needs.

This Application Process for the Fixed-Term Licences is being run by the Victorian Taxi Directorate under an Order of the Minister so that the Licensing Authority can determine which Applicants will be granted the new Fixed-Term Licences.

There are two types of Fixed-Term Licences available in the Application Process:

- Conventional Fixed-Term Licence; and
- WAT Fixed-Term Licence

The Application Process for the two licence types will be conducted separately through two sequential stages.

#### 4.1 What is the purpose of this Application Pack?

This Application Pack has been prepared to assist prospective Applicants to understand how to apply for the Fixed-Term Licences through this Application Process. The purpose of the Application Pack is to:

- Provide information about how the Application Process will be conducted;
- Provide key timelines for the Application Process;
- Explain what prospective Applicants must do to submit an Application;
- Provide background information on the Taxi-cab industry and regulatory environment; and
- Provide copies of the conditions that will apply to the Fixed-Term Licences.

#### 4.2 Who should read this Application Pack?

All persons considering lodging an Application for a Fixed-Term Licence should read all of the material in each of the documents provided in this Application Pack. In addition, industry participants and interested stakeholders should also read this Application Pack.

#### 4.3 Prospective Applicants' obligations

Prospective Applicants are responsible for developing their understanding about the requirements and conditions applicable to the Fixed-Term Licences and the Application Process. In particular, prospective Applicants should develop an understanding of the following:

- The Procedural Rules governing the Application Process;
- The conditions that will apply to the Fixed-Term Licences;
- The timelines associated with the Application Process;
- The Eligibility Criteria that prospective Applicants must meet in order to be eligible to apply for a Fixed-Term Licence; and
- The information that must be included in an Application.

#### 4.4 What further assistance will be available to Applicants?

Section 9 contains details of the telephone and email assistance that will be available to assist prospective Applicants during the Application Process. Prospective Applicants are also directed to Appendix F of this Application Information Booklet which contains detailed information about the Taxi-cab industry. This information is not exhaustive, and prospective Applicants should make any further enquiries and undertake any further research themselves that they deem necessary. Prospective Applicants must make sure they are aware of, and comply at all times with, all relevant legislation, regulations and accreditation standards for participation in the Taxi-cab industry.

# 5. Key Application Process dates



## 5. Key Application Process dates

### 5. KEY APPLICATION PROCESS DATES

The indicative timetable\* for the Application Process is as follows:

Milestone	Date
Application Pack released	28 June 2010
<b>STAGE 1 – Conventional Fixed-Term Licence</b>	
Period for lodgement of Applications for Conventional Fixed-Term Licences opens	28 June 2010
Assistance for Applications for Conventional Fixed-Term Licences begins	28 June 2010
Assistance for Applications for Conventional Fixed-Term Licences ends	4:30pm 23 July 2010
Due Date for Applications for Conventional Fixed-Term Licences	4:30pm 26 July 2010
Expected notification of Applicants who will progress to the Accreditation process after paying an instalment of the Fixed-Term Licence subject to satisfying the requirements of the Transport Act	16 August 2010
<b>Stage 2 – WAT Fixed-Term Licence</b>	
Period for lodgement of Applications for WAT Fixed-Term Licences opens	16 August 2010
Assistance for Applications for WAT Fixed-Term Licences begins	16 August 2010
Assistance for Applications for WAT Fixed-Term Licences ends	4:30pm 10 September 2010
Due Date for Applications for WAT Fixed-Term Licence	4:30pm 13 September 2010
Expected notification of Applicants who will progress to the Accreditation process after paying an instalment of the Fixed-Term Licence subject to satisfying the requirements of the Transport Act	28 September 2010

\*All times used in the Application Pack are Australian Eastern Standard Time. Any time or date in the Application Pack (excluding the Conventional Due Date and the WAT Due Date which have been specified in the Order), including as set out in the table above, is for the sole convenience of DOT. The specification of a time or date in the Application Pack does not create an obligation on the part of DOT to take any action, or create any right in any Applicant that any action be taken, on the date specified. DOT reserves the right to vary or extend any time or date at any time and for such period as DOT in its absolute discretion considers appropriate. If any conflict exists as to the date listed for an activity in this table and a subsequent announcement by DOT, the date in the subsequent announcement will prevail.

## 6. Key features of the Fixed-Term Licences



### 6. KEY FEATURES OF THE FIXED-TERM LICENCES

The following section provides an outline of the key features of the Fixed-Term Licences available in this Application Process. Prospective Applicants should read this section in conjunction with the complete set of conditions that will apply to the Fixed-Term Licences when the licences commence operation as set out in Appendices A and B. Prospective Applicants should also ensure they understand the general Taxi-cab operating requirements and conditions as part of the regulatory framework that governs the Taxi-cab industry including as set out in the Transport Act and the *Business and Service Standards* attached as Appendix G. Further information that may assist can be found in section 9 of this Application Information Booklet and the PricewaterhouseCoopers report contained in the Application Pack.

#### Licence types

There are two types of Fixed-Term Licence available in the Application Process:

- up to 200 Conventional Fixed-Term Licences; and
- up to 330 WAT Fixed-Term Licences.

The Licensing Authority may determine not to grant all 200 of the Conventional Fixed-Term Licences or all 330 of the WAT Fixed-Term Licences.

#### Taxi-cab Zones

The Fixed-Term Licences will be subject to a condition restricting the area in which the licensed Taxi-cab is permitted to operate to one or the other of the following Taxi-cab Zones:

- Metropolitan Taxi-Cab Zone; or
- Outer Suburban Taxi-Cab Zone.

A detailed description of the Taxi-cab Zones is set out in Appendix D.

Prospective Applicants should note that a maximum of 20 Fixed-Term Licences will be issued for the Outer Suburban Taxi-Cab Zone (of which a maximum of seven will be Conventional Fixed-Term Licences).

#### Licence Kinds

There are therefore four kinds of Fixed-Term Licence for which Applicants may apply in this Application Process:

- Conventional Fixed-Term Licence to operate in the Metropolitan Taxi-Cab Zone;
- Conventional Fixed-Term Licence to operate in the Outer Suburban Taxi-Cab Zone;
- WAT Fixed-Term Licence to operate in the Metropolitan Taxi-Cab Zone; and
- WAT Fixed-Term Licence to operate in the Outer Suburban Taxi-Cab Zone.

#### Fixed-Term

All the Fixed-Term Licences granted as part of this Application Process will operate for a fixed-term of 10 years only from the date of the licence grant. On expiry, the Fixed-Term Licences will cease to be valid and will cease to operate.

#### Licence Fee

- A Licence Fee is payable for a Fixed-Term Licence.
- The amount of the Licence Fee payable will be determined through the Tender Process (phase 2 of the Application Process).
- The Licence Fee for all Conventional Fixed-Term Licences will be the same amount regardless of the Taxi-cab Zone in which the licence operates.
- The Licence Fee for all WAT Fixed-Term Licences will be the same amount regardless of the Taxi-cab Zone in which the licence operates.
- The method of payment of the Licence Fee will differ between the two licence types as follows:
  - **Conventional Fixed-Term Licences:**  
The Licence Fee will be payable in advance. In the Bid Forms for a Conventional Fixed-Term Licence, Applicants will be required to specify as their Bid Amount the maximum amount they are willing to pay as the total Licence Fee for a Conventional Fixed-Term Licence.
  - **WAT Fixed-Term Licences:**  
The Licence Fee will be payable in 10 annual instalments with each instalment indexed in accordance with movement in the CPI. In the Bid Forms for a WAT Fixed-Term Licence, Applicants will be required to specify as their Bid Amount the maximum amount they are willing to pay as the first of the 10 instalments of the Licence Fee for a WAT Fixed-Term Licence, while also agreeing to pay the further nine instalments (each of which will be indexed in accordance with movement in the CPI).

### Other features

- The Fixed-Term Licences may be transferred with the approval of the Licensing Authority. A licence is transferred when the licence holder (Party A) transfers the licence to another person (Party B) under a transfer agreement. On transfer, Party B becomes the licence holder, and Party A no longer has any interest in the licence. Transfers must be authorised by the Licensing Authority.
- The Fixed-Term Licences are not assignable. A licence is assigned when the licence holder (Party A) assigns to another person (Party B) the right to operate a Taxi-cab under the licence. On assignment, Party B (and not Party A) is entitled to operate the licenced Taxi-cab, however Party A retains an interest in the licence as the licence holder. Assignments must be authorised by the Licensing Authority.
- Fixed-Term Licences enable a Taxi-cab to operate under the licence for 24 hours per day.
- The WAT Fixed-Term Licence conditions include a Minimum Performance Obligation (MPO) whereby the operator of each licence must complete a minimum number of trips for passengers in wheelchairs. The MPO will be set at 10 wheelchair jobs every 28 days until 1 July 2012. After this time the MPO will be calculated annually using a formula based on the number of MPTP wheelchair trips undertaken each year, and the number of WATs in operation. WAT patronage in 2009 indicates that after the release of an additional 330 licences there will be more than four times this number of wheelchair jobs available per WAT, demonstrating that the MPO is reasonable. Details of the specific requirements can be found in Appendix B of the Application Information Booklet.

### Related policy considerations

In addition to the above key features of the Fixed-Term Licences, the government will continue to reserve the right to issue further Taxi-cab or other commercial passenger vehicle licences at its discretion as permitted by the Transport Act.

Ongoing costs are involved in owning and operating a Fixed-Term Licence. Please refer to section 6.1.

The hire rates that are permitted to be charged for the provision of Taxi-cab services are determined by the Minister and published from time to time in a Schedule of Hire Rates. The Fixed-Term Licences will be subject to a condition that hire rates are only charged in accordance with the current Schedule of Hire Rates. The current Schedule of Hire Rates is available at [www.taxi.vic.gov.au](http://www.taxi.vic.gov.au)

From 2011 up to 50 peak service licence holders each year for six years may be provided with an opportunity to convert their licence to a new 24 hour licence. The offer may be made available to existing peak service licence holders commencing with those licence holders who were granted licences in 2003. The new licence will be a 10 year fixed-term licence and will be offered with a licence fee determined by a market process. This is a separate process. More information will be provided to the industry in 2011.

## 6. Key features of the Fixed-Term Licences

### 6.1 Costs

The following fees are payable during this Application Process:

Requirement	Cost
<p><b>Application Fee (non-refundable)</b> Each Application lodged by an Applicant must be accompanied by the Application Fee. However, only one Application Fee is payable per Applicant. Accordingly, an Applicant who has paid the Application Fee when lodging a Conventional Application Form does not need to pay an Application Fee when lodging a WAT Application Form</p>	\$154 (GST exempt). To be paid by bank cheque or money order
<p><b>Initial Instalment</b> If an Applicant is notified after the Tender Process that a Bid in their Application has been selected, that Applicant must pay an Initial Instalment on each Fixed-Term Licence applied for in that Bid. The amount of the Initial Instalment will be deducted from the amount of the Licence Fee payable by the Applicant on grant of a Fixed-Term Licence</p>	<p>\$20,000 (GST exempt) per Conventional Fixed-Term Licence. To be paid by bank cheque or money order</p> <p>\$2,000 (GST exempt) per WAT Fixed-Term Licence. To be paid by bank cheque or money order</p>
<p><b>Licence Fee</b> This fee is payable for grant of a Fixed-Term Licence</p>	<p>To be determined by the Tender Process Paid in advance for a Conventional Fixed-Term Licence. To be paid by bank cheque or money order</p> <p>Paid in 10 annual instalments for WAT Fixed-Term Licences (with each instalment indexed by CPI). To be paid by bank cheque or money order</p>
<p><b>Annual Licence Fee</b> In addition to the licence fee payable on grant of a Fixed-Term Licence, a Licence Fee is payable annually for each Fixed-Term Licence</p>	\$468* (GST exempt) per year

There are costs associated with the operation of a Fixed-Term Licence in addition to the Application Process costs. A summary of these costs is set out in the following table. This is not intended to be an exhaustive list of all operational costs.

Requirement	Cost
<p><b>Vehicle</b> One Taxi-cab may operate under each Fixed-Term Licence. The Taxi-cab must comply with the vehicle specifications determined by the Licencing Authority</p>	Dependent on market value
<p><b>Painting</b> The licenced vehicle must be painted in accordance with approved colours</p>	Dependent on supplier
<p><b>Vehicle equipment</b> Installation of Taxi-cab equipment including approved security camera</p>	Dependent on supplier
<p><b>Accreditation requirements</b> Taxicare Taxi Operator Training Course (required to be accredited as a Taxi-cab operator)  Other accreditation costs</p>	<p>Approximately \$1,000 (including GST) for a minimum 45 hour course (payable to registered training organisation)</p> <p>Dependent on requirements</p>
<p><b>Network Service Provider (NSP) affiliation fees</b> Fees are payable under agreements with authorised NSPs</p>	Dependent on NSP

\* This figure is current as at 1 September 2009 and will be reviewed by the Licencing Authority in September 2010.

# 7. Outline of the Application Process



### 7. OUTLINE OF THE APPLICATION PROCESS

The following section provides an overview of how the Application Process will be conducted. This section should be read in conjunction with the Procedural Rules found in Appendix C of this Application Information Booklet.

#### 7.1 Summary of the Application Process

##### Separate, sequential Application Processes

A separate Application Process will be held for each of the two types of Fixed-Term Licence. Applications for Conventional Fixed-Term Licences will be received and assessed first, followed by Applications for WAT Fixed-Term Licences.

As the Application Processes will operate independently for Conventional Fixed-Term Licences and WAT Fixed-Term Licences, there are different:

- Application Forms for the two Licence Types (the Conventional Application Form and the WAT Application Form). One copy of each Application Form is included in the Application Pack; and
- Due dates for the two Application Forms (please refer to section 5 for all key dates in the Application Process).

##### Phases

There are three phases in the Application Process for the Fixed-Term Licences:

- **Phase 1 Initial Application Process:** Applicants lodge their Application Form and are assessed against the Eligibility Criteria (refer to section 7.2 below). Applicants who meet the Eligibility Criteria progress to phase 2.
- **Phase 2 Tender Process:** The Bids made by Applicants are ranked highest to lowest based on Bid Amount and the Licensing Authority will determine which Bids are selected. Applicants with Selected Bids are required to pay the Initial Instalment on each Fixed-Term Licence in the Selected Bid. The Licence Fee for each Licence Type of Fixed-Term Licence will be determined through the Tender Process (with the amount of the Licence Fee being the same for each licence of the same type and being no more than the Bid Amount of each Applicant with a Selected Bid).

- **Phase 3 Accreditation Process:** The Licensing Authority cannot grant a Fixed-Term Licence to an Applicant unless the Applicant is accredited under the Transport Act as a Taxi-cab licence holder and operator and is the owner (or intending owner) of a Taxi-cab. Applicants must demonstrate to the Licensing Authority that they satisfy these requirements and pay the Licence Fee (or the remainder of the first instalment of the Licence Fee in the case of WAT Fixed-Term Licences) within 90 days of paying the Initial Instalment.

#### 7.2 Eligibility Criteria

There are Eligibility Criteria that prospective Applicants must meet to be eligible for a Fixed-Term Licence. A complete list of the criteria is set out in rule 6.2 of the Procedural Rules in Appendix C. Prospective Applicants should review and understand the criteria because their Application must be refused if the criteria are not satisfied.

#### 7.3 Options for Applicants to consider

Prospective Applicants will (among other things) need to consider the following options when deciding whether to lodge an Application for one or more Fixed-Term Licences:

- Do I want a Conventional Fixed-Term Licence (lodge Conventional Application Form), a WAT Fixed-Term Licence (lodge WAT Application Form) or both (lodge both Application Forms)?
- Do I want to operate a Taxi-cab in the Metropolitan Taxi-Cab Zone, the Outer Suburban Taxi-Cab Zone or both (use the correct Bid Form in the applicable Application Form)?
- How many Fixed-Term Licences do I want (use the correct Bid Form in the relevant Application Form)?

#### 7.4 Bidding for Fixed-Term Licences

##### Bidding

The Fixed-Term Licences will be allocated on a competitive basis, based on Bids made by Applicants which are ranked highest to lowest in the Tender Process.

This section introduces the different bidding options available in the Application Process. Applicants must read this section in conjunction with the Procedural Rules which include a complete description of the bidding process.

To bid for a Fixed-Term Licence, Applicants are required to submit the applicable Application Form.

Each Application Form includes a Bid Form where Applicants can Bid for one or more Fixed-Term Licences by specifying the following:

- Bid Amount (the maximum amount the Applicant is willing to pay as the Licence Fee for each of the Fixed-Term Licences the Applicant is bidding on); and
- Bid Quantity (the number of Fixed-Term Licences the Applicant is applying to be granted at the Bid Amount).

Applicants can submit Bids in two different ways:

- as a Single Bid (a Bid for one Fixed-Term Licence only);  
or
- as a Multiple Bid (a Bid for more than one Fixed-Term Licence).

Applicants are entitled to make up to five Bids for each Licence Type. To do so, the Applicant must use a Bid Form which includes a Bid Schedule. Only one Bid in a Bid Schedule can be selected by the Licensing Authority. The purpose of the Bid Schedule is to allow Applicants to place 'back-up' Bids to maximise the chance of having their Bid selected.

Refer to Bid Form samples in Appendix E for further information on how to fill out Bid Forms and Bid Schedules.

### Selecting Bids

All Bids made by Applicants who meet the Eligibility Criteria will be pooled together (Conventional Application Forms separate to WAT Application Forms) and then ranked highest to lowest by Bid Amount. The Licensing Authority will then determine the number of Fixed-Term Licences of the applicable Licence Type to be allocated (up to 200 Conventional Fixed-Term Licences and up to 330 WAT Fixed-Term Licences). The Bids with the highest Bid Amounts up to the number of available licences determined by the Licensing Authority will be selected.

## 7. Outline of the Application Process

### Licence Fee payable

The Licence Fee payable for each Licence Type will be the amount equal to the lowest Bid Amount of the Selected Bids for that Licence Type (the Uniform Price). See Figure 1.

Subject to satisfying the requirements of the Transport Act, Applicant A and B may be granted a Fixed-Term Licence by the Licensing Authority and both will pay the Uniform Price as a Licence Fee for each Fixed-Term Licence granted.

Prospective Applicants should understand that:

- the Bid Amount determines if your Application is considered by the Licensing Authority for selection, but is not necessarily the Licence Fee that will be paid; and
- the Licence Fee payable by a selected Applicant will always be equal to or less than their Bid Amount.

DOT acknowledges that the Uniform Price concept within the Tender Process is a new allocation process for the Victorian Taxi-cab industry. Therefore, prospective Applicants should carefully consider the following:

- The Bid Amount should be the highest price a prospective Applicant is prepared to pay per licence for the number of licences included in the Bid Quantity given with that Bid Amount;

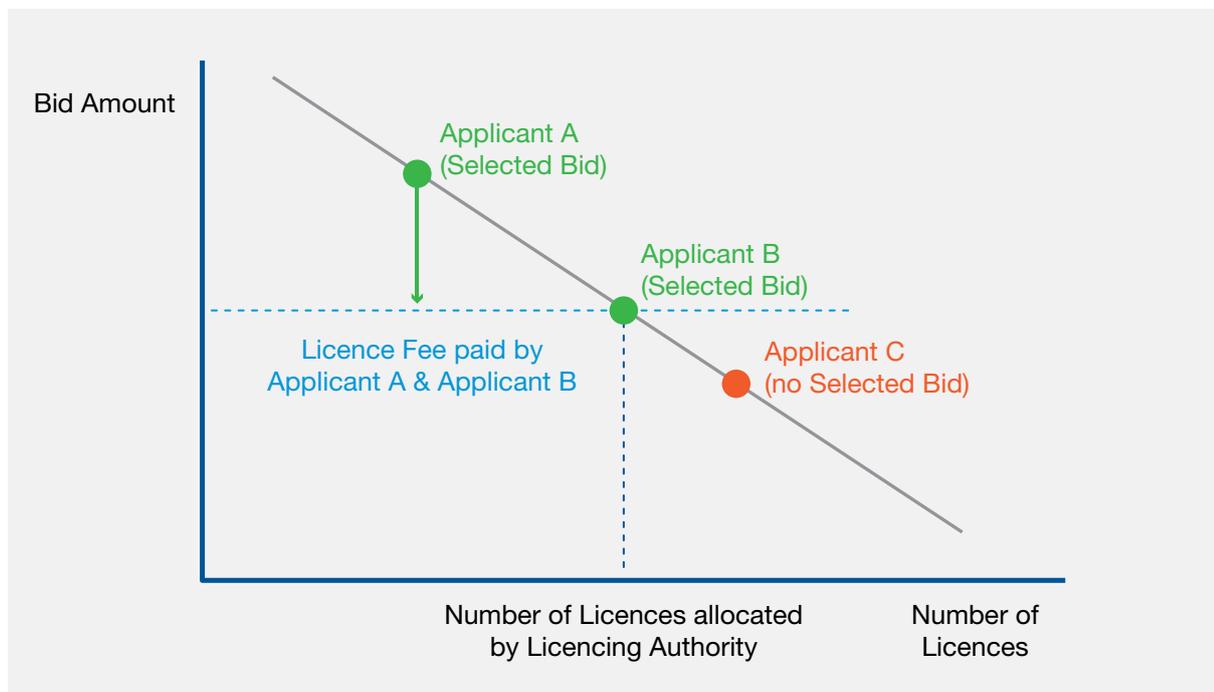
- Prospective Applicants should determine their Bid Amount based on their own evaluation of what the Licences are worth to them;
- Prospective Applicants should not attempt to guess the Uniform Price as they may not be selected, even though they were actually prepared to pay more; and
- Prospective Applicants should not Bid more than they are prepared to pay per Licence Fee because there is no guarantee that the Uniform Price will be less than their Bid Amount.

### 7.5 Accreditation

Before the Licensing Authority can grant a Fixed-Term Licence, Applicants must

- obtain accreditation as a Taxi-cab licence holder and operator; and
- become the owner, or intended owner of a Taxi-cab.

Figure 1 – Allocation of Licences



## 8. How to participate



## 8. How to participate

### 8. HOW TO PARTICIPATE

The following section will assist prospective Applicants to apply for a Fixed-Term Licence in this Application Process.

#### 8.1 Submitting your Application

The Application Process for the two Licence Types (Conventional Fixed-Term and WAT Fixed-Term Licence) will operate independently. Applicants are required to lodge separate Applications for each Licence Type using the following Application Forms:

- Conventional Application Form to apply for Conventional Fixed-Term Licences (Metropolitan Taxi-Cab Zone and/or Outer Suburban Taxi-Cab Zone); and
- WAT Application Form to apply for WAT Fixed-Term Licences (Metropolitan Taxi-Cab Zone and/or Outer Suburban Taxi-Cab Zone).

An Application must include at least one completed Bid Form. The Bid Form is the means by which the Applicant will place a Bid or Bids for consideration in the Tender Process. Throughout the Application Form, if more space is required to fully answer a question or provide information requested in the Application Form, Applicants may attach separate sheets which set out the full answer or the information requested. An Application must indicate on the relevant part of the form that additional separate sheets are attached. The separate sheets must clearly indicate which section of the Application Form they relate to.

#### Directions for lodgement

1. The applicable Application Form must be completed by all persons submitting an Application for a Fixed-Term Licence.
2. The Application Form must be completed in BLOCK LETTERS and be signed and dated in the spaces indicated.
3. Applications must be accompanied by a bank cheque or money order payable to the Victorian Taxi Directorate for the Application Fee of \$154 (GST exempt).
4. The bank cheque or money order must be attached to Section I of the Application Form.
5. The Application Form must be placed into the envelope provided and sealed.

6. The Application Form may then be submitted in one of two ways:

- in person, lodged in tender box located at:

**Victorian Taxi Directorate  
Level 23, 80 Collins Street  
Melbourne VIC 3001**

Opening hours:

Monday, Tuesday, Thursday and Friday 8.30am to 4.30pm;  
Wednesday 9.30am to 4.30pm.

Or

- by mail to:

**Greater Melbourne Taxi Licence Release  
Locked Bag 20036  
Melbourne VIC 3001**

#### Late applications

Applications not received by the applicable Due Date will be disqualified from the Application Process and will be ineligible for consideration. A failure of the Applicant's chosen delivery supplier (for example a courier or Australia Post) does not constitute grounds for acceptance of a late Application. It is the Applicant's responsibility to ensure enough time is allowed to lodge the Application by the Due Date.

### 8.2 Completing the Application Form

The following sections are contained within the Conventional Application Form and the WAT Application Form:

- *Instructions to Applicant*
- *Details of Applicant*
- *Nomination of Relevant Persons and Responsible Person*
- *Proof of Identity* – Evidence as provided by the form is required to be provided
- *Authority for Information*
- *General*
- *Certificate of Financial Capacity* – This form must be completed by a Certified Practising Accountant/member of the Institute of Chartered Accountants/member of the National Institute of Accountants
- *Financial Suitability*

- *Payment of Application Fee* – \$154 (GST exempt) to be paid in the form of a bank cheque or money order payable to the Victorian Taxi Directorate. If an Applicant has already paid an Application Fee to lodge a Conventional Application Form and also submits a WAT Application Form, the Applicant is not required to pay a second Application Fee. Applicants can demonstrate payment of an Application Fee by providing a reference number (which they will receive in their acknowledgement/advising letter)
- *Bid Forms* – the Bid Forms are used to make Bids for Fixed-Term Licences (Bid Amount and Bid Quantity). Detailed information on how to fill in the Bid Forms can be found in Appendix E and the Procedural Rules
- *Consent and Statutory Declaration* – A signed declaration that information contained in the Application is correct and true is required
- *Checklist* – A completed check list needs to be submitted to ensure that you have provided all the documentation required in the Application Form

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## 9. Where to find more information



### 9. WHERE TO FIND MORE INFORMATION

Applicants are advised to check the Question and Answer section at [www.taxi.vic.gov.au/licencerelease](http://www.taxi.vic.gov.au/licencerelease)

If an Applicant's question is not already answered, they can call 1800 638 802 or email [taxi.licence@transport.vic.gov.au](mailto:taxi.licence@transport.vic.gov.au)

If an Applicant's question cannot be answered on the spot, Applicants will be requested to provide an email address so that a response can be provided. The Department will endeavour to respond to questions within 48 hours at [www.taxi.vic.gov.au/licencerelease](http://www.taxi.vic.gov.au/licencerelease)

The Department reserves the right not to publish all questions.

Additionally, to ensure that all questions received are answered before the applicable due date for Applications, questions will not be answered:

- about the Conventional Fixed-Term Licences or the Conventional Application Form after 4:30pm, 23 July 2010; or
- about the WAT Fixed-Term Licences or the WAT Application Form after 4:30pm, 10 September 2010.

#### **Disclaimer**

Questions regarding Bid pricing and the impact on Applicants' financial and legal circumstances cannot be answered.

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# Appendix A

## Conditions applying to Conventional Fixed-Term Licences

There are conditions that apply to all Taxi-cab licences by operation of the Transport Act (sections 144(1) and (3)). In addition, the Licensing Authority may attach conditions to a Taxi-cab licence in accordance with section 144(2) of the Transport Act. The conditions set out below are the conditions that will be attached to the Fixed-Term Licences on and from the grant of those licences by the Licensing Authority.

### Definitions

In these Conventional Fixed-Term Licence Conditions:

- *Conventional Fixed-Term Licence* has the meaning given in the 'Application' section above;
- *Conventional Fixed-Term Licence Conditions* has the meaning given in the 'Application' section above;
- *Driver* means a driver of the Licensed Vehicle;
- *ETS* means an electronic transaction (non-cash payment) system;
- *Licence Certificate* means the certificate evidencing grant of the Conventional Fixed-Term Licence to the Licence Holder, given by the Licensing Authority under section 143A(9) of the Transport Act;
- *Licence Holder* means the person or entity specified as such on the Licence Certificate;
- *Licensed Taxi Tester* has the meaning given in regulation 3 of the Transport Regulations;
- *Licensed Vehicle* means the Taxi-cab specified as such on the Licence Certificate (or a substituted Taxi-cab authorised by the Licensing Authority under sections 151 or 152 of the Transport Act);
- *Licensed Taxi-cab Zone* means either the Metropolitan Taxi-Cab Zone or the Outer Suburban Taxi-Cab Zone, as specified on the Licence Certificate.
- *Licensing Authority* has the meaning given in section 2 of the Transport Act;
- *Metropolitan Taxi-Cab Zone* means the Taxi-Cab zone proclaimed as such in the Ministerial Order, as described in the Schedule attached to these Conventional Fixed-Term Licence Conditions;
- *Ministerial Order* has the meaning given in the 'Application' section above;
- *MPTP* means the Multi Purpose Taxi Program, a program run by the Licensing Authority to provide subsidised Taxi-cab travel for persons eligible to join the MPTP in accordance with the MPTP Rules;
- *MPTP Rules* means the rules governing operation of the MPTP including:
  - persons eligible to become members of the MPTP;
  - subsidy amounts which members of the MPTP are entitled to; and
  - the document titled *Correct Charging of Fares for MPTP Passengers*, as reissued or amended by the Licensing Authority from time to time and available at [www.taxi.vic.gov.au](http://www.taxi.vic.gov.au);
- *NSP* means a provider of Taxi-cab Network Services accredited under the Transport Act;
- *Operator* has the meaning given in section 86 of the Transport Act;
- *Outer Suburban Taxi-Cab Zone* means the Taxi-Cab Zone proclaimed as such in the Ministerial Order, as described in the Schedule to these Conventional Fixed-Term Licence Conditions;
- *Schedule of Hire Rates* means the fares or hiring rates to be charged for hire of Taxi-cabs in Victoria, as determined by the Minister under the Transport Act from time to time;
- *Taxi Zone* has the meaning given in regulation 3 of the Transport Regulations;
- *Taxi-cab Network Service* has the meaning given in section 130A(1) of the Transport Act;
- *Taximeter* has the meaning given regulation 3 of the Transport Regulations;
- *Transport Act* means the *Transport Act 1983 (Vic)* as amended;

- *Transport Regulations* means the *Transport (Taxi-cab) Regulations 2005* (Vic) as amended; and
- *WAT* means a wheelchair accessible Taxi-cab, which is a Taxi-cab specially constructed or modified for the carriage of at least one person seated in a wheelchair.

Unless otherwise indicated, words used in these Conventional Fixed-Term Licence Conditions have the meanings given in the Transport Act.

### Conventional Fixed-Term Licence Conditions

#### *Driver*

1. The Operator must ensure that each Driver is made aware of their obligation to comply with these Conventional Fixed-Term Licence Conditions.

#### *Assignment*

2. The right to operate a Taxi-cab under this Conventional Fixed-Term Licence cannot be assigned to any other person.

#### *Vehicle and safety*

3. The Operator must ensure that copies of the Licence Certificate and these Conventional Fixed-Term Licence Conditions are kept inside the Licensed Vehicle at all times.
4. The Operator must ensure that the Licensed Vehicle is at all times operated under radio control from an NSP for the receipt and dispatch of bookings for Taxi-cabs licensed to operate within the Licensed Taxi-cab Zone and must be fitted with fully operational global positioning system equipment linked to that NSP.
5. The Operator must not operate the Licensed Vehicle, or permit the Licensed Vehicle to be operated, unless:
  - 5.1 a security camera approved by the Licensing Authority is fitted to the Licensed Vehicle in a manner approved by the Licensing Authority, and is maintained in good working order; and
  - 5.2 the security camera is operated at all times in accordance with the requirements set out in the Victorian Taxi-cabs Safety Camera Standards & Procedures (as issued or replaced by the Licensing Authority from time to time and available at [www.taxi.vic.gov.au](http://www.taxi.vic.gov.au)).
6. The Operator must:
  - 6.1 purchase a driver protection screen for fitting inside the Licensed Vehicle approved by the Licensing Authority; and

- 6.2 provide or cause to be provided the approved driver protection screen to each Driver who will or intends to drive the Licensed Vehicle between the hours of 10pm and 5am.

7. Licence Condition 6 does not apply:

- 7.1 if a driver protection screen has not been approved by the Licensing Authority for the particular make and model of the Licensed Vehicle; or

- 7.2 during the period of 45 days after the approval by the Licensing Authority of a driver protection screen for the particular make and model of the Licensed Vehicle.

8. The Operator must:

- 8.1 have the Licensed Vehicle inspected by a Licensed Taxi Tester once every 12 months; and

- 8.2 display the road worthy sticker provided by the Licensed Taxi Tester as evidence of the most recent inspection on the windscreen of the Licensed Vehicle at all times.

9. Each Driver must carry luggage or other goods in a manner that does not endanger passengers or interfere with the movement of passengers into or out of the Licensed Vehicle.

#### *Operational areas*

10. If the Licensed Taxi-cab Zone is:

- 10.1 the Metropolitan Taxi-Cab Zone, the Licensed Vehicle may be operated from any place:

- 10.1.1 in the Metropolitan Taxi-Cab Zone; and

- 10.1.2 in cases where the Licensed Vehicle is pre-booked, to any place in Victoria, except that the Licensed Vehicle must not be operated for any journey wholly within the Outer Suburban Taxi-Cab Zone; and

- 10.2 the Outer Suburban Taxi-Cab Zone, the Licensed Vehicle may be operated from any place:

- 10.2.1 in the Outer Suburban Taxi-Cab Zone; and

- 10.2.2 in cases where the Licensed Vehicle is pre-booked, to any place in Victoria, except that the Licensed

## Appendix A – Conditions applying to Conventional Fixed-Term Licences

Vehicle must not be operated for any journey wholly within the Metropolitan Taxi-Cab Zone.

11. Subject to Conventional Fixed-Term Licence Condition 12, the Operator and each Driver must ensure that the Licensed Vehicle may be hired by the public on demand.
12. If a Driver has displayed in the Licensed Vehicle a 'destination sign' which complies with the specifications issued by the Licensing Authority for the use of destination signs and is being displayed within the times shown on the sign, that Driver is not required to carry a passenger to a place which is:
  - 12.1 not within a five kilometre radius of the suburb shown on the destination sign; or
  - 12.2 not within five kilometres either side of the most direct, practicable route between the hiring point and the suburb shown on the destination sign.
13. The Licensed Vehicle is permitted to stand at a Taxi Zone only in the Licensed Taxi-cab Zone.

### *Fares and MPTP*

14. The Operator and each Driver must ensure that only the fares specified in the current Schedule of Hire Rates are charged for hire of the Licensed Vehicle.
15. The Operator must ensure that the Licensed Vehicle is fitted with an ETS approved by the Licensing Authority for the purposes of electronically processing MPTP transactions.
16. The Operator and each Driver must ensure that the Licensed Vehicle is not operated unless:
  - 16.1 it is fitted with an interface approved by the Licensing Authority;
  - 16.2 such interface maintains a continuous electronic connection between the Taximeter and the approved ETS; and
  - 16.3 the Driver is logged on to the ETS.
17. The Operator and each Driver must at all times comply with the MPTP Rules.

### *Specific WAT requirements*

Conventional Fixed-Term Licence Condition 18 only applies if the Licensed Vehicle is a WAT.

18. Each Driver must:
  - 18.1 carry a mobility scooter if:
    - 18.1.1 it is not more than 1200mm in length and 700mm in width (or if it is larger in size but can be safely carried and adequately secured);
    - 18.1.2 it has suitable anchor points to enable it to be adequately secured; and
    - 18.1.3 the combined weight of the mobility scooter and passenger is not greater than 300kgs;
  - 18.2 adequately secure any wheelchairs and mobility scooters carried in the Licensed Vehicle;
  - 18.3 securely restrain passengers seated in wheelchairs carried in the Licensed Vehicle;
  - 18.4 not allow passengers to remain seated on mobility scooters when carried in the Licensed Vehicle; and
  - 18.5 not allow lifting equipment attached to the Licensed Vehicle to be operated by any other person.

### *Implied*

The following are implied conditions of this Conventional Fixed-Term Licence by operation of sections 144(1) and (3) of the Transport Act.

19. The Licensed Vehicle must be maintained in a fit and serviceable condition.
20. In relation to the Licensed Vehicle, the provisions of any Act or regulation thereunder with respect to –
  - 20.1 the manner in which and the persons by whom the Licensed Vehicle may be driven;
  - 20.2 the number of passengers that may be carried in the Licensed Vehicle;
  - 20.3 the construction equipment and condition of the Licensed Vehicle; and
  - 20.4 limitation of hours of driving,must be complied with.
21. The Licensed Vehicle must not, without the consent in writing of the Licensing Authority, be operated by any person other than the owner or a person employed

by the owner. For the purpose of this Conventional Fixed-Term Licence Condition, the Licensing Authority approves the Licensed Vehicle being operated by a person who has entered into a bailment agreement with the Licence Holder provided the bailment agreement must be in writing and the bailee must be provided with a copy of the agreement.

22. If the Licence Holder does not commence to operate a Taxi-cab within 90 days of being sent notice by the Licensing Authority that it has granted this Conventional Fixed-Term Licence, the Licensing Authority may cancel the Conventional Fixed-Term Licence.
23. Any direction given by the Licensing Authority (or a delegate of the Licensing Authority) under section 146AA of the Transport Act must be complied with.
24. Wireless equipment capable of transmitting images or data obtained from the use of a surveillance camera installed in the Licensed Vehicle must not be installed in the Licensed Vehicle.
25. Equipment capable of making an audio recording, other than an emergency warning device, must not be installed in the Licensed Vehicle.

### Schedule to Conventional Fixed-Term Licence Conditions: Taxi-cab Zones

#### Metropolitan Taxi-Cab Zone

The Metropolitan Taxi-Cab Zone is the area bounded by the coastline, the mouth of the Werribee River, a direct line to Cherry Tree Creek and its intersection with the Princes Highway, a direct line to the intersection of Bulban and Ball Roads, a direct line to the Werribee River and its intersection with Hobbs Road, Hobbs, Boundary and Robinsons Roads, Western Highway, Clarke Road, Monaghans Road, a straight line from the intersection of Monaghans Road and Taylors Road to the intersection of Holden Road and Calder Highway, a straight line to the intersection of Bulla Road and Quartz Street, Bulla, Somerton, Oaklands, Konagadera, Mt Ridley, Summerhill, Epping, Bridge Inn and Doctors Gully Roads, Bannans Lane North, Hurstbridge - Arthurs Creek, Heidelberg - Kinglake, Cherry Tree, Kangaroo Ground - St Andrews, Eltham - Yarra Glen and Kangaroo Ground - Warrandyte Roads, Pigeon Bank Lane, Pigeon Bank Gully Creek, Yarra River in a north-easterly direction, Victoria Road, McIntyre Lane, Yarra Glen, St Huberts, Boundary, Killara and Gruyere Roads, Old Gippsland Road, Sebire Avenue, Warburton Highway, Beenak, Wandin East, Queens, Monbulk, Stonyford, Olinda Creek, Barbers, Doughtys, Falls, The Georgian, Olinda - Monbulk, Main, Emerald-Monbulk, Moxhams, Priors, Kallista - Emerald, William, Grantulla, Belgrave - Gembrook, Wellington and Garden Roads, Princes Highway, Mc Naughton and Kombi Roads, railway line, Westall, Heatherton and Boundary Roads, Old Dandenong, Centre Dandenong, Lower Dandenong, Springvale, Pillars, Wilson and McMahrens Roads a direct south line to Rossiter Road, northern boundary of City of Frankston, Eel Race Road to the coastline.

#### Outer Suburban Taxi-Cab Zone

The Outer Suburban Taxi-Cab Zone is the area bounded by the coastline from Gunyong Creek to Eel Race Road, northern boundary of the City of Frankston, Rossiter Road, a direct north line to Wilson and McMahrens Roads, Pillars, Springvale, Lower Dandenong, Centre Dandenong, Old Dandenong, Boundary, Heatherton and Westall Roads, railway line, Kombi and McNaughton Roads, Princes Highway, Garden, Wellington, Cardinia Creek and Duffys Roads, the MMBW boundary, Red Hill, Lewis, Emerald - Beaconsfield Road, Split Rock, Officer - Upper Beaconsfield, Brown and Starling Roads, Princes Highway, Station Street, Officer, South Road to the intersection of Leckey Road, a straight line to the intersection of Soldiers and Thompsons Roads, Thompson, Berwick - Cranbourne, Ballarto and Clyde - Five Ways Road, South Gippsland Highway, Browns, Hastings - Dandenong, McKays, Centre, Cranbourne - Frankston, Warrandyte, Baxter -Tooradin, Sages and Moorooduc Roads, Wooralla Drive, Tower Road and Gunyong Creek to the coastline.

# Appendix B

## Conditions applying to WAT Fixed-Term Licences

There are conditions that apply to all Taxi-cab licences by operation of the Transport Act (sections 144(1) and (3)). In addition, the Licensing Authority may attach conditions to a Taxi-cab licence in accordance with section 144(2) of the Transport Act. The conditions set out below are the conditions that will be attached to the Fixed-Term Licences on and from the grant of those licences by the Licensing Authority.

### Definitions

In these WAT Fixed-Term Licence Conditions:

- *Driver* means a driver of the Licensed Vehicle;
- *ETS* means an electronic transaction (non-cash payment) system;
- *Greater Melbourne* means the combined area of the Metropolitan Taxi-Cab Zone and the Outer Suburban Taxi-Cab Zone;
- *Licence Certificate* means the certificate evidencing grant of the WAT Fixed-Term Licence to the Licence Holder, given by the Licensing Authority under section 143A(9) of the Transport Act;
- *Licensed Holder* means the person or entity specified as such on the Licence Certificate;
- *Licensed Taxi Tester* has the meaning given in regulation 3 of the Transport Regulations;
- *Licensed Vehicle* means the WAT specified as such on the Licence Certificate (or a substituted WAT authorised by the Licensing Authority under sections 151 or 152 of the Transport Act);
- *Licensed Taxi-cab Zone* means either the Metropolitan Taxi-Cab Zone or the Outer Suburban Taxi-Cab Zone, as specified on the Licence Certificate.
- *Licensing Authority* has the meaning given in section 2 of the Transport Act;
- *Metropolitan Taxi-Cab Zone* means the Taxi-cab zone proclaimed as such in the Ministerial Order, as described in the Schedule attached to these WAT Fixed-Term Licence Conditions;
- *Ministerial Order* has the meaning given in the 'Application' section above;
- *MPTP* means the Multi Purpose Taxi Program, a program run by the Licensing Authority to provide subsidised Taxi-cab travel for persons eligible to join the MPTP in accordance with the MPTP Rules;
- *MPTP Rules* means the rules governing operation of the MPTP including:
  - persons eligible to become members of the MPTP;
  - subsidy amounts which members of the MPTP are entitled to; and
  - the document titled *Correct Charging of Fares for MPTP Passengers*, as reissued or amended by the Licensing Authority from time to time and available at [www.taxi.vic.gov.au](http://www.taxi.vic.gov.au);
- *NSP* means a provider of Taxi-cab Network Services accredited under the Transport Act;
- *Operator* has the meaning given in section 86 of the Transport Act;
- *Outer Suburban Taxi-Cab Zone* means the Taxi-cab zone proclaimed as such in the Ministerial Order, as described in the Schedule attached to these WAT Fixed-Term Licence Conditions;
- *Schedule of Hire Rates* means the fares or hiring rates to be charged for hire of Taxi-cabs in Victoria, as determined by the Minister under the Transport Act from time to time;
- *Taxi Zone* has the meaning given in regulation 3 of the Transport Regulations;
- *Taxi-cab Network Service* has the meaning given in section 130A(1) of the Transport Act;
- *Taximeter* has the meaning given in the Transport Regulations;
- *Transport Act* means the *Transport Act 1983 (Vic)* as amended;
- *Transport Regulations* means the *Transport (Taxi-cab) Regulations 2005 (Vic)* as amended;
- *WAT* means a wheelchair accessible Taxi-cab, which is a Taxi-cab specially constructed or modified for the carriage of at least one person seated in a wheelchair;
- *WAT Fixed-Term Licence* has the meaning given in the 'Application' section above;

- *WAT Fixed-Term Licence Conditions* has the meaning given in the 'Application' section above; and
- *WAT Fixed-Term Licence Fee* means the fee payable for a WAT Fixed-Term Licence, which the Licensing Authority has determined under section 143A(10) of the Transport Act is payable in instalments in accordance with WAT Fixed-Term Licence Conditions 2 – 4 (inclusive).

Unless otherwise indicated, words used in these WAT Fixed-Term Licence Conditions have the meanings given in the Transport Act.

### WAT Fixed-Term Licence Conditions

#### *Driver*

1. The Operator must ensure that each Driver is made aware of their obligation to comply with these WAT Fixed-Term Licence Conditions.

#### *Assignment*

2. The right to operate a Taxi-cab under this WAT Fixed-Term Conventional Licence cannot be assigned to any other person.

#### *Vehicle and safety*

3. The Licensed Vehicle must be a WAT.
4. The Operator must ensure that copies of the Licence Certificate and these WAT Fixed-Term Licence Conditions are kept inside the Licensed Vehicle at all times.
5. The Operator must ensure that the Licensed Vehicle is at all times operated under radio control from an NSP for the receipt and dispatch of bookings for Taxi-cabs licensed to operate within the Licensed Taxi-cab Zone and must be fitted with fully operational global positioning system equipment linked to that NSP.
6. The Operator must not operate the Licensed Vehicle, or permit the Licensed Vehicle to be operated, unless:
  - 6.1 a security camera approved by the Licensing Authority is fitted to the Licensed Vehicle in a manner approved by the Licensing Authority, and is maintained in good working order; and
  - 6.2 the security camera is operated at all times in accordance with the requirements set out in the Victorian Taxi-cabs Safety Camera Standards & Procedures (as issued or replaced by the Licensing Authority from time to time and available at [www.taxi.vic.gov.au](http://www.taxi.vic.gov.au)).

7. The Operator must:
  - 7.1 purchase a driver protection screen for fitting inside the Licensed Vehicle approved by the Licensing Authority; and
  - 7.2 provide or cause to be provided the approved driver protection screen to each driver who will or intends to drive the Licensed Vehicle between the hours of 10pm and 5am.
8. Licence Condition 7 does not apply:
  - 8.1 if a driver protection screen has not been approved by the Licensing Authority for the particular make and model of the Licensed Vehicle; or
  - 8.2 during the period of 45 days after the approval by the Licensing Authority of a driver protection screen for the particular make and model of the Licensed Vehicle.
9. The Operator must:
  - 9.1 have the Licensed Vehicle inspected by a Licensed Taxi Tester once every 6 months; and
  - 9.2 display the road worthy sticker provided by the Licensed Taxi Tester as evidence of the most recent inspection on the windscreen of the Licensed Vehicle at all times.
10. Each Driver must carry luggage or other goods in a manner that does not endanger passengers or interfere with the movement of passengers into or out of the Licensed Vehicle.

#### *Operational areas*

11. If the Licensed Taxi-cab Zone is:
  - 11.1 the Metropolitan Taxi-Cab Zone, the Licensed Vehicle may be operated from any place:
    - 11.1.1 in the Metropolitan Taxi-cab Zone; and
    - 11.1.2 in cases where the Licensed Vehicle is pre-booked, to any place in Victoria, except that the Licensed Vehicle must not be operated for any journey wholly within the Outer Suburban Taxi-Cab Zone; and
  - 11.2 the Outer Suburban Taxi-Cab Zone, the Licensed Vehicle may be operated from any place:

- 11.2.1 in the Outer Suburban Taxi-Cab Zone; and
- 11.2.2 in cases where the Licensed Vehicle is pre-booked, to any place in Victoria, except that the Licensed Vehicle must not be operated for any journey wholly within the Metropolitan Taxi-Cab Zone.

- 12. Subject to WAT Fixed-Term Licence Condition 13, the Operator and each Driver must ensure that the Licensed Vehicle may be hired by the public on demand.
- 13. If a Driver has displayed in the Licensed Vehicle a 'destination sign' which complies with the specifications issued by the Licensing Authority for the use of destination signs and is being displayed within the times shown on the sign, that Driver is not required to carry a passenger to a place which is:
  - 13.1 not within a five kilometre radius of the suburb shown on the destination sign; or
  - 13.2 not within five kilometres either side of the most direct, practicable route between the hiring point and the suburb shown on the destination sign.
- 14. The Licensed Vehicle is permitted to stand at a Taxi Zone only in the Licensed Taxi-cab Zone.

### Fares and MPTP

- 15. The Operator and each Driver must ensure that only the fares specified in the current Schedule of Hire Rates are charged for hire of the Licensed Vehicle.
- 16. The Operator must ensure that the Licensed Vehicle is fitted with an ETS approved by the Licensing Authority for the purposes of electronically processing MPTP transactions.
- 17. The Operator and each Driver must ensure that the Licensed Vehicle is not operated unless:
  - 17.1 it is fitted with an interface approved by the Licensing Authority;
  - 17.2 such interface maintains a continuous electronic connection between the Taximeter and the approved ETS; and
  - 17.3 the Driver is logged on to the ETS.
- 18. The Operator and each Driver must at all times comply with the MPTP Rules.

### Specific WAT requirements

- 19. The Operator and each Driver must ensure that the Licensed Vehicle is operated so as to give priority to passengers in wheelchairs at all times.
- 20. For the purpose of WAT Fixed-Term Licence Condition 21:
  - 20.1 *Cycle* means each 28 day cycle commencing from 2 August 2010;
  - 20.2 *MPO* means minimum performance obligation;
  - 20.3 *MPO Formula* means the following formula:  
  

$$\text{MPO} = ('A' \text{ divided by } 'B') \text{ multiplied by } 0.0136$$
 Where:  
  
*A* = Number of MPTP wheelchair trips in Greater Melbourne during the previous calendar year.  
  
*B* = Number of WATs operating in Greater Melbourne at the end of the previous calendar year.  
  
*Example:*  
  
*If in Greater Melbourne, at the end of the previous calendar year there were a total of 592 WATs operating, and the total number of MPTP wheelchair trips completed during that previous calendar year was 435,746 the MPO would be calculated as follows : (435,746 divided by 592) multiplied by 0.0136 = 10*  
  
*Therefore, the MPO in this example would be 10 wheelchair jobs completed per 28 day Cycle; and*
  - 20.4 *Wheelchair Trip* means a trip in the Licensed Vehicle which includes at least one passenger in a wheelchair.
- 21. The Operator must ensure that the Licensed Vehicle is operated to complete a minimum number of Wheelchair Trips each Cycle during the fixed-term of the WAT Fixed-Term Licence. The minimum number of required Wheelchair Trips per Cycle will be calculated as follows:
  - 21.1 for each complete Cycle before 30 June 2012, the minimum number of required Wheelchair Trips per Cycle is fixed at 10; and

- 21.2 for each complete Cycle from 1 July 2012 until expiry of this WAT Fixed-Term Licence, the minimum number of required Wheelchair Trips per Cycle will be calculated annually by the Licensing Authority using the MPO Formula, with a new calculation to apply from 1 July each year. The calculation applying from 1 July each year will be published at [www.taxi.vic.gov.au](http://www.taxi.vic.gov.au) before 1 July each year.
22. The Licensed Vehicle must be able to accommodate at least:
- 22.1 one occupied wheelchair; and
- 22.2 three seated passengers when carrying at least one occupied wheelchair.
23. Each Driver must:
- 23.1 carry a mobility scooter if:
- 23.1.1 it is not more than 1200mm in length and 700mm in width (or if it is larger in size but can be safely carried and adequately secured);
- 23.1.2 it has suitable anchor points to enable it to be adequately secured; and
- 23.1.3 the combined weight of the mobility scooter and passenger is not greater than 300kgs;
- 23.2 adequately secure any wheelchairs and mobility scooters carried in the Licensed Vehicle;
- 23.3 securely restrain passengers seated in wheelchairs carried in the Licensed Vehicle;
- 23.4 not allow passengers to remain seated on mobility scooters when carried in the Licensed Vehicle; and
- 23.5 not allow lifting equipment attached to the Licensed Vehicle to be operated by any other person.
25. In relation to the Licensed Vehicle, the provisions of any Act or regulation thereunder with respect to –
- 25.1 the manner in which and the persons by whom the Licensed Vehicle may be driven;
- 25.2 the number of passengers that may be carried in the Licensed Vehicle;
- 25.3 the construction equipment and condition of the Licensed Vehicle; and
- 25.4 limitation of hours of driving, must be complied with.
26. The Licensed Vehicle must not, without the consent in writing of the Licensing Authority, be operated by any person other than the owner or a person employed by the owner. For the purpose of this WAT Fixed-Term Licence Condition, the Licensing Authority approves the Licensed Vehicle being operated by a person who has entered into a bailment agreement with the Licence Holder provided the bailment agreement must be in writing and the bailee must be provided with a copy of the agreement.
27. If the Licence Holder does not commence to operate a Taxi-cab within 90 days of being sent notice by the Licensing Authority that it has granted this WAT Fixed-Term Licence, the Licensing Authority may cancel the WAT Fixed-Term Licence.
28. Any direction given by the Licensing Authority (or a delegate of the Licensing Authority) under section 146AA of the Transport Act must be complied with.
29. Wireless equipment capable of transmitting images or data obtained from the use of a surveillance camera installed in the Licensed Vehicle must not be installed in the Licensed Vehicle.
30. Equipment capable of making an audio recording, other than an emergency warning device, must not be installed in the Licensed Vehicle.

### *Implied*

The following are implied conditions of this WAT Fixed-Term Licence by operation of sections 144(1) and (3) of the Transport Act.

24. The Licensed Vehicle must be maintained in a fit and serviceable condition.

### Schedule to WAT Fixed-Term Licence Conditions: Taxi-cab Zones

#### Metropolitan Taxi-Cab Zone

The Metropolitan Taxi-Cab Zone is the area bounded by the coastline, the mouth of the Werribee River, a direct line to Cherry Tree Creek and its intersection with the Princes Highway, a direct line to the intersection of Bulban and Ball Roads, a direct line to the Werribee River and its intersection with Hobbs Road, Hobbs, Boundary and Robinsons Roads, Western Highway, Clarke Road, Monaghans Road, a straight line from the intersection of Monaghans Road and Taylors Road to the intersection of Holden Road and Calder Highway, a straight line to the intersection of Bulla Road and Quartz Street, Bulla, Somerton, Oaklands, Konagadera, Mt Ridley, Summerhill, Epping, Bridge Inn and Doctors Gully Roads, Bannans Lane North, Hurstbridge - Arthurs Creek, Heidelberg - Kinglake, Cherry Tree, Kangaroo Ground - St Andrews, Eltham - Yarra Glen and Kangaroo Ground - Warrandyte Roads, Pigeon Bank Lane, Pigeon Bank Gully Creek, Yarra River in a north-easterly direction, Victoria Road, McIntyre Lane, Yarra Glen, St Huberts, Boundary, Killara and Gruyere Roads, Old Gippsland Road, Sebire Avenue, Warburton Highway, Beenak, Wandin East, Queens, Monbulk, Stonyford, Olinda Creek, Barbers, Doughtys, Falls, The Georgian, Olinda - Monbulk, Main, Emerald-Monbulk, Moxhams, Priors, Kallista - Emerald, William, Grantulla, Belgrave - Gembrook, Wellington and Garden Roads, Princes Highway, Mc Naughton and Kombi Roads, railway line, Westall, Heatherton and Boundary Roads, Old Dandenong, Centre Dandenong, Lower Dandenong, Springvale, Pillars, Wilson and McMahens Roads a direct south line to Rossiter Road, northern boundary of City of Frankston, Eel Race Road to the coastline.

#### Outer Suburban Taxi-Cab Zone

The Outer Suburban Taxi-Cab Zone is the area bounded by the coastline from Gunyong Creek to Eel Race Road, northern boundary of the City of Frankston, Rossiter Road, a direct north line to Wilson and McMahens Roads, Pillars, Springvale, Lower Dandenong, Centre Dandenong, Old Dandenong, Boundary, Heatherton and Westall Roads, railway line, Kombi and McNaughton Roads, Princes Highway, Garden, Wellington, Cardinia Creek and Duffys Roads, the MMBW boundary, Red Hill, Lewis, Emerald - Beaconsfield Road, Split Rock, Officer - Upper Beaconsfield, Brown and Starling Roads, Princes Highway, Station Street, Officer, South Road to the intersection of Leckey Road, a straight line to the intersection of Soldiers and Thompsons Roads, Thompson, Berwick - Cranbourne, Ballarto and Clyde - Five Ways Road, South Gippsland Highway, Browns, Hastings - Dandenong, McKays, Centre, Cranbourne - Frankston, Warrandyte, Baxter -Tooradin, Sages and Moorooduc Roads, Wooralla Drive, Tower Road and Gunyong Creek to the coastline.

# Appendix C

## Procedural Rules

The following Procedural Rules specifying the procedures to be followed for the granting of the Fixed-Term Licences are set out in the Minister's Order in the Government Gazette. For a full copy of the Order please see [www.gazette.vic.gov.au](http://www.gazette.vic.gov.au)

### A. PRELIMINARY

#### 1. DEFINITIONS

1.1 In these Rules:

- *Accreditation Process* means the phase of the Application Process described in Part D;
- *Applicant* means a person who makes an Application for one or more Fixed-Term Licences by lodging an Application Form;
- *Application* means an application for one or more Fixed-Term Licences, which is made by an Applicant completing and lodging an Application Form;
- *Application Fee* means the application fee of AUD\$154 (GST exempt) that must accompany an Application, as determined by the Licensing Authority under section 147B of the Transport Act;
- *Application Form* means the Conventional Application Form or the WAT Application Form (as applicable);
- *Application Information Booklet* means the booklet referred to in Rule 3.1 which will be prepared and issued by the Licensing Authority and will include these Rules as an Appendix;
- *Application Process* means the procedures for the granting of Fixed-Term Licences specified by the Minister under the Order and documented in these Rules, which operates in the following three sequential phases:
  - (a) Phase 1: Initial Application Process;
  - (b) Phase 2: Tender Process; and
  - (c) Phase 3: Accreditation Process.
- *Bid* means an application in respect of a single Fixed-Term Licence or multiple Fixed-Term Licences made by an Applicant in a Bid Form which includes a Bid Amount and a Bid Quantity and otherwise complies with the requirements in Rule 10;
- *Bid Amount* means, in respect of each Bid, the amount specified as such in a Bid Form;
- *Bid Form* means the specified form which forms part of the Application Form and is used by Applicants to lodge their Bids, as described in Rule 10.2;
- *Bid Quantity* means, in respect of each Bid, the quantity specified as such in a Bid Form;
- *Bid Schedule* means the schedule in a Bid Form which is used to make more than one (but no more than five) Bids in respect of one Licence Kind, as described in Rule 10.6;
- *Business Day* means Monday to Friday excluding public holidays in Melbourne, Victoria;
- *Conventional Application Form* means the specified form (including the Bid Forms) to be used to lodge an Application for a Conventional Fixed-Term Licence;
- *Conventional Due Date* means the due date for Applications for Conventional Fixed-Term Licences, as specified by the Minister in the Order and published in the Application Information Booklet;
- *Conventional Fixed-Term Licence* means a Taxi-cab licence granted or applied for under the Order which will operate for a fixed-term of 10 years, other than a WAT Fixed-Term Licence;
- *Conventional Uniform Price* means the amount described in Rule 13.2.5;
- *Corporations Act* means the Corporations Act 2001 (Cth);
- *CPI* means the Consumer Price Index All Groups – Melbourne for the June to June period;
- *DOT* means the State of Victoria acting through the Department of Transport;
- *Due Date* means the Conventional Due Date or the WAT Due Date (as applicable);

- *Eligibility Criteria* means the criteria described in Rule 6.2;
- *Fixed-Term Licence* means a Conventional Fixed-Term Licence or a WAT Fixed-Term Licence;
- *Higher Bid* has the meaning given in Rule 13.4.4;
- *Higher Quantity* has the meaning given in Rule 13.4.4;
- *Initial Application Process* means the phase of the Application Process described in Part B;
- *Initial Instalment* means an instalment payable on a Licence Fee under Rules 13.2.3(a) and 13.3.3(a) in the following amounts:
  - (a) for Conventional Fixed-Term Licences, AUD\$20,000 per licence (GST exempt); and
  - (b) for WAT Fixed-Term Licences, AUD\$2,000 per licence (GST exempt);
- *Instalment Payment Date* means, in respect of an Applicant, the date that the Licensing Authority receives payment of the Initial Instalment(s) from that Applicant;
- *Licence Fee* means the fee payable for a Fixed-Term Licence in accordance with section 143A(4) of the Transport Act, as determined by the Tender Process;
- *Licence Kinds* means the four kinds of Fixed-Term Licence available to be granted in the Application Process, as described in Rule 3.4;
- *Licence Type* means the two types of Fixed-Term Licence available to be granted in the Application Process, as described in Rule 3.2;
- *Licensing Authority* has the meaning given in section 2 of the Transport Act;
- *Metropolitan Taxi-cab Zone* means the area described as such in the Order;
- *Minister* means the Minister for Public Transport;
- *Multiple Bid* means a Bid for more than one Fixed-Term Licence (that is, a Bid with a Bid Quantity of more than one), as described in Rule 10.5;
- *Nominated Responsible Person* has the meaning given in Rule 6.2.2(c)(ii);
- *Order* means the Order of the Minister under section 143A(1) of the Transport Act, published in the *Victorian Government Gazette*, which gives effect to these Rules;
- *Outer Suburban Taxi-cab Zone* means the area described as such in the Order;
- *Phase 2 Applicant* means an Applicant who has an Application progress from the Initial Application Process to the Tender Process, as described in Rule 8.2;
- *Phase 3 Applicant* means an Applicant who has an Application progress from the Tender Process to the Accreditation Process, as described in Rule 13.2.4 and 13.3.4 (as applicable);
- *Quantity Threshold* has the meaning given in Rule 11.1.1;
- *Relevant Person* has the meaning given in section 130A of the Transport Act;
- *Rules* means these Procedural Rules which govern the Application Process, a copy of which are an Appendix to the Order;
- *Selected Bid* means a Bid that is selected by the Licensing Authority during the Tender Process, as described in Rules 10.6.4 and 13.2.2(c);
- *Selected Bid Notice* means a notice given by the Licensing Authority under Rule 13.2.3(a) or 13.3.3(a);
- *Single Bid* means a Bid for a single Fixed-Term Licence (that is, a Bid with a Bid Quantity of one), as described in Rule 10.4;
- *Taxi-cab Zone* means the Metropolitan Taxi-cab Zone or the Outer Suburban Taxi-cab Zone;
- *Tender Process* means the phase of the Application Process described in Part C;
- *Tie Break Process* means a random ballot conducted by the Licensing Authority where a number of tokens equal to the Bid Quantities of Tied Bids (subject to Rule 13.4.4) is placed in the ballot and selected at random;
- *Tied Bid* has the meaning given in Rule 13.4.3;
- *Tied Quantity* has the meaning given in Rule 13.4.4;
- *Transport Act* means the *Transport Act 1983 (Vic)*;
- *Uniform Price* means the Conventional Uniform Price or the WAT Uniform Price (as applicable);
- *Victorian Taxi Directorate* means a department within DOT which supports the Licensing Authority as regulator of the Taxi-cab industry in Victoria;
- *WAT* means a Wheelchair Accessible Taxi-cab, which is a Taxi-cab specially constructed or modified for the carriage of at least one person seated in a wheelchair;
- *WAT Application Form* means the specified form (including the Bid Forms) to be used to lodge an Application for a WAT Fixed-Term Licence;
- *WAT Due Date* means the due date for Applications for WAT Fixed-Term Licences, as specified by the Minister in the Order and published in the Application Information Booklet;

- *WAT First Instalment* has the meaning given in Rule 13.3.5(b)(i);
- *WAT Fixed-Term Licence* means a Taxi-cab licence granted or applied for under the Order which will operate for a fixed-term of 10 years and to which is attached (or intended to be attached) a condition that the Taxi-cab licensed to operate under the licence is a WAT;
- *WAT Uniform Price* means the amount described in Rule 13.3.5(a); and
- *Withdrawal Fee* means a fee of AUD\$2,000 which is payable in the circumstances described in Rule 15.2.2 and which amount is a genuine pre estimate of the loss suffered by the Licensing Authority if a Phase 3 Applicant does not complete the Accreditation Process.

1.2 Unless otherwise indicated, words used in these Rules have the meanings given in the Transport Act.

## 2. STATUTORY POWER

### 2.1 Ministerial Order

- 2.1.1 These Rules are made by the Minister under the Order.
- 2.1.2 In these Rules, the Minister specifies:
- (a) the particulars that must be included in an Application;
  - (b) the classes of people and the qualifications of people eligible to apply for Fixed-Term Licences; and
  - (c) the procedures to be followed for the granting of Fixed-Term Licences.

### 2.2 Purpose of Rules

The purpose of these Rules is for the Minister to specify criteria and procedures that determine:

- 2.2.1 who is eligible to apply for a Fixed-Term Licence;
- 2.2.2 how many Fixed-Term Licences are available to be granted by the Licensing Authority;
- 2.2.3 which Applicants may be granted a Fixed-Term Licence;
- 2.2.4 how many Fixed-Term Licences each Applicant may be granted; and
- 2.2.5 the amount of the Licence Fee payable for each Fixed-Term Licence.

## 3. OUTLINE

*Note: This Rule provides an outline of the Application Process and gives an overview of the key concepts and mechanisms used in these Rules.*

### 3.1 Application Information Booklet

The Licensing Authority will prepare and release an Application Information Booklet to provide information to prospective Applicants about this Application Process. The Application Information Booklet will include these Rules as an Appendix and, to the extent of any inconsistency between the Application Information Booklet and these Rules, these Rules will prevail.

### 3.2 Licence Types

There are two types of Fixed-Term Licences available in the Application Process:

- 3.2.1 Conventional Fixed-Term Licence; and
- 3.2.2 WAT Fixed-Term Licence.

### 3.3 Taxi-cab Zones

The Fixed-Term Licences will be subject to a condition restricting the area in which the licensed Taxi-cab is permitted to operate to one or the other of the following Taxi-cab Zones:

- 3.3.1 Metropolitan Taxi-cab Zone; or
- 3.3.2 Outer Suburban Taxi-cab Zone.

The Taxi-cab Zones are described in the Order and will be pictorially represented in the Application Information Booklet.

### 3.4 Licence Kinds

Noting the two Licence Types and two Taxi-cab Zones, there are therefore four kinds of Fixed-Term Licence for which Applicants may apply in the Application Process:

- 3.4.1 Conventional Fixed-Term Licence to operate for 10 years in the Metropolitan Taxi-cab Zone;
- 3.4.2 Conventional Fixed-Term Licence to operate for 10 years in the Outer Suburban Taxi-cab Zone;
- 3.4.3 WAT Fixed-Term Licence to operate for 10 years in the Metropolitan Taxi-cab Zone; and
- 3.4.4 WAT Fixed-Term Licence to operate for 10 years in the Outer Suburban Taxi-cab Zone.

### 3.5 Application Process

3.5.1 A separate Application Process will be held for each of the two Licence Types. The separate Application Processes will operate sequentially, with the Application Process for Conventional Fixed-Term Licences to start before the Application Process for WAT Fixed-Term Licences.

3.5.2 The Application Processes for the two Licence Types will operate independently. Accordingly, there are different:

- (a) Application Forms for each Licence Type (the Conventional Application Form and the WAT Application Form); and
- (b) Due Dates for Applications for each Licence Type (the Conventional Due Date and the WAT Due Date).

3.5.3 The Licensing Authority will notify Applicants who have lodged Applications for a Conventional Fixed-Term Licence whether or not they will progress in the Application Process as a Phase 3 Applicant in respect of that Application before the Due Date for WAT Fixed-Term Licence Applications.

### 3.6 Phases in the Application Process

There are three phases in the Application Processes for Fixed-Term Licences governed by these Rules:

#### 3.6.1 Phase 1: Initial Application Process (described in Part B)

- (a) Applicants lodge their Applications using the applicable Application Form and are assessed against the Eligibility Criteria.
- (b) Applicants who meet the Eligibility Criteria become Phase 2 Applicants.
- (c) Applicants who do not meet the Eligibility Criteria are ineligible for a Fixed-Term Licence and their Application will be refused by the Licensing Authority.

#### 3.6.2 Phase 2: Tender Process (described in Part C)

- (a) Phase 2 Applicants progress to the Tender Process.
- (b) The Tender Process will rank the Bids that have been made by Phase 2 Applicants highest to lowest based

on Bid Amounts, and the Licensing Authority will then determine which Bids are selected to be offered the opportunity to proceed to the Accreditation Process. The Applicants with Selected Bids who pay the Initial Instalment become Phase 3 Applicants.

- (c) Applicants who are not Phase 3 Applicants will have their Applications refused by the Licensing Authority.

#### 3.6.3 Phase 3: Accreditation Process (described in Part D)

- (a) Phase 3 Applicants progress to the Accreditation Process.
- (b) The Licensing Authority must not grant a Fixed-Term Licence to an Applicant unless the Applicant:
  - (i) is accredited under the Transport Act as a Taxi-cab licence holder and a Taxi-cab operator; and
  - (ii) is the owner, or intending owner, of a Taxi-cab.

*Note: These are requirements under sections 143A(2), (12) and (13) of the Transport Act.*

- (c) Accordingly, in this phase of the Application Process, Phase 3 Applicants must obtain accreditation under the Transport Act and provide evidence of ownership (or intending ownership) of a Taxi-cab before the Licensing Authority may grant the Phase 3 Applicant a Fixed-Term Licence.
- (d) If the Phase 3 Applicant satisfies the requirements of the Transport Act, the Licensing Authority may grant that Applicant a Fixed-Term Licence under section 143A(2) of the Transport Act.

## 4. STANDING RULES

### 4.1 Application

4.1.1 The following Rules apply to Applicants from the time an Application is made until the time a decision is made on the Application by the Licensing Authority.

- 4.1.2 The Licensing Authority may refuse the Application of any Applicant who fails to comply with any requirement in these Rules.

**4.2 Improper assistance and communications**

Applicants must not:

- 4.2.1 seek or obtain assistance from personnel, consultants or contractors of the Victorian Taxi Directorate unless such assistance is authorised by the Licensing Authority (all assistance contemplated in the Application Information Booklet will be deemed to be authorised by the Licensing Authority for the purpose of this Rule) or make any unlawful inducements in connection with the preparation and lodgement of an Application;
- 4.2.2 engage in any activities that may be perceived as, or that may have the effect of, improperly influencing the outcomes of the Application Process in any way; or
- 4.2.3 make any media release or other public comment, announcement or statement in connection with the Application Process or the Fixed-Term Licences without the prior written authorisation of the Licensing Authority.

**4.3 Anti-competitive conduct**

The Applicant must not engage in conduct prohibited by the Collusive Practices Act 1965 (Vic) or the Trade Practices Act 1974 (Cth) during the Application Process (including when preparing and lodging an Application), including any collusion with other Taxi-cab industry participants or other anti-competitive conduct.

**4.4 Suspension or cancellation of Application Process**

The Licensing Authority may, exercising absolute discretion, suspend or cancel the Application Process at any time without granting any Fixed-Term Licences.

**B. PHASE 1: INITIAL APPLICATION PROCESS**

**5. OUTLINE**

*Note: This Rule provides an outline of the Initial Application Process.*

**5.1 Purpose**

In this phase of the Application Process:

- 5.1.1 persons who wish to apply for one or more

Fixed-Term Licences lodge their Applications using the applicable Application Form; and

- 5.1.2 the Licensing Authority checks each Application received to determine whether the Applicant is eligible to lodge an Application.

**5.2 Progress to Tender Process**

Applicants who progress through the Initial Application Process without having their Application refused by the Licensing Authority become Phase 2 Applicants and their Application progresses to the Tender Process.

**6. ELIGIBILITY**

**6.1 Entitlement to lodge**

- 6.1.1 A person is only eligible to apply for a Fixed-Term Licence if that person satisfies the Eligibility Criteria.

*Note: Satisfying the Eligibility Criteria does not mean that a person is eligible to be granted a Fixed-Term Licence. The persons who are entitled to be granted a Fixed-Term Licence will be determined by the Licensing Authority in accordance with these Rules.*

- 6.1.2 Each person who satisfies the Eligibility Criteria may lodge one Conventional Application Form and/or one WAT Application Form.

**6.2 Eligibility Criteria**

The Eligibility Criteria are as follows:

- 6.2.1 The person must be:

- (a) a natural person;
- (b) a partnership;
- (c) a company;
- (d) a co-operative;
- (e) an incorporated association; or
- (f) a body corporate,

but must not be an unincorporated body or association (other than a partnership).

- 6.2.2 The person's Application must:

- (a) be lodged with the Victorian Taxi Directorate on or before the applicable Due Date;
- (b) include at least one signed Bid Form;

- (c) include the following information or documentation:
- (i) if the Applicant is a natural person:
- the Applicant's full name and one or more of the following:
    - valid residential address;
    - valid contact phone number; or
    - valid email address;
  - copies of two forms of proof of identity evidence in compliance with the requirements stated in the Application Form;
  - a copy of a signed privacy consent and statutory declaration in compliance with the requirements stated in the Application Form;
- (ii) if the Applicant is not a natural person:
- the Applicant's name, Australian Business Number or Australian Company Number, a nominated responsible person authorised to act as a representative of the Applicant in relation to the Application (Nominated Responsible Person) and one or more of the following:
    - registered business address;
    - valid contact number; or
    - valid email address;
  - for the Nominated Responsible Person, copies of two forms of proof of identity evidence in compliance with the requirements stated in the Application Form;
  - for the Nominated Responsible Person, a copy of a signed privacy consent and statutory declaration in compliance with the requirements stated in the Application Form.
- 6.2.3 At the time of lodging the Application, the person must not be disqualified from applying for accreditation as a Taxi-cab licence holder or Taxi-cab operator in Victoria under sections 132H or 135A of the Transport Act.
- 6.2.4 At the time of lodging the Application, the person, or a Relevant Person in relation to that person, must not:
- currently be an undischarged bankrupt under the law of Australia or any place outside Australia;
  - currently be disqualified from managing a corporation under Part 2D.6 of the Corporations Act or under the law of any place outside Australia; or
  - have been found guilty of an offence against section 209(3) or Part 5.8 of the Corporations Act or of an offence against a law of a place outside Australia that corresponds to that section or Part.
- 6.2.5 If the person is not a natural person, the person must not at the time of lodging the Application:
- have had a receiver or receiver and manager, within the meaning of the Corporations Act, appointed in relation to the person;
  - have been placed in administration under the Corporations Act or under the law of any place outside Australia; or
  - have been the subject of a court order made under the Corporations Act for the winding up of the person.
- 6.2.6 At the time of lodging the Application, the person must be able to provide evidence to the Licensing Authority that the person has the financial capacity to act as a Taxi-cab licence holder and Taxi-cab operator for the maximum number of Fixed-Term Licences applied for by the person in the Application (with such evidence to be signed by an accounting practitioner and provided in a form determined by the Licensing Authority and included in the Application Form).
- 6.2.7 Subject to Rule 6.2.8, at the time of lodging the Application, the person must pay the Application Fee to the Victorian Taxi Directorate.
- 6.2.8 A person who has already paid the Application Fee when applying for a

Conventional Fixed-Term Licence does not need to pay an Application Fee to lodge a WAT Fixed-Term Licence Application.

*Note: If an Applicant fails to meet any of the Eligibility Criteria, the Licensing Authority must refuse the Application.*

- 6.2.9 If the person is a natural person, at the time of lodging an Application the person must be a resident of Australia.
- 6.2.10 If the person is not a natural person, at the time of lodging the Application the Nominated Responsible Person for the person must be a resident of Australia.

## 7. APPLICATIONS

### 7.1 Application Form

- 7.1.1 All Applications for Conventional Fixed-Term Licences must be made using a Conventional Application Form.
- 7.1.2 All Applications for WAT Fixed-Term Licences must be made using a WAT Application Form.
- 7.1.3 Applicants must complete all information as required in the applicable Application Form and must provide all documents and evidence requested in the Application Form.

### 7.2 Bid Form

- 7.2.1 An Application Form must include a completed Bid Form for each Licence Kind in the applicable Licence Type that the Applicant wishes to apply for. Each Bid Form relates to one of the four available Licence Kinds.
- 7.2.2 The Bid Form is the means by which the Applicant places a Bid or Bids for consideration in the Tender Process.

*Note: Please refer to Rule 10 for the detailed requirements relating to Bids and Bid Forms.*

### 7.3 Lodgement

Applications must be lodged with the Victorian Tax Directorate:

- 7.3.1 during the period for lodgement of Applications as determined by the Licensing Authority and specified in the Application Information Booklet;
- 7.3.2 by the applicable Due Date; and

- 7.3.3 in the manner specified by the Licensing Authority (the methods of lodgement described in the Application Information Booklet will be deemed to be specified by the Licensing Authority for the purpose of this Rule).

## 8. ELIGIBILITY CHECK

### 8.1 Check

The Licensing Authority will check all Applications lodged in accordance with these Rules to determine whether the Applicant has met the Eligibility Criteria.

### 8.2 Phase 2 Applicant

- 8.2.1 If an Applicant meets the Eligibility Criteria, that Applicant becomes a Phase 2 Applicant and the Application will progress to the Tender Process.
- 8.2.2 If an Applicant does not meet the Eligibility Criteria, the Licensing Authority must refuse the Application.

## C. PHASE 2: TENDER PROCESS

## 9. OUTLINE

*Note: This Rule provides an outline of the Tender Process.*

### 9.1 Purpose

- 9.1.1 In this phase of the Application Process, the Bids made by Phase 2 Applicants will be ranked highest to lowest by Bid Amount and may be selected by the Licensing Authority in accordance with Rule 12.
- 9.1.2 In each stage, the following will be determined by the Licensing Authority:
  - (a) how many Fixed-Term Licences of the relevant Licence Kind are available to Phase 2 Applicants;
  - (b) which Phase 2 Applicants may be granted one or more Fixed-Term Licences of the relevant Licence Kind;
  - (c) how many Fixed-Term Licences of the relevant Licence Kind each Phase 2 Applicant may be granted (if any); and
  - (d) the amount of the Licence Fee payable for each Licence Type.

### 9.2 Progress to Accreditation Process

Applicants who have a Selected Bid and who pay the Initial Instalment(s) become Phase 3 Applicants and their Application progresses to the Accreditation Process.

## 10. BIDS

### 10.1 Bids generally

A Bid must:

- 10.1.1 be written in English;
- 10.1.2 include a Bid Amount (expressed in full Australian dollars only) and a Bid Quantity;
- 10.1.3 specify the Bid Amount and (except in a Single Bid Form) the Bid Quantity in both numerical and written form (noting that where there is a discrepancy between the numerical and written forms, the written form will take precedence); and
- 10.1.4 be set out in a Bid Form.

### 10.2 Bid Form

10.2.1 There are four Bid Forms in the Conventional Application Form as follows:

- (a) Conventional Fixed-Term Licence to operate in Metropolitan Taxi-cab Zone: Single Bid Form;
- (b) Conventional Fixed-Term Licence to operate in Metropolitan Taxi-cab Zone: Bid Schedule Form;
- (c) Conventional Fixed-Term Licence to operate in Outer Suburban Taxi-cab Zone: Single Bid Form; and
- (d) Conventional Fixed-Term Licence to operate in Outer Suburban Taxi-cab Zone: Bid Schedule Form.

10.2.2 There are four Bid Forms in the WAT Application Form as follows:

- (a) WAT Fixed-Term Licence to operate in Metropolitan Taxi-cab Zone: Single Bid Form;
- (b) WAT Fixed-Term Licence to operate in Metropolitan Taxi-cab Zone: Bid Schedule Form;

- (c) WAT Fixed-Term Licence to operate in Outer Suburban Taxi-cab Zone: Single Bid Form; and
- (d) WAT Fixed-Term Licence to operate in Outer Suburban Taxi-cab Zone: Bid Schedule Form.

*Note: A Single Bid Form is used to submit a Single Bid for one Fixed-Term Licence. A Bid Schedule Form is used to submit a Bid for more than one Fixed-Term Licence (this may be done by making up to five Bids in the Bid Schedule).*

10.2.3 Applicants may complete up to two Bid Forms per Application Form (one per Licence Kind) and must use the correct Bid Form as described in these Rules.

### 10.3 Making a Bid

There are two types of Bids that an Applicant can make:

- 10.3.1 a Single Bid; and
- 10.3.2 a Multiple Bid.

### 10.4 Single Bids

- 10.4.1 In a Single Bid, the Applicant places a Bid with a Bid Quantity of one Fixed-Term Licence for a specified Bid Amount.
- 10.4.2 To submit one Single Bid, the Applicant must use the Single Bid Forms described in Rules 10.2.1(a), 10.2.1(c), 10.2.2(a) and 10.2.2(c). A Single Bid can also be included in a Bid Schedule if an Applicant wishes to make more than one Bid per Licence Kind.

*Example: Submit a Single Bid Form for the applicable Taxi-cab Zone with the following Single Bid: \$1 [Bid Amount] for one [Bid Quantity] Conventional Fixed-Term Licence.*

### 10.5 Multiple Bids

- 10.5.1 In a Multiple Bid, the Applicant places a Bid with a Bid Quantity of more than one Fixed-Term Licence, but specifies a single Bid Amount that applies to each Fixed-Term Licence in the Bid Quantity.
- 10.5.2 To submit a Multiple Bid, the Applicant must use the Bid Schedule Forms described in Rules 10.2.1(b), 10.2.1(d), 10.2.2(b) and 10.2.2(d).

*Example: Submit a Bid Schedule Form for the applicable Taxi-cab Zone with up to five of the following Multiple Bids: \$1 each [Bid Amount] for three [Bid Quantity] Conventional Fixed-Term Licences.*

**10.6 Bid Schedule**

- 10.6.1 Applicants are entitled to make up to five Bids for each Licence Kind. To make more than one Bid, the Applicant must use a Bid Schedule.
- 10.6.2 A Bid Schedule may include:
  - (a) one Single Bid;
  - (b) up to five Multiple Bids; and
  - (c) up to five Bids in total.
- 10.6.3 Bids must be entered in the Bid Schedule starting at the top and working down. For each Bid that follows in the Bid Schedule, the Bid Amount must increase and the Bid Quantity must decrease.
- 10.6.4 The Licensing Authority will only select one Bid in each Bid Schedule as a Selected Bid.
- 10.6.5 To submit a Bid Schedule, the Applicant must use the Bid Schedule Forms described in Rules 10.2.1(b), 10.2.1(d), 10.2.2(b) and 10.2.2(d).

*Example:*

*\$1 each [Bid Amount] for three [Bid Quantity] Conventional Fixed-Term Licences;*

*\$2 each [Bid Amount] for two [Bid Quantity] Conventional Fixed-Term Licences; or*

*\$3 [Bid Amount] for one [Bid Quantity] Conventional Fixed-Term Licence.*

*Note: The Applicant cannot be granted Fixed-Term Licences based on more than one Bid in the Bid Schedule. The Bid that will be selected (if any) is determined by Rule 12.1.2(d).*

**11. CAP ON NUMBER OF FIXED-TERM LICENCES AVAILABLE**

**11.1 Licensing Authority will determine numbers**

- 11.1.1 The Licensing Authority will determine, subject to Rule 11.2, the number of Fixed-Term Licences of the relevant Licence Kind to be

made available in the Application Process (Quantity Threshold).

- 11.1.2 The Licensing Authority may vary a Quantity Threshold in accordance with Rule 13.2.3(c)(i) or 13.3.3(c)(i).
- 11.1.3 In determining the Quantity Threshold, the Licensing Authority may have regard to:
  - (a) the total number of Fixed-Term Licences to be granted;
  - (b) the Bid Amounts of Bids made by Phase 2 Applicants;
  - (c) a combination of the total number of Fixed-Term Licences and the Bid Amounts;
  - (d) the applicable Uniform Price that will result from the number of Fixed-Term Licences to be granted; and
  - (e) any other matters considered relevant in the public interest.

**11.2 Maximum licence quantities**

The quantity of Fixed-Term Licences available is subject to the following maximum limits:

- 11.2.1 seven Conventional Fixed-Term Licences to operate in the Outer Suburban Taxi-cab Zone;
- 11.2.2 20, in total, Fixed-Term Licences to operate in the Outer Suburban Taxi-cab Zone (whether Conventional Fixed-Term Licences or WAT Fixed-Term Licences);
- 11.2.3 200, in total, Conventional Fixed-Term Licences (whether to operate in the Metropolitan Taxi-cab Zone or the Outer Suburban Taxi-cab Zone);
- 11.2.4 330, in total, WAT Fixed-Term Licences (whether to operate in the Metropolitan Taxi-cab Zone or the Outer Suburban Taxi-cab Zone);
- 11.2.5 530 Fixed-Term Licences in total.

**12. RANKING AND SELECTING BIDS**

**12.1 Process**

- 12.1.1 The Licensing Authority must undertake a ranking and selection process for all Bids made by Phase 2 Applicants.

- 12.1.2 The ranking and selection process used by the Licensing Authority must meet the following requirements:
- (a) Bids for Conventional Fixed-Term Licences must be ranked separate to Bids for WAT Fixed-Term Licences;
  - (b) Bids must be ranked from highest to lowest by Bid Amount;
  - (c) Bids within the applicable Quantity Threshold must be selected;
  - (d) where a Bid Schedule is used, the Bid in that Bid Schedule with the lowest Bid Amount that is within the applicable Quantity Threshold must be selected (if any); and
  - (e) the process must be reasonable, fair and equitable having regard to the public interest.

### 12.2 Process deemed to comply

The ranking and selection process described in Rule 13 below is deemed to meet the requirements in Rule 12.1.2.

## 13. RANKING AND SELECTION PROCESS

### 13.1 Process generally

The ranking and selection process will be:

- 13.1.1 conducted in two stages (Conventional Fixed-Term Licence Applications first, then WAT Fixed-Term Licence Applications); and
- 13.1.2 in each stage, undertaken in five sequential steps.

### 13.2 Stage 1: Conventional Fixed-Term Licence Applications

#### 13.2.1 Step 1: Outer Suburban Taxi-cab Zone qualifier

- (a) All Applications for Conventional Fixed-Term Licences to operate in the Outer Suburban Taxi-cab Zone must be pooled together and then ranked from highest to lowest by Bid Amount.
- (b) The Bids with the highest Bid Amounts, within the Quantity Threshold will be selected to progress to the next step in the ranking and selection process.
- (c) Any Bid that is not selected to progress to step 2 is discarded.

#### 13.2.2 Step 2: All Conventional Fixed-Term Licences

- (a) The Bids selected in step 1 will be added to the pool of all Applications for Conventional Fixed-Term Licences to operate in the Metropolitan Taxi-cab Zone.
- (b) All Bids in the pool must be ranked from highest to lowest by Bid Amount.
- (c) The Bids with the highest Bid Amounts, within the Quantity Threshold become Selected Bids and will be selected to progress to the next step in the ranking and selection process.

*Note: Only one Bid (regardless of whether that Bid is a Single Bid or a Multiple Bid) in a Bid Schedule can be a Selected Bid (refer to Rule 10.6.4). If an Applicant who has used a Bid Schedule has more than one Bid within the Quantity Threshold, the Bid with the lowest Bid Amount above the Quantity Threshold will become the Selected Bid and the other Bid or Bids in that Bid Schedule are discarded.*

#### 13.2.3 Step 3: Initial Instalment payable

- (a) All Applicants with a Selected Bid in step 2 will be sent a Selected Bid Notice by the Licensing Authority requiring the Applicant to pay the Initial Instalment for the Bid Quantity of Conventional Fixed-Term Licences in the Selected Bid. The Applicant must make the payment to the Victorian Taxi Directorate within 5 Business Days of the Selected Bid Notice date and in accordance with the instructions provided in the Selected Bid Notice.

*Note: Under section 143A(10) of the Transport Act, the Licensing Authority may allow a Licence Fee to be paid in instalments.*

- (b) If an Applicant fails to comply with Rule 13.2.3(a), that Applicant's:
  - (i) Selected Bid is automatically discarded and is no longer a Selected Bid; and
  - (ii) WAT Fixed-Term Licence Application (if one has or is made) may be refused by the Licensing Authority.

- (c) If one or more Applicants fail to comply with Rule 13.2.3(a), the Licensing Authority may, exercising absolute discretion, return to the pool of ranked Bids established in step 2 (refer to Rule 13.2.1(a) and:

- (i) vary the Quantity Threshold;
- (ii) select the highest ranked Bids within the varied Quantity Threshold that are not (or have not been) Selected Bids to become Selected Bids; and
- (iii) send a Selected Bid Notice to the Applicants who made those Selected Bids.

- (d) Any bid that is not a Selected Bid at the conclusion of step 3 is discarded.

#### 13.2.4 Step 4: Phase 3 Applicants

- (a) Each Applicant with a Selected Bid who complies with Rule 13.2.3(a) in respect of that Selected Bid becomes a Phase 3 Applicant in respect of that Selected Bid and their Application progresses to the Accreditation Process.
- (b) Each Applicant who does not become a Phase 3 Applicant before the WAT Due Date may have their Application refused by the Licensing Authority.

#### 13.2.5 Step 5: Conventional Uniform Price

The Conventional Uniform Price is the amount that is equal to the lowest Bid Amount of the Selected Bids held by Phase 3 Applicants.

*Note: The amount of the Conventional Uniform Price will be notified to applicable Phase 3 Applicants at the time a Conventional Fixed-Term Licence is granted in accordance with Rule 17. The amount may be made available earlier at the discretion of the Licensing Authority. A Phase 3 Applicant who is granted a Conventional Fixed-Term Licence will pay a Licence Fee that is lower than or equal to the Bid Amount in their applicable Selected Bid.*

### 13.3 Stage 2: WAT Fixed-Term Licence Applications

#### 13.3.1 Step 1: Outer Suburban Taxi-cab Zone qualifier

- (a) All Applications for WAT Fixed-Term Licences to operate in the Outer

Suburban Taxi-cab Zone must be pooled together and then ranked from highest to lowest by Bid Amount.

- (b) The Bids with the highest Bid Amounts, within the Quantity Threshold will be selected to progress to the next step in the ranking and selection process.
- (c) Any Bid that is not selected to progress to step 2 is discarded.

#### 13.3.2 Step 2: All WAT Fixed-Term Licences

- (a) The Bids selected in step 1 will be added to the pool of all Applications for WAT Fixed-Term Licences to operate in the Metropolitan Taxi-cab Zone.
- (b) All Bids in the pool must be ranked from highest to lowest by Bid Amount.
- (c) The Bids with the highest Bid Amounts, within the Quantity Threshold become Selected Bids and will be selected to progress to the next step in the ranking and selection process.

*Note: Only one Bid (regardless of whether that Bid is a Single Bid or a Multiple Bid) in a Bid Schedule can be a Selected Bid (refer to Rule 10.6.4). If an Applicant who has used a Bid Schedule has more than one Bid within the Quantity Threshold, the Bid with the lowest Bid Amount above the Quantity Threshold will become the Selected Bid and the other Bid or Bids in that Bid Schedule are discarded.*

#### 13.3.3 Step 3: Initial Instalment payable

- (a) All Applicants with a Selected Bid in step 2 will be sent a Selected Bid Notice by the Licensing Authority requiring the Applicant to pay the Initial Instalment for the Bid Quantity of WAT Fixed-Term Licences in the Selected Bid. The Applicant must make the payment to the Victorian Taxi Directorate within 5 Business Days of the Selected Bid Notice date and in accordance with the instructions provided in the Selected Bid Notice.

*Note: Under section 143A(10) of the Transport Act, the Licensing Authority*

*may allow a Licence Fee to be paid in instalments.*

- (b) If an Applicant fails to comply with Rule 13.3.3(a), that Applicant's Selected Bid is automatically discarded and is no longer a Selected Bid.
- (c) If one or more Applicants fail to comply with Rule 13.3.3(a), the Licensing Authority may, exercising absolute discretion, return to the pool of ranked Bids established in step 2 (refer to Rule 13.3.1(a)) and:
  - (i) vary the Quantity Threshold;
  - (ii) select the highest ranked Bids within the varied Quantity Threshold that are not (or have not been) Selected Bids to become Selected Bids; and
  - (iii) send a Selected Bid Notice to the Applicants who made those Selected Bids.
- (d) Any bid that is not a Selected Bid at the conclusion of step 3 is discarded.

### 13.3.4 Step 4: Phase 3 Applicants

- (a) Each Applicant with a Selected Bid who complies with Rule 13.3.3(a) in respect of that Selected Bid becomes a Phase 3 Applicant in respect of that Selected Bid and their Application progresses to the Accreditation Process.

### 13.3.5 Step 5: WAT Uniform Price

- (a) The WAT Uniform Price is the amount that is equal to the lowest Bid Amount of the Selected Bids held by Phase 3 Applicants.
- (b) The Bid Amount for each Bid made in respect of a WAT Fixed-Term Licence is deemed to include the following:
  - (i) the Bid Amount specified by the Applicant is the amount of the first instalment payable on the Licence Fee for each WAT Fixed Term Licence (WAT First Instalment); and
  - (ii) the total Licence Fee payable for each WAT Fixed Term Licence is the

WAT First Instalment plus a further nine instalments, with each further instalment being the amount of the previous instalment indexed in accordance with movement in the CPI with the change to be effective from 1 September each year.

*Note: The amount of the WAT Uniform Price will be notified to applicable Phase 3 Applicants at the time a WAT Fixed-Term Licence is granted in accordance with Rule 17. The amount may be made available earlier at the discretion of the Licensing Authority. A Phase 3 Applicant who is granted a WAT Fixed-Term Licence will pay a Licence Fee that is lower than or equal to the Bid Amount in their applicable Selected Bid.*

## 13.4 Ranking and selection process Rules

The following Rules will be applied by the Licensing Authority as required during the ranking and selection process:

13.4.1 If two or more Bids have the same Bid Amount, they are ranked equally.

13.4.2 If the lowest ranked Bid at the Quantity Threshold has a Bid Quantity that exceeds the available number of Fixed-Term Licences, the Licensing Authority may reduce the Bid Quantity of that Bid so that it matches the available number of Fixed-Term Licences. That Bid, with a reduced Bid Quantity, may then be selected by the Licensing Authority as a Selected Bid.

*Example: If the lowest ranked Bid at the Quantity Threshold has a Bid Quantity of 10, no higher Bids in the same Bid Schedule that have already been selected and only three Fixed-Term Licences of the relevant Licence Type remain available, the Licensing Authority may reduce the Bid Quantity of the lowest ranked Bid to three and then select that Bid as a Selected Bid.*

13.4.3 If two or more Bids are tied by Bid Amount at the Quantity Threshold (Tied Bids), the Licensing Authority may reduce the Bid Quantities of the Tied Bids using the Tie

Break Process so that the combined Bid Quantities of the Tied Bids matches the available number of Fixed-Term Licences of the applicable Licence Type. Those Tied Bids, with a reduced Bid Quantity following the Tie Break Process, may then be selected by the Licensing Authority as a Selected Bid (unless the Bid Quantity of a Tied Bid is reduced to zero in which case the Bid is discarded).

*Example: There are two lowest ranked Bids tied by Bid Amount at the Quantity Threshold. Bid A has a Bid Quantity of 10. Bid B has a Bid Quantity of five. Neither Bid has any higher Bids in a Bid Schedule that have already been selected. Only four Fixed-Term Licences of the relevant Licence Type remain available. The Licensing Authority will use a Tie Break Process to determine the allocation of the remaining four Fixed-Term Licences. Fifteen tokens will be entered into a ballot (10 for Bid A and five for Bid B) and four will be selected at random. The Licensing Authority may then reduce the Bid Quantities of Bids A and B in accordance with the results of the Tie Break Process and then select those Bids as a Selected Bid (or one of the Bids if the other Bid now has a Bid Quantity of zero).*

- 13.4.4 If a Tied Bid is part of a Bid Schedule which includes a Bid with a Bid Amount that is higher than the Tied Bid (Higher Bid), the Bid Quantity of the Higher Bid (Higher Quantity) will already have been counted in the Quantity Threshold meaning that the Tied Bid is only tied in respect of the difference between the Higher Quantity and the Bid Quantity of the Tied Bid (Tied Quantity). Only the Tied Quantity (and not the Higher Quantity) will be subject to the Tie Break Process in accordance with Rule 13.4.3.

*Example: If in the example at Rule 13.4.3, Bid A was part of a Bid Schedule which included a higher ranked Bid with a Bid Quantity of three, Bid A has already been allocated three Fixed-Term Licences and, accordingly, the Bid Quantity of Bid A that is at risk in the Tie Break Process is only seven.*

## D. PHASE 3: ACCREDITATION PROCESS

### 14. OUTLINE

*Note: This Rule provides an outline of the Accreditation Process.*

#### 14.1 Purpose

In this phase of the Application Process, Phase 3 Applicants must obtain accreditation and meet all other relevant requirements of the Transport Act required to hold a Fixed-Term Licence.

#### 14.2 Process

The Accreditation Process will operate as follows:

##### 14.2.1 Phase 3 Applicants must:

- (a) apply for accreditation as a Taxi-cab licence holder and a Taxi-cab operator within 28 days of the Instalment Payment Date (unless the Applicant is already accredited) as a Taxi-cab licence holder and a Taxi-cab operator;
- (b) provide evidence to the Licensing Authority that the Applicant owns (or intends to own) a Taxi-cab (in the case of a WAT Fixed-Term Licence, the Taxi-cab must be a WAT) within 28 days of the Instalment Payment Date; and
- (c) satisfy all requirements under the Transport Act to hold a Fixed-Term Licence and pay the amount of the Licence Fee required by Rule 15.3 within 90 days of the Instalment Payment Date.

- 14.2.2 Subject to compliance with the requirements above, the Licensing Authority may grant one or more Fixed-Term Licences to a Phase 3 Applicant of the Licence Kind(s) corresponding to that Applicant's Selected Bid.

## 15. LICENCE FEE

### 15.1 Amount of Licence Fee

- 15.1.1 The Licence Fee payable for a Conventional Fixed-Term Licence is the Conventional Uniform Price.
- 15.1.2 The Licence Fee payable for a WAT Fixed-Term Licence is the WAT Uniform Price.

### 15.2 Initial Instalment

- 15.2.1 On payment of an Initial Instalment in accordance with Rules 13.2.3(a) or 13.3.3(a), the Licensing Authority will hold the amount of the Initial Instalment on trust to be:
- (a) applied as an instalment on the Licence Fee payable if the Applicant is granted the Fixed-Term Licence in respect of which the Initial Instalment was paid; or
  - (b) subject to Rule 15.2.2, refunded to the Applicant if the Applicant is not granted the Fixed-Term Licence in respect of which the Initial Instalment was paid.
- 15.2.2 If a Phase 3 Applicant is not granted a Fixed-Term Licence because the Applicant has not complied with any or all of the requirements in Rule 16, the Licensing Authority may retain a Withdrawal Fee from each Initial Instalment paid by the Applicant.

### 15.3 Payment

- 15.3.1 The Licence Fee for a Conventional Fixed-Term Licence (less the amount of the Initial Instalment) must be paid in full within 90 days of the Instalment Payment Date in accordance with Rule 16.3.2.
- 15.3.2 The Licence Fee for a WAT Fixed-Term Licence is payable in 10 annual instalments. The first instalment (less the amount of the Initial Instalment) is payable in full within 90 days of the Instalment Payment Date in accordance with Rule 16.3.2, and each instalment after that is payable on the anniversary of the date the licence was granted by the Licensing Authority.

*Note: The Licensing Authority may allow a licence fee to be paid by instalments and may cancel or suspend the licence if the instalment is not paid by the due date.*

## 16. LEGISLATIVE REQUIREMENTS

### 16.1 Timing for application for accreditation

- 16.1.1 Subject to Rule 16.1.2, each Phase 3 Applicant must make an application to the Licensing Authority under the Transport Act for accreditation as a Taxi-cab licence holder and Taxi-cab operator within 28 days of the Instalment Payment Date.
- 16.1.2 Rule 16.1.1 does not apply to the extent a Phase 3 Applicant is already accredited under the Transport Act as a Taxi-cab licence holder and a Taxi-cab operator.

*Note: Accreditation is a requirement of sections 143A(12) and (13) of the Transport Act.*

### 16.2 Ownership of a Taxi-cab

- 16.2.1 The Licensing Authority may only grant a Fixed-Term Licence to the owner, or a person who intends to be the owner, of a Taxi-cab.
- 16.2.2 Each Phase 3 Applicant must, in respect of each Fixed-Term Licence the Applicant has applied for in their Selected Bid, provide evidence to the Licensing Authority that they are a person who owns, or intends to own, a Taxi-cab within 28 days of the Instalment Payment Date.

*Note: Ownership of a Taxi-cab is a requirement of section 143A(2) of the Transport Act.*

### 16.3 Attendance at Victorian Taxi Directorate

- 16.3.1 Within 90 days of the Instalment Payment Date, a Phase 3 Applicant must attend the Victorian Taxi Directorate with evidence of the following:
- (a) accreditation as a Taxi-cab licence holder and a Taxi-cab operator;
  - (b) ownership of a Taxi-cab that meets all vehicle specifications for Taxi-cabs as determined by the Licensing Authority from time to time; and
  - (c) compliance with the conditions applying to the applicable Licence Type.
- 16.3.2 On attendance at the Victorian Taxi Directorate, the Phase 3 Applicant must pay the amount of the Licence Fee required by Rule 15.1.

**16.4 Extension of time**

Subject to Rule 18, the Licensing Authority may extend the period of time for an Applicant to comply with any of the requirements in this Part D.

**17. LICENCE GRANT**

Under section 143A(2) of the Transport Act, the Licensing Authority may grant a Phase 3 Applicant who satisfies the requirements of the Transport Act one or more Fixed-Term Licences of the Licence Kinds corresponding to that Applicant's Selected Bid, or Selected Bids.

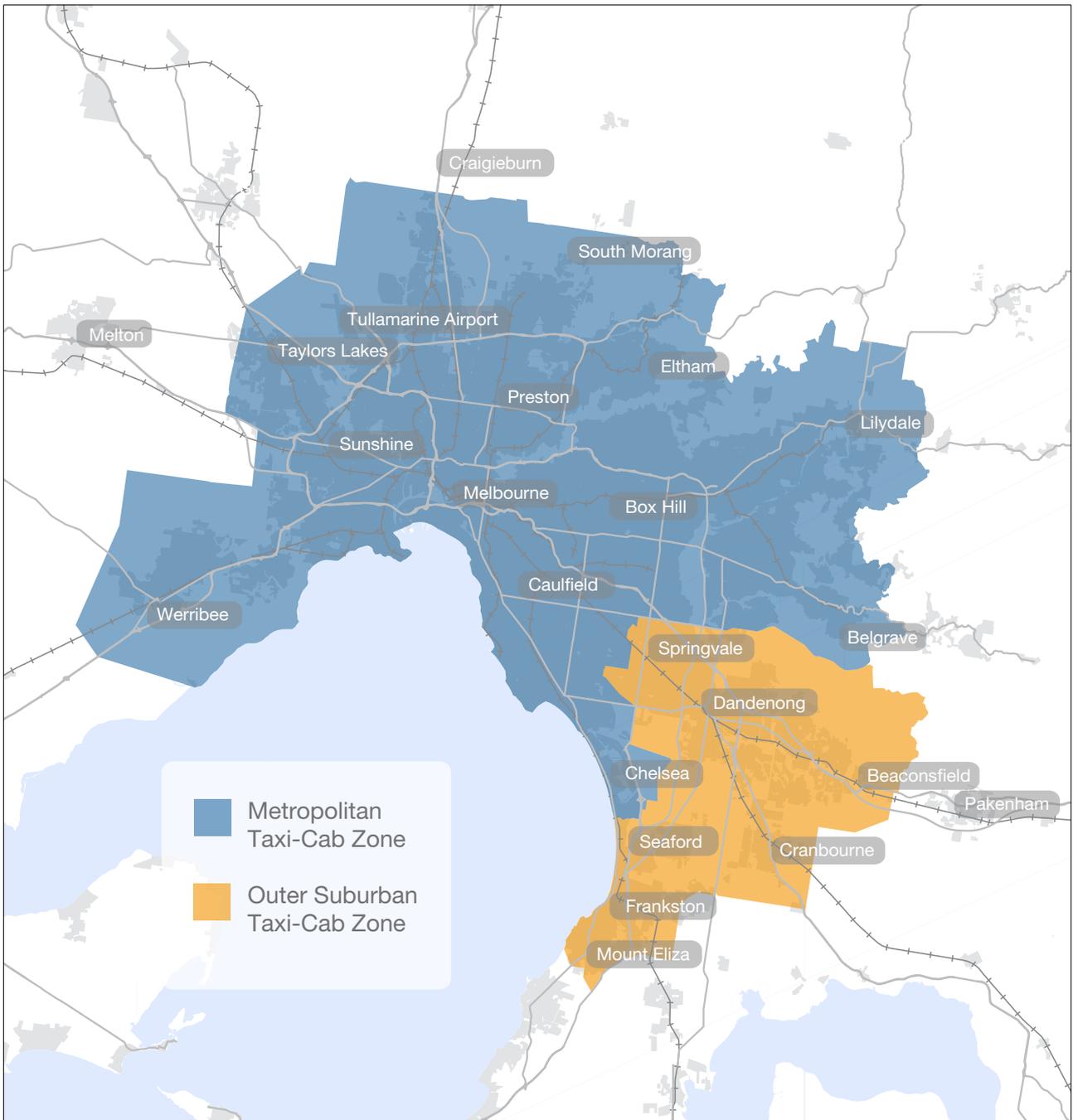
**18. EXPIRY OF APPLICATIONS**

The Licensing Authority is empowered, by section 143A(8) of the Transport Act, to grant Fixed-Term Licences to Applicants at any time within one year of the Due Date for Applications. Accordingly, all Applications in respect of which no Fixed-Term Licence has been granted within one year of the applicable Due Date for that Application must be refused by the Licensing Authority.

# Appendix D

## Greater Melbourne Taxi-cab Zones

The map below graphically illustrates the Metropolitan Taxi-Cab Zone and the Outer Suburban Taxi-Cab Zone.



The following provides a detailed description of the Metropolitan Taxi-Cab Zone and the Outer-Suburban Taxi-Cab Zone.

### Metropolitan Taxi-Cab Zone

The area bounded by the coastline, the mouth of the Werribee River, a direct line to Cherry Tree Creek and its intersection with the Princes Highway, a direct line to the intersection of Bulban and Ball Roads, a direct line to the Werribee River and its intersection with Hobbs Road, Hobbs, Boundary and Robinsons Roads, Western Highway, Clarke Road, Monaghans Road, a straight line from the intersection of Monaghans Road and Taylors Road to the intersection of Holden Road and Calder Highway, a straight line to the intersection of Bulla Road and Quartz Street, Bulla, Somerton, Oaklands, Konagadera, Mt Ridley, Summerhill, Epping, Bridge Inn and Doctors Gully Roads, Bannans Lane North, Hurstbridge - Arthurs Creek, Heidelberg - Kinglake, Cherry Tree, Kangaroo Ground - St Andrews, Eltham - Yarra Glen and Kangaroo Ground - Warrandyte Roads, Pigeon Bank Lane, Pigeon Bank Gully Creek, Yarra River in a north-easterly direction, Victoria Road, McIntyre Lane, Yarra Glen, St Huberts, Boundary, Killara and Gruyere Roads, Old Gippsland Road, Sebire Avenue, Warburton Highway, Beenak, Wandin East, Queens, Monbulk, Stonyford, Olinda Creek, Barbers, Doughtys, Falls, The Georgian, Olinda - Monbulk, Main, Emerald-Monbulk, Moxhams, Priors, Kallista - Emerald, William, Grantulla, Belgrave - Gembrook, Wellington and Garden Roads, Princes Highway, Mc Naughton and Kombi Roads, railway line, Westall, Heatherton and Boundary Roads, Old Dandenong, Centre Dandenong, Lower Dandenong, Springvale, Pillars, Wilson and McMahrens Roads a direct south line to Rossiter Road, northern boundary of City of Frankston, Eel Race Road to the coastline.

### Outer Suburban Taxi-Cab Zone

The area bounded by the coastline from Gunyong Creek to Eel Race Road, northern boundary of the City of Frankston, Rossiter Road, a direct north line to Wilson and McMahrens Roads, Pillars, Springvale, Lower Dandenong, Centre Dandenong, Old Dandenong, Boundary, Heatherton and Westall Roads, railway line, Kombi and McNaughton Roads, Princes Highway, Garden, Wellington, Cardinia Creek and Duffys Roads, the MMBW boundary, Red Hill, Lewis, Emerald - Beaconsfield Road, Split Rock, Officer - Upper Beaconsfield, Brown and Starling Roads, Princes Highway, Station Street, Officer, South Road to the intersection of Leckey Road, a straight line to the intersection of Soldiers and Thompsons Roads, Thompson, Berwick - Cranbourne, Ballarto and Clyde - Five Ways Roads, South Gippsland Highway, Browns, Hastings - Dandenong, McKays, Centre, Cranbourne - Frankston, Warrandyte, Baxter -Tooradin, Sages and Moorooduc Roads, Wooralla Drive, Tower Road and Gunyong Creek to the coastline.

# Appendix E

## Sample Bid Forms

In this Appendix, samples of completed Bid Forms are provided to assist prospective Applicants to understand the key features of the Bid Forms. The following samples do not represent the complete set of Bid Forms. The Bid Amounts and Bid Quantities used in the sample Bid Forms are for illustrative purposes only. Further information regarding the Bid Forms can be found in section 9 – Where to find more information, and in Appendix C – Procedural Rules.

Sample Bid Form – Bidding for a SINGLE Licence

## Greater Melbourne Taxi Licence Release

**Section  
J**

**Section J: Bid Form – SINGLE Conventional Fixed-Term Licence (Metropolitan)**

Use this page if you are applying for:

- only one Conventional Fixed-Term Licence,
- to operate in the Metropolitan Taxi-Cab Zone,
- with the Licence Fee to be paid upfront.

Your Bid Amount should be the maximum amount you are willing to pay as the Licence Fee to be paid in full upfront for a Conventional Fixed-Term Licence.

Your Bid Amount is the maximum amount you are willing to pay upfront for a Conventional Fixed-Term Licence – it is not necessarily the amount you will actually pay.

*Refer to the Application Information Booklet and Procedural Rules for full details about requirements that apply to placing your Bid and samples of completed Bid Forms (Appendix E).*

I offer to pay any amount equal to or less than the Bid Amount specified below as the Licence Fee for one Conventional Fixed-Term Licence to operate in the Metropolitan Taxi-Cab Zone.

Bid Amount	Bid Quantity	Write out the Bid Amount in CAPITAL LETTERS
\$ 99 AUD	1	NINETY NINE DOLLARS

The Licence Fee for a Conventional Fixed-Term Licence is exempt from GST.

If applying as an Individual Applicant, please sign below.  
 If applying as a Non-Individual Applicant, the Responsible Person must sign below.

Signature: John Citizen

Print name: JOHN CITIZEN

Date: 30/06/2010

DO NOT COMPLETE BOTH PAGES OF SECTION J

**Department of Transport**  
 Greater Melbourne Taxi Licence Release,  
 Locked Bag 20036, Melbourne VIC 3001  
 Phone: 1800 636 802 (toll-free).  
 www.taxi.vic.gov.au

Check if you are using the correct Bid Form

This is the MAXIMUM amount you offer to pay as a Licence Fee. Your Bid Amount in numeric form

The Bid Form MUST be signed by the Applicant or Responsible Person

Be aware of what Bid Amount means – it is different for Conventional and WAT Licences

Repeat your Bid Amount in CAPITAL LETTERS

Bid Quantity of one licence is specific to a SINGLE Bid Form

In the above example, the Applicant is bidding for one Conventional Fixed-Term Licence to operate in the Metropolitan Taxi-Cab Zone. The Applicant has offered to pay a maximum Licence Fee of \$99 for that one licence. The Applicant will be asked to pay an initial instalment on the licence to progress to the Accreditation Process if the Uniform Price (i.e. the Licence Fee that will be paid by all Applicants granted this licence type) is \$99 or less (subject to Procedural Rule 13.4). If the Uniform Price is above \$99 the Applicant will be unsuccessful and the Application will be refused.

Sample Bid Form – Bidding for MULTIPLE Licences

## Greater Melbourne Taxi Licence Release

**Section J: Bid Form – MULTIPLE Conventional Fixed-Term Licences (Metropolitan)**

**Use this page if you are applying for:**

- more than one Conventional Fixed-Term Licence,
- to operate in the Metropolitan Taxi-Cab Zone,
- with the Licence Fee to be paid upfront.

Each Bid Amount is the maximum amount you are willing to pay upfront per licence for the related Bid Quantity of Conventional Fixed-Term Licences.

The Licensing Authority may reduce the Bid Quantity of a Bid so that it matches the available number of Fixed-Term Licences. (see Procedural Rules 13.4)

Only one Bid in the Bid Schedule can be successful in the Tender Process (see Procedural Rules 10.6.4).

The same Bid Quantity and/or Bid Amount cannot appear twice in a Bid Schedule (see Procedural Rules 10.6.3).

**Refer to the Application Information Booklet and Procedural Rules for full details about requirements that apply to placing your Bid and samples of completed Bid Forms.**

I offer to pay any amount equal to or less than the Bid Amount specified below as the Licence Fee per licence for up to the specified Bid Quantity of Conventional Fixed-Term Licences to operate in the Metropolitan Taxi-Cab Zone.

Read the Application Information Booklet instructions and see Appendix E for sample completed forms.

Bid Amount (per licence)	Bid Quantity	Write out the Bid Amount and Bid Quantity in CAPITAL LETTERS	
\$ 99 AUD	5	Bid Amount	NINETY NINE DOLLARS
		Bid Quantity	FIVE LICENCES
\$ AUD		Bid Amount	DOLLARS
		Bid Quantity	LICENCES
\$ AUD		Bid Amount	DOLLARS
		Bid Quantity	LICENCES
\$ AUD		Bid Amount	DOLLARS
		Bid Quantity	LICENCES
\$ AUD		Bid Amount	DOLLARS
		Bid Quantity	LICENCES

Complete any number of the remaining rows below ONLY if you wish to have higher back-up Bid Amounts for lower Bid Quantities (a Bid Schedule) in case your first Bid is not successful.

**Do not complete unless you understand the special rules that apply to Bid Schedules.**

The Licence Fee for a Conventional Fixed-Term Licence is exempt from GST.

If applying as an Individual Applicant, please sign below.  
 If applying as a Non-Individual Applicant, the Responsible Person must sign below.

Signature: John Citizen Date: 30/06/2010

Print name: JOHN CITIZEN

**DO NOT COMPLETE BOTH PAGES OF SECTION J**

**Department of Transport**  
 Greater Melbourne Taxi Licence Release,  
 Locked Bag 20036, Melbourne VIC 3001  
 Phone: 1800 638 802 (toll-free).  
 www.Taxi.vic.gov.au

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Check if you are using the correct Bid Form

This is the MAXIMUM amount you offer to pay per licence as the Licence Fee

The Bid Form MUST be signed by the Applicant or Responsible Person

Note the difference between the meaning of Bid Amount for Conventional and WAT Licences

Repeat your Bid Amount and Bid Quantity in CAPITAL LETTERS

This is the quantity of licences you are bidding for

In the above example, the Applicant is bidding for five Conventional Fixed-Term Licences to operate in the Metropolitan Taxi-Cab Zone. The Applicant has offered to pay a maximum Licence Fee of \$99 for each of the five licences sought. The Applicant will be asked to pay the initial instalment for each of the five licences to progress to the Accreditation Process if the Uniform Price is \$99 or less (subject to Procedural Rules 13.4). If the Uniform Price is above \$99 the Applicant will be unsuccessful and the Application for all five licences refused.

Sample Bid Form – Bidding for MULTIPLE licences (using a BID SCHEDULE)

**Greater Melbourne Taxi Licence Release**

**Section K: Bid Form – MULTIPLE Conventional Fixed-Term Licences (Outer Suburban)**

Use this page if you are applying for:

- more than one Conventional Fixed-Term Licence,
- to operate in the Outer Suburban Taxi-Cab Zone,
- with the Licence Fee to be paid upfront.

Each Bid Amount is the maximum amount you are willing to pay upfront per licence for the related Bid Quantity of Conventional Fixed-Term Licences.

The Licensing Authority may reduce the Bid Quantity of a Bid so that it matches the available number of Fixed-Term Licences. (see Procedural Rules 13.4)

Only one Bid in the Bid Schedule can be successful in the Tender Process (see Procedural Rules 10.6.4).

The same Bid Quantity and/or Bid Amount cannot appear twice in a Bid Schedule (see Procedural Rules 10.6.3).

Refer to the Application Information Booklet and Procedural Rules for full details about requirements that apply to placing your Bid and samples of completed Bid Forms.

I offer to pay any amount equal to or less than the Bid Amount specified below as the Licence Fee per licence for up to the specified Bid Quantity of Conventional Fixed-Term Licences to operate in the Outer Suburban Taxi-Cab Zone.

Read the Application Information Booklet instructions and see Appendix E for sample completed forms.

**Bid Amount (per licence) Bid Quantity Write out the Bid Amount and Bid Quantity in CAPITAL LETTERS**

\$ 99 AUD	5	Bid Amount	NINETY NINE	DOLLARS
		Bid Quantity	FIVE	LICENCES

Complete any number of the remaining rows below ONLY if you wish to have higher back-up Bid Amounts for lower Bid Quantities (a Bid Schedule) in case your first Bid is not successful.

Do not complete unless you understand the special rules that apply to Bid Schedules.

\$ 151 AUD	4	Bid Amount	ONE HUNDRED AND FIFTY ONE	DOLLARS
		Bid Quantity	FOUR	LICENCES
\$ 201 AUD	3	Bid Amount	TWO HUNDRED AND ONE	DOLLARS
		Bid Quantity	THREE	LICENCES
\$ AUD		Bid Amount		DOLLARS
		Bid Quantity		LICENCES
\$ AUD		Bid Amount		DOLLARS
		Bid Quantity		LICENCES

The Licence Fee for a Conventional Fixed-Term Licence is exempt from GST.

If applying as an Individual Applicant, please sign below.

If applying as a Non-Individual Applicant, the Responsible Person must sign below.

Day Month Year

Signature John Citizen Date 30/06/2010

Print name JOHN CITIZEN

DO NOT COMPLETE BOTH PAGES OF SECTION K

Department of Transport

Greater Melbourne Taxi Licence Release,  
Locked Bag 20036, Melbourne VIC 3001  
Phone: 1800 638 802 (toll-free).  
www.taxi.vic.gov.au



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Check if you are using the correct Bid Form

This Bid Quantity must be the HIGHEST quantity of Licences you wish to Bid for

This is the MAXIMUM amount you offer to pay per licence as the Licence Fee

This Bid Amount must be HIGHER than the Bid Amount above. This rule applies to all subsequent Bid Amounts.

The Bid Form MUST be signed by the Applicant or Responsible Person

Note the difference between the meaning of Bid Amount for Conventional and WAT Licences

Only ONE Bid in the Bid Schedule can be successful

Repeat your Bid Amount and Bid Quantity in CAPITAL LETTERS

This Bid Quantity must be LESS than the Bid Quantity above

This rule applies to all subsequent Bid Quantities.

In the above example, the Applicant has made three alternative Bids using a Bid Schedule. Only one of these Bids can be selected (subject to Procedural Rule 13.4). Subject to satisfying other requirements based on the above Bids the Applicant may be granted:

- five licences if the Uniform Price is \$99 or less.
- four licences if the Uniform Price is above \$99 and is \$151 or less
- three licences if the Uniform Price is above \$151 and is \$201 or less.
- No licences if the Uniform Price is above \$201. (Since there are no more bids, the Applicant will be unsuccessful.)

**Further Guidance to WAT Sample Bid Form**

The Bid Amount for a WAT licence is the annual amount you are willing to pay (plus CPI) **not the total amount over ten years.**

The following is an illustration of the payments that you are offering when placing a Bid.

**Scenario / assumptions**

John is interested in putting a Bid in for a WAT Fixed-Term Licence in the Metropolitan Taxi-Cab Zone. Working with his accountant, John considers what he is willing to pay as a first year Bid Amount. As part of their review, they assume

that CPI will be 3% each year. John believes that \$20,000 is a highest amount he is willing to pay, having regard to his forecast of revenues, expenses and desired profit.

They also assume that John’s Bid will be successful, but do not assume or rely on any adjustment from the Uniform Price mechanism.

**What does this mean over the 10 years?**

Based on these assumptions, for each year following the first year, the instalment will grow as follows:

John's Bid Amount	Year	Unadjusted Instalment Amount (not amount actually paid)	Instalment Amount Adjusted for Assumed CPI (payment to VTD) (Actual CPI will vary)
<b>\$ 20,000</b>	1	\$20,000	\$20,000
	2	\$20,000	\$20,600
	3	\$20,000	\$21,218
	4	\$20,000	\$21,855
	5	\$20,000	\$22,510
	6	\$20,000	\$23,185
	7	\$20,000	\$23,881
	8	\$20,000	\$24,597
	9	\$20,000	\$25,335
	10	\$20,000	\$26,095
	<b>Total</b>	<b>\$200,000</b>	<b>\$229,276</b>

John understands that his annual instalment is likely to grow over time, such that with his assumed CPI of 3%, his total payment exposure is estimated at \$229,276 over 10 years. He is comfortable with this as he has factored this into his financial forecast of revenues and costs.

John uses the Bid Amount highlighted above (\$20,000) to complete his Bid Form (Section J) in the WAT Application Form – **NOT** the total of the 10 Unadjusted Instalment Amounts (\$200,000) and **NOT** the total of the 10 forecast instalment amounts (\$229,276).

Sample Bid Form – Bidding for a SINGLE Licence (WAT example)

Section J

## Greater Melbourne Taxi Licence Release

Section J: Bid Form – SINGLE WAT Fixed-Term Licence (Metropolitan)

**PLEASE READ THE APPLICATION INFORMATION BOOKLET AND PROCEDURAL RULES FOR FULL DETAILS ABOUT REQUIREMENTS THAT APPLY TO PLACING YOUR BID AND SAMPLES OF COMPLETED BID FORMS (APPENDIX E).**

Use this page if you are applying for:

- only one WAT Fixed-Term Licence,
- to operate in the Metropolitan Taxi-Cab Zone.

The Licence Fee for this Licence Type is payable in 10 annual instalments.  
 The Bid Amount below is the **maximum** amount the Applicant offers to pay as the first of 10 instalments for a WAT Fixed-Term Licence. Each further instalment will be subject to indexation by CPI on an annual basis.

I offer to pay any amount equal to or less than the Bid Amount specified below as the **first** of 10 instalments for one WAT Fixed-Term Licence to operate in the Metropolitan Taxi-Cab Zone. I agree that the total amount of the Licence Fee I will pay for a WAT Fixed-Term Licence (if one is granted to me) will be the amount of this first instalment payable, plus a further nine instalments, with each instalment being the amount of the previous instalment indexed by CPI.

Bid Amount	Bid Quantity	Write out the Bid Amount in CAPITAL LETTERS
\$ // AUD FIRST INSTALMENT ONLY	1	ELEVEN DOLLARS DOLLARS

**WARNING: YOUR BID AMOUNT IS THE AMOUNT OF THE FIRST INSTALMENT ONLY. DO NOT INSERT THE TOTAL AMOUNT OF ALL 10 INSTALMENTS.**

*The Licence Fee for a WAT Fixed-Term Licence is exempt from GST.*  
 If applying as an Individual Applicant, please sign below.  
 If applying as a Non-Individual Applicant, the Responsible Person must sign below.

Signature: John Citizen Date: 30/06/2010  
 Print name: JOHN CITIZEN

DO NOT COMPLETE BOTH PAGES OF SECTION J

**Department of Transport**  
 Greater Melbourne Taxi Licence Release,  
 Locked Bag 20036, Melbourne VIC 3001  
 Phone: 1800 638 602 (toll-free)  
 www.taxi.vic.gov.au

  
 The Place To Be

Check if you are using the correct Bid Form

Be aware of what Bid Amount means – it is different for Conventional and WAT Licences

For a WAT licence, this is the MAXIMUM Fixed-Term amount of the first of 10 annual instalments you offer to pay as the Licence Fee

Repeat your Bid Amount in CAPITAL LETTERS

The Bid Form MUST be signed by the Applicant or Responsible Person

Bid Quantity of one licence is specific to a SINGLE Bid Form.

In the above example, the Applicant is bidding for one WAT Fixed-Term Licence to operate in the Metropolitan Taxi-Cab Zone with the maximum amount of the first of 10 annual instalments of \$11 for that one licence. The Applicant will be asked to pay an initial instalment on the licence to progress to the Accreditation Process if the Uniform Price (i.e. the Licence Fee that will be paid by all Applicants granted for this Licence Type) is \$11 or less (subject to Procedural Rule 13.4). If the Uniform Price is above \$11 the Applicant will be unsuccessful and the Application will be refused.

# Appendix F

## General Taxi-cab industry information

This section provides general information about the Taxi-cab industry in Victoria, including:

- the operating and regulatory environment;
- key issues within the industry;
- recent initiatives introduced to improve the industry; and
- information on the WAT market.

The operating and regulatory environment section provides a broad overview of the functions of the Transport Act, which is the key piece of legislation regulating the Taxi-cab industry in Victoria as well as the functions of the Licensing Authority, who is the regulatory authority for the industry. The types of Taxi-cab licences currently available in the market are explained and major participants within the industry are identified.

The recent initiatives section outlines schemes introduced by the state to enhance the Taxi-cab industry, particularly in relation to driver safety.

### Operating and regulatory environment

The Taxi-cab industry in Victoria is a regulated environment in which entry is restricted by the requirement for a Taxi-cab to be operated under a licence by a person who has been accredited by the Licensing Authority.

The principal legislation governing licensing and accreditation in the Taxi-cab industry is the Transport Act (in particular, Part IV). Other relevant laws include:

- *Road Safety Act 1986*;
- *Transport (Taxi-cabs) Regulations 2005*;
- *Transport (Taxi-cab Licences – Market and Trading) Regulations 2005*; and
- *Transport (Taxi-cab Industry Accreditation) Regulations 2007*.

Other important requirements are located in the following documents, which are issued under the Transport Act:

- Taxi-cab Industry Accreditation Business and Service Standards;
- Taxi-cab Licence Conditions; and
- Vehicle Specification Standards.

This industry is regulated by the Licensing Authority supported by the VTD, which is a branch of the Public Transport Division within DOT.

The key functions of the VTD in relation to the Taxi-cab industry include:

- Taxi-cab and hire vehicle licensing;
- issuing Taxi-cab and hire vehicle driver accreditations;
- issuing accreditations to other participants in the Taxi-cab industry (licence holders, operators and NSPs);
- issuing driving instructor authorities;
- administering the Multi Purpose Taxi Program (MPTP) and country WAT subsidy;
- developing policy and reviewing regulations;
- monitoring regulated industries to ensure compliance with relevant legislation and regulations;
- liaising and consulting with industry participants and consumers; and
- providing business and information technology support to regulated industries.

### Existing Taxi-cab licences

The Fixed-Term Licences available in this Application Process are a new category of licence and differ in many respects from Taxi-cab licences that are currently available in the market. For a description of the key features of the Fixed-Term Licences, please refer to section 6.

There are currently three types of Taxi-cab licences available in the market – conventional, WAT / high occupancy vehicles (HOVs) and peak service licences. Each licence type is subject to different conditions. For example, some licences are assignable and/or transferable, others are not. A more detailed description of these licence types follows.

Table 1 shows the breakdown of current Taxi-cab licences for different types of licences and zones. For information purposes, note that the WAT/HOV type are separated.

**Table 1: Current Taxi-cab Licences**

Licence Type	Conventional	WAT	HOV	Peak Service	Total
Metropolitan	3048	128	96	599	3871
Outer Suburban	126	25	nil	nil	151
<b>Total</b>	<b>3174</b>	<b>153</b>	<b>96</b>	<b>599</b>	<b>4022</b>

### Conventional perpetual licences

These licences are generally assignable and transferable. A vehicle can operate 24 hours per day under the licence. The licence holder can choose to attach a number of different vehicles to the licence, including sedans, station wagons and wheelchair accessible vehicles (see vehicles section for further information).

### Peak service licences

Vehicles operating under a peak service licence (green-tops) may operate between the hours of 3pm and 7am and during specified major events within the Metropolitan Taxi-Cab Zone. These licences are not assignable or transferable.

There were 600 peak service Taxi-cab licences issued to experienced Taxi-cab drivers between 2003 and 2009, with 100 licences issued each year.

From 2011 up to 50 peak service licence holders each year for six years may be provided with an opportunity to convert their licence to a new 24 hour licence. The offer may be made available to existing peak service licence holders commencing with those licence holders who were granted licences in 2003. The new licence will be a 10 year fixed-term licence and will be offered with a licence fee determined by a market process. This is a separate process. More information will be provided to the industry in 2011.

### Wheelchair accessible Taxi-cab/high occupancy vehicle licences

Existing WAT licences have different conditions allowing transfer and assignment. These licences are issued for the provision of dedicated wheelchair and high-occupancy services.

### Industry participants

In this section, the major participants in the Victorian Taxi-cab industry are described in general terms.

The major participants in the Victorian Taxi-cab industry are licence holders, operators, drivers, NSPs, licence brokers and the Bendigo Stock Exchange Group (BSX).

### Licence holders

A licence holder is the owner of a Taxi-cab licence that has been issued under the Transport Act. One Taxi-cab may be operated under each licence.

A person who wants to become a licence holder must obtain accreditation as a Taxi-cab licence holder under the Transport Act before a licence can be granted.

Licence holders may hold multiple licences. Some licence holders also operate their licensed Taxi-cabs, however most assign the right to operate the licensed Taxi-cab to an operator.

### Operators

More than 60 per cent of licence holders do not operate the Taxi-cab licences they own. Instead, the licence holder assigns the right to operate a Taxi-cab to an operator who purchases, maintains and operates the taxi and delivers the service.

Typical assignment periods range from 12 to 36 months and assignments must be authorised by the Licensing Authority and arranged through licence brokers. A person who wants to become an operator must obtain accreditation as a Taxi-cab operator under the Transport Act before an assignment can commence.

All Taxi-cab licences granted since 2002 have included a condition that the licence cannot be assigned. If this condition is imposed on a Taxi-cab licence, the licence holder must operate the Taxi-cab under the licence rather than assign operation to another operator. Where the licence holder does not enter into an assignment arrangement and personally operates the licence, the licence holder is also an operator and must obtain accreditation as a licence holder and as an operator.

### Drivers

While many operators drive their own Taxi-cabs, many also engage drivers to cover shifts they are unable to cover themselves. Taxi-cab fleet operators who operate multiple Taxi-cab licences, for example, engage large numbers of drivers.

It is a condition of all Taxi-cab licences that the Taxi-cab is not, without the approval of the Licensing Authority, operated by any person other than the owner or a person employed by the owner. Accordingly, where an operator wishes to engage drivers without entering into an employment relationship, the approval of the Licensing Authority is required. In such

cases, the Licensing Authority requires that the operator and driver enter into a contract called a Bailment Agreement which provides for the Taxi-cab to be hired by the driver for an agreed period on agreed conditions which include for the arrangements to apply in respect of fare revenue collected by the driver (generally, this is shared equally between the driver and the operator).

Bailment Agreements are not regulated by the government and are a civil matter between drivers and operators. If any party has any concerns in respect of a Bailment Agreement, DOT recommends that independent legal advice is sought.

### Licence brokers/Bendigo Stock Exchange

Licence brokers arrange the transfer and assignment of Metropolitan Taxi-cab licences. Transfers and assignments of these licences must be reported to the BSX and advice of this is submitted to the VTD through a BSX-licensed Taxi-cab broker or their authorised representative.

All brokers who deal with the transfer or assignment of Metropolitan Taxi-cab licences must be licensed by BSX Services Pty Ltd. BSX Services manages the BSX Taxi Market system. It posts assignment rates and sale prices on a public register and sets business rules for brokers. This ensures a more transparent licence trading process.

As well as publishing transfers and assignments, the BSX Taxi Market website [www.bsxtaximarket.com.au](http://www.bsxtaximarket.com.au) provides a profile of supply and demand, price expectation and transaction history or outcome to help interested parties make informed investment decisions.

Trading in designated licences other than in accordance with the system rules is prohibited.

The Victorian Government does not regulate assignment fees and conditions. Standard agreements are used by brokers and lodged with the BSX. If any party has any concerns in respect of an agreement, DOT recommends that independent legal advice is sought.

### Network Service Providers

Taxi-cab operators are required to operate their Taxi-cabs through accredited NSPs because:

- NSPs provide a centralised booking and dispatch service for customers; and
- this system provides a safer work environment for drivers. Metropolitan, Outer Suburban and Urban NSPs use a geographic positioning system (GPS) to monitor the location and movement of each Taxi-cab while it is in service.

Each Taxi-cab operator enters into an agreement with an NSP and pays a fee for service. The terms and conditions of NSP membership are not regulated by government but are commercial agreements between the operator and the network service provider.

Drivers also have individual agreements with their NSP for access to dispatch systems and services. These agreements are not regulated by the government. If parties or individuals have concerns about agreements with NSPs, DOT recommends that they seek independent legal advice.

### Vehicles

A Taxi-cab is a commercial passenger vehicle that is available on-demand for public hire. They may be hailed, pre-booked or picked up from a Taxi-cab stand, and are obliged to pick-up a passenger when hailed or taken from a Taxi-cab stand if they are not otherwise engaged. Different types of vehicles that operate as Taxi-cabs are outlined as follows.

#### Conventional Taxi-cabs

Conventional Taxi-cabs are typically sedans or station wagons which can accommodate four passengers.

Conventional Metropolitan, Outer Suburban and Urban Taxi-cabs must be less than two and a half years (from the date of manufacture when first registered as a Taxi-cab) and must be no older than six and a half years.

#### Wheelchair Accessible Taxi-cab/high occupancy vehicles

A WAT is a vehicle designed to carry one, two or more people seated in wheelchairs (depending upon the vehicle type) and between four and 11 passengers when not configured to carry wheelchairs. WATs are required to give priority to wheelchair passenger bookings. Some NSPs provide a dedicated WAT booking service.

When not carrying wheelchair passengers, WATs have the same operating rights and conditions as standard Taxi-cabs, but charge 50% higher rates when carrying five or more passengers. This also includes when the WAT has been hired to transport oversized luggage which would not fit into a conventional Taxi-cab.

Most WATs are operated by owner-drivers. WATs cannot be older than 10.5 years (from the date of manufacture). There is no restriction on the minimum age of a WAT when first registered as a Taxi-cab.

### Hybrid

A hybrid vehicle is a vehicle with at least two different energy converters and two different energy storage systems (on-board the vehicle) for the purposes of vehicle propulsion. For example, a vehicle that carries a gas/petrol/diesel and an electric engine connected to the drive train as energy converters and a gas/petrol/diesel tank and battery as storage systems satisfies these criteria.

In the last peak service licence release, 50 hybrids were offered as a trial. These licences were offered at a reduced licence fee.

### Multi Purpose Taxi Program

The Multi Purpose Taxi Program (MPTP) makes transport more accessible for Victorians with a severe and permanent disability. The MPTP gives members half price fares (up to \$60 per trip).

Members are given a card which they must present when they first get into a Taxi-cab. The cards cost \$16.50 and are valid for six years.

To be eligible for the MPTP individuals must meet all of the following criteria:

- live in Victoria;
- have a severe and permanent disability; and
- have a disability that means they can't use public transport by themselves.

Individuals must also meet one of the following criteria:

- use a wheelchair all the time;
- hold a Department of Veterans' Affairs Pensioner Concession Card or gold Repatriation Health Card;
- hold certain Pensioner Concession or Health Care Cards from Centrelink; or
- be able to show they have financial hardship by providing financial information.

For more information on the MPTP please go to the VTD website.

### Taxi-cab fares

Taxi-cab fares are determined by the Minister under the Transport Act and set out in a Schedule of Hire Rates which is available on the VTD website. Licence holders are not permitted to determine their own hiring rates.

The Minister may seek advice from the Essential Services Commission (ESC) before determining Taxi-cab fares.

In 2007-08, the ESC conducted an independent review of Taxi-cab fares in Victoria at the Minister. As a result of this review, the Minister increased fares by 6.1% with effect from September 2008. There was no fare increase in 2009.

### Related industries

#### Hire vehicles

Hire vehicles are typically modern luxury sedans or stretched limousines. They can only operate after being previously booked from the place of business of the owner.

Hire vehicles do not have meters; charges are negotiated between the driver and customer. Hire vehicles cannot accept direct hirings from ranks or public areas.

As at 1 March 2010, there were 899 hire vehicle licences in Victoria, 828 of which were based in Melbourne.

#### Restricted hire vehicles

Restricted hire vehicles are similar to hire vehicles except that limited vehicle types qualify for this licence, such as:

- Vehicles manufactured at least 25 years prior to the date of the licence application; or
- Vehicles which, by nature of their construction or fittings, can provide a service not available through standard hire vehicles (for example, motorcycles, off-road four-wheel drive and adventure or tour vehicles).

As at 1 March 2010 there were 714 restricted hire vehicle licences in Victoria.

Special purpose vehicles are similar to hire vehicles except that they are licensed for specific purposes such as weddings or tours.

As at 1 March 2010, there were 1,029 of these licences operating in Victoria.

### Recent initiatives to improve the Taxi-cab industry

In recent times, the Victorian Government has introduced a number of initiatives intended to improve the Taxi-cab industry, particularly in the area of driver safety. The key initiatives are described in this section.

#### Prepaid fares

A prepaid fares scheme was introduced on 1 October 2008 to reduce fare evasion and improve Taxi-cab driver safety. All Taxi-cab trips taken between 10pm and 5am must be prepaid by the customer. Fares are to be estimated

by the driver using a street directory-based fare estimate authorised by the Victorian Government and a deposit up to this amount must be paid upfront by the passenger. At the end of the journey, the taximeter will display the final fare, and the driver will either refund any over-payment or the passenger must pay the balance of the fare.

### **Fare increase**

From 13 December 2008, Taxi-cab fares were increased by 6.1% to ensure that drivers were fairly remunerated. This increase also assisted operators to fund higher operating costs and safety measures, such as driver protection screens. There was no fare increase during 2009.

### **Driver protection screens**

Driver protection screens are a partition which reduces the chance of a driver being attacked from behind by a passenger. The screens have different styles depending on the manufacturer and provide alternate means of providing driver/passenger separation.

Driver protection screens are a mandatory purchase by Taxi-cab operators for every Taxi-cab in the Metropolitan, Outer Suburban and Urban Taxi-Cab Zones. Taxi-cab operators are required to fund the cost of the screen. The screens were introduced on 31 December 2008 to give drivers additional safety when working during the late night and early morning hours. In country areas, Taxi-cab drivers are more familiar with their customers so protection screens are optional in these Taxi-cabs.

Further information on driver protection screens, including approved models, can be found on the VTD website.

### **Taxi-cab industry accreditation**

The Taxi-cab Industry Accreditation Scheme was introduced on 31 December 2007 to provide safe, reliable and efficient Taxi-cab services that meet reasonable community expectations. This scheme accredits all Taxi-cab industry participants across Victoria – drivers, operators, licence holders and NSPs – and identifies and differentiates the roles and responsibilities for Taxi-cab licence holders, operators and NSPs. Participants who breach their accreditation obligations face disciplinary action from the VTD.

### **Model Bailment Agreement**

On 7 December 2009, the Victorian Government released a model Bailment Agreement (the contract between drivers and operators) to make it clearer and easier for Taxi-cab drivers and operators to understand their rights and responsibilities and ensure that the agreements they enter into are fair and transparent.

### **Wheelchair Accessible Taxi-cabs/Multi Purpose Taxi Program**

From 13 December 2008, the MPTP trip cap was increased from \$30 to \$60 and the annual subsidy cap from \$1,090 to \$2,180.

The lifting fee paid to Taxi-cab drivers was increased from \$10 to \$14 per trip in December 2008 for WAT trips across Victoria, making WAT work of equal value to conventional Taxi-cabs. The lifting fee was further increased in line with CPI to \$14.20 from 1 September 2009.

As of 15 February 2010, Metropolitan NSPs moved to a performance-based booking system to drive improved service delivery for WATs. Over 85% of all WATs are affiliated with an NSP using a performance based system.

### **Safe Taxi Audit**

Every Taxi-cab in Victoria participated in the Safe Taxi Audit which was conducted from November 2008 to November 2009. This audit involved a 10-point safety check and a probity audit. Once Taxi-cabs had successfully passed the audit, they received new green number plates to identify them as an Accredited Taxi-cab Service.

### **Peak service licence release**

In October 2008, the issue of 100 extra peak service Taxi-cabs was announced by the Minister for Public Transport. These licences, which enabled additional peak service Taxi-cabs to operate between 3pm and 5am, were offered to experienced Taxi-cab drivers. This release was of environmental significance as 50 of the licences were designated for use on hybrid vehicles. There are now 600 peak service Taxi-cabs in Metropolitan Melbourne.

# Appendix G

## Business and Service Standards

### Transport Act 1983 Accreditation of Taxi-cab Industry Participants Business and Service Standards

These Business and Service Standards were determined by the Minister for Transport in 2007. The Business and Service Standards may be subject to review and amendment from time to time.

#### Part 1 – Taxi-cab Licence Holders

The minimum business and service standards set out in this Part are to be met by all accredited Taxi-cab licence holders (licence holders).

##### Agreements

The standards under this heading apply if the licence holder assigns under section 150 of the Act the right to operate a vehicle under a licence to another person.

1. A licence holder will assign the right to operate a vehicle under a licence only to a person who is accredited as a Taxi-cab operator. The licence holder must take all reasonable steps to ensure that the assignee does not assign or attempt to assign the assignee's rights under the assignment.
2. The assignment agreement will include a condition that the assignee must comply with all business and service standards applicable to the accreditation of the assignee as a Taxi-cab operator.
3. The assignment agreement will also contain a condition that the assignee must give the licence holder access to the records of the information specified in paragraphs 1(a), 1(i), 1(j), 1(k), 1(l) and 1(m) of Schedule 1 to the **Transport (Taxi-cab Industry Accreditation) Regulations 2007** that the assignee is required to keep under regulation 7 of those Regulations.
4. The licence holder will monitor and audit compliance by the assignee with the business and service standards relating to safety and customer service which are applicable to the accreditation of the assignee as a Taxi-cab operator as follows:
  - (i) the licence holder must ensure that the records set out in standard 3 are kept in accordance with the **Transport (Taxi-cab Industry Accreditation) Regulations 2007**;
  - (ii) the licence holder must audit the records set out in standard 3 at least once annually;
  - (iii) the licence holder must also ensure that a system is in place to monitor the assignee's compliance with safety and customer service standards.
5. In the event that the licence holder is satisfied that the assignee is in serious breach of a safety standard or customer service standard, the licence holder must –
  - (a) in the case of a serious breach of a safety standard, immediately notify the Director of Public Transport of the breach and write to the assignee demanding that the assignee rectify the breach and that the assignee take steps to ensure ongoing compliance with the standards; or
  - (b) in the case of a serious breach of a customer service standard, write to the assignee demanding that the assignee rectify the breach and that the assignee take steps to ensure ongoing compliance with the standards.
6. In the event that the licence holder's demand referred to in standard 5 (b) is not complied with within a reasonable period, the licence holder must report the breach to the Director of Public Transport.

##### Compliance with legislative requirements

7. A licence holder will comply with all legislative requirements relevant to the activities for which the licence holder is accredited as a licence holder including, but not limited to, the requirements imposed by or under -
  - the **Transport Act 1983**; and
  - the **Corporations Act 2001** (Cth) (if applicable).

##### Information and records management

8. A licence holder will record the information specified in the regulations completely, accurately and in a timely and accessible manner and will keep those records for the period required by the regulations to enable the inspection, auditing and reporting of the information as required by or under the regulations.

### Customer service

9. A licence holder will ensure that a vehicle is operated under each licence held by the licence holder.

### Dealings with industry participants, customers and Government

10. A licence holder will conduct all dealings with any assignees of the right to operate a vehicle under a licence held by the licence holder fairly and honestly.

## Part 2 – Taxi-cab Operators

The minimum business and service standards set out in this Part are to be met by all accredited Taxi-cab operators (operators).

In this Part, a reference to a Taxi-cab in relation to an operator means a Taxi-cab operated or permitted to be operated by the operator.

### Agreements

1. An operator will only permit a Taxi-cab to be driven by a person who -
  - (a) holds a driver accreditation to drive a Taxi-cab of that class; or
  - (b) under section 165 of the Act, is not required to hold a driver accreditation while driving the Taxi-cab in the circumstances of the case.
2. An operator will ensure that it is a condition of any bailment or other agreement, under which the operator permits another person to operate a Taxi-cab, that the other person complies with all the provisions of the **Transport (Taxi-cabs) Regulations 2005** that apply to the person.
3. An operator will ensure that any bailment or other agreement, under which the operator permits another person to operate a Taxi-cab, contains any conditions necessary to enable or assist the operator to meet the business and service standards applicable to the accreditation of the operator as a Taxi-cab operator.
4. An operator will report to the Director of Public Transport all serious breaches of the conditions referred to in standard 3 that lead to a breach by the operator of the business and service standards applicable to the accreditation of the operator as a Taxi-cab operator.
5. An operator who is an assignee must give the licence holder access to the records specified in standard 3 of part 1 of these business and service standards.

### Compliance with legislative requirements

6. An operator will comply with all legislative requirements relevant to the activities for which the operator is accredited as a Taxi-cab operator, including, but not limited to any requirements imposed by or under:
  - the **Transport Act 1983**;
  - the **Road Safety Act 1986**;
  - the **Occupational Health Safety Act 2004**;
  - the **Accident Compensation Act 1985** and the **Accident Compensation (WorkCover Insurance) Act 1993**;
  - the **Equal Opportunity Act 1995**, the **Racial and Religious Tolerance Act 2001** and the **Disability Discrimination Act 1992** (Cth);
  - the **Workplace Relations Act 1996** (Cth) and any other Federal or State Act that governs the employment rights of the operator's employees.

### Business Capability

7. An operator will provide and maintain the equipment, premises, systems, procedures and people necessary to effectively and sustainably carry out the activities for which the operator is accredited as a Taxi-cab operator.

### Information and records management

8. An operator will record the information specified in the regulations completely, accurately and in a timely and accessible manner and will keep those records for the period required by the regulations to enable the inspection, auditing and reporting of the information as required by or under the regulations.

### Financial viability

9. An operator will, at all times, have the financial capacity to meet all costs, expenses and other financial obligations relating to the operation of all Taxi-cabs as they arise.

### Safety

10. An operator will provide a system or protocols to ensure that -
  - (a) no Taxi-cab is operated on a highway by a person whom the operator is aware or ought reasonably to be aware is not fit to be in possession or control of the vehicle at that time; and
  - (b) at the beginning of each shift, each Taxi-cab is fit for service and meets all safety standards required to be met by or under the **Transport Act 1983**, the **Road Safety Act 1986**, and the **Occupational Health and Safety Act 2004**; and

- (c) at least once in every 24 hour period (midnight to midnight), each Taxi-cab is inspected, and the results of the inspection are recorded, in accordance with schedule A; and
  - (d) any faults in, or damage to, a Taxi-cab that are identified when the Taxi-cab is being operated by a driver who is not the operator are reported to the operator as soon as is practicable.
11. An operator will ensure that, at least once every three months, each Taxi-cab is inspected, and the results of the inspection are recorded, by a person competent to carry out the inspection, in accordance with schedule B.
  12. An operator will ensure that each Taxi-cab is either maintained in accordance with the manufacturer's maintenance schedule or is maintained so as to achieve at least the same level of safety as would be achieved by the manufacturer's maintenance schedule.
  13. An operator will ensure that any faults in a Taxi-cab, of which the operator is aware, are investigated and remedied –
    - (a) if the fault compromises the safety of the Taxi-cab, before the Taxi-cab is again operated; or
    - (b) in all other cases, as soon as is practicable – after the operator becomes aware of the fault.
  14. An operator will ensure that any damage to a Taxi-cab, of which the operator is aware, that compromises the safety of the Taxi-cab is repaired before the Taxi-cab is again operated after the operator becomes aware of the damage.

**Customer service**

15. An operator will provide a system or protocols to ensure that the driver of each Taxi-cab acts in accordance with his or her statutory customer service responsibilities.
16. An operator will provide a system or protocols to ensure that, at the start of each shift –
  - (a) each Taxi-cab is externally and internally clean and is free of any offensive odour; and
  - (b) the driver of each Taxi-cab is wearing the approved uniform under the regulations and is neat and clean in appearance and is free of any offensive odour.
17. An operator will ensure that each Taxi-cab is either maintained in accordance with the manufacturer's maintenance schedule or is maintained so as to achieve at least the same level of reliability as would be achieved by the manufacturer's maintenance schedule.

18. An operator will ensure that any damage to a Taxi-cab, of which the operator is aware, that does not compromise the safety of the Taxi-cab is repaired as soon as is practicable after the operator becomes aware of the damage.
19. An operator will ensure that each Taxi-cab is available for hire, or is hired, for 90 per cent of high demand periods (if any) for the service area within which it is licensed to operate, calculated over each quarter in each financial year, subject to any conditions of the relevant Taxi-cab licence.

**Dealings with industry, customers and Government**

20. An operator will conduct all the operator's dealings with bailee drivers, providers of Taxi-cab network services and employees fairly and honestly.
21. An operator will conduct all the operator's dealings with customers fairly and honestly.
22. An operator will provide a system or protocols to ensure that appropriate assistance and support is given to the operator's bailee drivers and employees who suffer trauma or other injury arising from the drivers' or employees' operation of relevant Taxi-cabs.
23. An operator will comply with all the operator's contractual obligations under the bailment and employment agreements with, respectively, the operator's bailee drivers and the operator's employees.
24. An operator will take all reasonable steps to ensure that each bailee driver and each employee who is to operate a Taxi-cab understands his or her rights and obligations in relation to the taxi cab (and associated/ancillary equipment) that is subject to the bailment agreement or is to be operated by the employee.

**Complaints handling**

25. An operator will ensure that –
  - (a) each complaint relating to the operation of each Taxi-cab, of which the operator is aware, is promptly investigated; and
  - (b) any action required to be taken to adequately address the complaint is promptly taken.

**Education and training**

26. An operator will ensure that each bailee driver and each employee who is to operate a Taxi-cab is trained in the use of the equipment installed in the Taxi-cab that is subject to the bailment agreement or is to be operated by the employee.

**Schedule A**

At least once within every 24 hour period (midnight to midnight), the items of the condition of the Taxi-cab set out in the Table below are to be inspected and the results of the inspection recorded as indicated in the Table.

**Table**

Vehicle registration number:

Odometer reading (kilometres):

Item	Satisfactory	Not Satisfactory	Action Taken	Action Required
All readily accessible fluid levels				
Tyre tread and pressures				
Brakes (brake pedal height and firmness)				
All lights and indicators				
Windscreen condition				
Wipers and washers (includes rear window on station wagon or van)				
Security camera (if fitted – mandatory for metropolitan, outer-suburban and Geelong zone Taxi-cabs)				

Dated:

Signed:

**Schedule B**

At least once every three months, the items of the condition of the Taxi-cab set out in the Table below are to be inspected and the results of the inspection recorded as indicated in the Table.

**Table**

Vehicle registration number:

Odometer reading (kilometres):

Item	Satisfactory	Not Satisfactory	Action Taken	Action Required
Brakes (pad wear, fluid leaks)				
Suspension and steering components				
Body and structural components				
Exhaust system				
Absence of oil leaks				

Dated:

Signed:

# Appendix H

## Privacy Statement

### 1 What is this statement about?

#### 1.1 How we manage personal information

This statement is about how the DOT, including the VTD, and the Licensing Authority may collect, store, maintain, use, and disclose your personal information (including sensitive information and health information), and how we will protect your privacy in doing so.

#### 1.2 What is personal information?

Personal information about you is information (including an opinion) about you recorded in any form, from which you can reasonably be identified.

#### 1.3 What is sensitive information?

Some personal information about you is also sensitive information, including personal information about your race, ethnicity, political opinions or memberships, religious beliefs or affiliations, philosophical beliefs, memberships of professional or trade unions or associations, sexual preferences or practices, or criminal record. We are especially protective of your privacy in collecting sensitive information, as explained in section 6 below.

#### 1.4 What is health information?

Health information is personal information (including an opinion) about your physical, mental or psychological health, any disability you may have, a health service provided or to be provided to you, your expressed wishes about the future provision of health services to you, the donation or intended donation of body parts, organs or body substances by you, genetic information about you in a form which is or could be predictive of your health or your descendant's health or any other information collected to provide or in providing health services.

#### 2 If you supply taxi services

If you are, have been, or seek to become involved in the supply of taxi services, we may collect or use your personal information (including sensitive and/or health information) and may disclose it to organisations and other government agencies in accordance with our statutory obligations. We may do so if necessary to determine, or help another governmental agency determine:

- (a) whether you are, were, or will be fit and proper to be involved in the supply of taxi services; or
- (b) whether you have broken the law in the course of your involvement in the supply of taxi services.

Some of the governmental agencies and organisations that we may disclose your personal information to are Taxi Depots/Associations, Bus Depots/Associations, VicRoads, Victoria Police, Centrelink.

#### 3 If you use taxis

If you have been a passenger or drive a Taxi-cab, you may have been photographed by a security camera installed in the Taxi-cab. If you were, those photographs may contain your personal information. We may collect or use that information, or disclose it to another law-enforcement agency, if necessary to determine, or help another Law-enforcement agency determine:

- (a) whether a crime has been committed by or against you; or
- (b) your identity, if a law-enforcement agency suspects that a crime has been committed by or against you.

#### 4 If you use the Multi-Purpose Taxi Program

If you are, have been, or seek to become a member of the Multi-Purpose Taxi Program, we may collect or use personal information about you, or disclose it to another governmental agency in accordance with our statutory obligations. We may do so if necessary to determine, or help another governmental agency determine, whether you are, were, or will be eligible to be a member of the Multi-Purpose Taxi Program.

#### 5 How we collect personal information

If we need personal information about you, we will, where practicable, collect it only from you. Whomever we collect it from; we will collect it lawfully, fairly and without unreasonable intrusion.

#### 6 Sensitive information

Since sensitive information is also personal information, we will manage it in accordance with all of our principles for managing personal information. But since it is sensitive, we will follow extra principles restricting when we may collect it. Those extra principles provide that we may only collect sensitive information about you if:

- (a) you consent; or
- (b) you cannot consent, but we need the information to lessen or prevent a serious and imminent threat to a person's life or health; or
- (c) we cannot practicably seek your consent, but the Victorian or Australian government needs the information to target its welfare or educational services; or

(d) the law requires us to collect the information; or

(e) we need the information to conduct or defend legal action.

### 7 Security of personal information

#### 7.1 Protecting personal information

If we hold personal information about you, we will take reasonable steps to protect it from improper use, loss, unauthorised access, modification, or disclosure.

#### 7.2 Destroying information

If we hold personal information about you that we no longer need, we will take reasonable steps to destroy it or to modify it so that you cannot reasonably be identified from it.

#### 8 Quality of information

If we collect, use, or disclose personal information about you, we will take reasonable steps to ensure that it is accurate, complete, and up to date.

#### 9 You may correct our information

If we hold personal information about you, and you can establish that it is not accurate, complete, and up to date, we will take reasonable steps to correct, complete, or update it as required.

#### 10 You may access our information

##### 10.1 When?

If we hold personal information about you, you may request access to that information. If you do, we will grant you access, unless doing so would; pose a serious and imminent threat to the life or health of any individual, unreasonably invade someone else's privacy, amount to a vexatious or frivolous request, interfere with the enforcement of the law, reveal the intention of negotiations between you and the DOT or the Licensing Authority and prejudice these, be unlawful, denying access is required or authorised by law.

##### 10.2 If we cannot grant your request promptly

We may not be able to grant your request promptly, for example because you request access to a great deal of personal information or to personal information that is hard to find, or because we need to get someone else's consent before we can grant your request. If we cannot grant your request promptly, we may require you to make the request under the *Freedom of Information Act 1982* (Vic).

#### 11 Sending information out of Victoria

We will not disclose or transfer personal information about you to a person or organisation outside Victoria, unless we reasonably believe that that person or organisation will manage the information in accordance with principles substantially similar to the principles set out in this statement or you give your consent.

#### 12 Anonymity

You may deal with us anonymously, where lawful and practicable.

#### 13 Unique identifiers

##### 13.1 What is a unique identifier?

A unique identifier is a number or other code that identifies only you, such as a driver's licence number or tax file number.

##### 13.2 When may we assign a unique identifier?

If you are, have been, or seek to become:

- (a) involved in the supply of taxi services; or
- (b) a member of the Multi-Purpose Taxi Program; we may assign you a unique identifier if necessary to efficiently identify you in our records.

##### 13.3 When may we disclose a unique identifier?

If you are or have been involved in any of taxi services, we may disclose your unique identifier to another governmental agency if it is necessary to do so for us to fulfil our obligations to that agency. We may also do so if necessary to determine, or to help a law enforcement agency determine, whether a crime was committed by or against you.

#### 14 Contact

If you suspect that we have mismanaged personal information about you, or have otherwise invaded your privacy please contact our privacy officer as follows:

**Telephone** (03) 9655 6666

**Mail** The Privacy Officer  
Department of Transport  
GPO Box 2797  
Melbourne Vic 3001

**Internet** You can fill out a complaint form at [www.transport.vic.gov.au](http://www.transport.vic.gov.au)

For further information please contact the Victorian Taxi Directorate  
Victorian Taxi Directorate: Level 23, 80 Collins Street, Melbourne Vic 3000  
Locked Bag 20036, Melbourne VIC 3001  
Telephone: 1800 638 802 (toll-free).  
[www.taxi.vic.gov.au/licencerelease](http://www.taxi.vic.gov.au/licencerelease)

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