



ISSUING OF TAXI COMMERCIAL VEHICLE LICENCE

This Policy was only in place during the 2015 Commercial Passenger Industry Review and was withdrawn following the completion of the review in February 2016.

POLICY – 5.20

AUTHORITY TO DIRECTLY ALLOCATE TAXI LICENCES UNDER CERTAIN CONDITIONS

2015
Version 1.0

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1 Purpose

The purpose of this document is to provide the Director of Commercial Passenger (Road) Transport (the Director) guidelines when considering an application from an accredited operator (the Applicant) wishing to operate an existing standard or Multi Purpose Taxi (MPT) licence, for example where the licence holder's accreditation has ceased to be of effect, or where the licence has been surrendered, cancelled or not renewed by the Director or other circumstances considered relevant by the Director.

2 Authorisation

- [Commercial Passenger \(Road\) Transport Act](#) (the Act)
- Minister for Transport's Direction of September 2015

3 Background

In 2003, Cabinet made the policy direction that taxi numbers in the Darwin and Alice Springs regions would be capped at one taxi for every 900 population. Cabinet further determined that the issuing of any new taxi licences in these numbers controlled areas would be strictly through a ballot process.

This restructure policy has resulted in licences not being issued in particular circumstances by the Director. These guidelines provide a basis for the Director to consider special circumstances to issue a licence.

4 Applying for a Taxi licence under special conditions

Where a taxi licence has been issued to an accredited operator (the Licence Holder) and that operator's accreditation ceases to be of effect, or the Licence Holder surrenders that licence, or the Director has cancelled or refused renewal of that licence or other special circumstances, a third party (the Applicant) may apply to the Director to continue to operate that taxi.

An application made under this Policy should include, but not be limited to:

1. A written submission to the Director requesting the reallocation of an existing standard or MPT licence under this policy;
2. The Applicant's demonstrated interest in the ownership of the vehicle endorsed against the licence e.g. financial statement/invoice/ lease agreement in the name or joint name of the Applicant relating to the vehicle endorsed upon the licence;
3. documentary evidence that the Applicant has actively maintained the vehicle's operation, e.g. financial statements showing the Applicant has contributed the cost of vehicle maintenance and paid network fees;
4. a signed statutory declaration from the Licence Holder that they support the application and declare no other parties have an interest in the operation of the licence or any claim for application under this Policy;
5. written advice from the network under which the vehicle has been operated for the preceding 12 months regarding the performance of the Applicant and the vehicle, including details of any complaints received;
6. a copy of the written agreement, if any exist, certified by the Applicant and Licence Holder, specifying the responsibilities of the Licence Holder and Applicant in respects to the operation of the licence; and

7. Where a driver has been in the NT industry for a continuous period of 2 years and can demonstrate capacity to operate standard or MPT taxi licence including meeting fit and proper requirements.

NOTES: the Director may require the Applicant to provide any other information that the Director deems necessary for consideration of such an application.

Reference to the 'vehicle' refers to the vehicle which is registered and endorsed against the taxi licence.

5 Consideration of Application by the Director

It is at the absolute discretion of the Director whether to issue a licence under this Policy. However, before consideration of an application can be given, the Director must first be satisfied that:

1. The Applicant holds accreditation as an operator in the Northern Territory (NT);
2. The Applicant currently meets the approved fit and proper guidelines for a taxi operator – this may require the Applicant to provide a fresh criminal history check and insolvency report;
3. The Applicant is a resident of the NT and has a place of business in the taxi area in which the original licence was issued;
4. The Applicant does not hold a taxi licence in the NT or another jurisdiction either as an individual or director of a company;
5. The Applicant has a demonstrated history of good compliance as a taxi operator or driver for the previous 2 years.
6. There is no apparent or potential interest in the existing operation of the licence by any party, other than those identified in the submissions made in accordance with Part 4 of this Policy; and
7. Any other matters deemed relevant by the Director have been considered.

NOTE: Prior to finalising a decision, the Director should have regard to the purpose of the Act and whether any obvious property value would be created in a new issued licence.

6 Special Conditions – issuing a taxi licence in accordance with this Policy

Where the Director has considered an application made under this Policy and has determined that the direct issuing of a taxi licence is warranted, conditions of such a licence must include the following:

1. The licence must be issued like for like e.g. an existing MPT licence must be only be reissued to the Applicant as an MPT licence;
2. Any licence must be issued for the area of operation in which the original licence was issued; and
3. Without limiting the special conditions the Director may apply to a licence issued under this Policy, the conditions of licence must comply with Section 20 of the Act.

NOTE: Pursuant to section 75 of the Act, the Director may cancel the licence at any time where the Applicant has breached the Act or any condition of licence, or where the Applicant has included false, misleading or incorrect information as part of an application

– it is not relevant whether the Applicant was, or was not, aware that the information submitted was false, misleading or incorrect at the time.

7 Director to advise Applicant of Decision

Where the Director has considered an application made under this Policy, the Director should advise the Applicant whether the application:

1. is successful;
2. has been refused outright on the discretion of the Director; or
3. is incomplete and has not been considered.