

## Financial Assistance for Taxi Licence Owners

### Terms and Conditions

1. In these Terms and Conditions:

**Act** means the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*.

**Eligible Licence** means the taxi licences prescribed in section 2 of Schedule 4 to the Regulations as eligible licences.

**Improper Conduct** means improper conduct as defined in section 4 of Schedule 3 to the Act.

**Ineligible Licence** means a taxi licence that is not an Eligible Licence.

**Personal Information** means personal information as defined in section 4 of the *Privacy and Personal Information Protection Act 1998*.

**Regulations** means the Point to Point Transport (Taxis and Hire Vehicle) Regulation 2017.

**Reviewer** means the person approved under section 12(1) of Schedule 4 to the Regulations to review a decision.

**the State** means the Crown within the meaning of the *Crown Proceedings Act 1988* and includes an officer, employee or agent of the Crown.

**Financial Assistance** means further transitional assistance funds as defined in section 1 of Schedule 3 to the Act.

#### Your application

2. You must provide all relevant information in the form required to enable your application for Financial Assistance to be assessed.
3. You will be taken to be the owner of an eligible licence if you are recorded as the owner of that licence on the Point to Point Transport Commissioner's taxi licence register. If you are not recorded as the owner on the taxi licence register, you will need to establish to the satisfaction of Transport for NSW that you are the owner of an eligible licence before your application can be processed.
4. The information contained in your application will be checked against information provided by the Point to Point Transport Commissioner to verify:
  - a) that you are the owner or joint owner of the taxi licence or licences the subject of the application and whether any other persons are owners; and
  - b) whether the taxi licence is an Eligible Licence; and
  - c) the identity of each taxi licence owner listed on the application.
5. Transport for NSW may also check with the Point to Point Transport Commissioner whether there is any outstanding transfer tax liability on your taxi licence.

#### Further evidence or information

6. Your application for Financial Assistance may be granted, refused or put on hold pending the receipt of further evidence or information which Transport for NSW requires.
7. Where there is any dispute about the licence class, or when Transport for NSW requires, you must provide relevant records or documents issued by Point to Point Transport Commissioner (or its predecessors) which provides evidence as to the type of taxi licence you own.
8. Where there is any dispute about the transfer of the taxi licence, or when Transport for NSW requires, you must provide evidence as to your contact with Point to Point Transport Commissioner (or its predecessors) and previous attempts to pay any transfer tax payable under the Act for a previous transfer of the licence.

9. If your application for Financial Assistance is put on hold you will have to provide any additional evidence or documents required by Transport for NSW within the time requested by Transport for NSW to receive the information, but not less than 60 days. If you do not provide additional documents or evidence within this time your application will be refused.
10. If your application for Financial Assistance is refused through failure to provide additional documents or evidence, you may reapply for Financial Assistance before the application period ends, provided your application attaches the additional documents or evidence required by Transport for NSW in relation to the earlier application.

#### **Power of Attorney**

11. Where the effect of a Power of Attorney is that the attorney is authorised to make an application for Financial Assistance on behalf of an owner of an Eligible Licence, a certified copy of the Power of Attorney must be attached to the application.

#### **Joint owners**

12. Transport for NSW may require a joint owner to provide an authorisation to prove that one joint licence owner has the authority to act on behalf of another joint owner or owners in relation to the application.

#### **Body Corporate Owners**

13. Transport for NSW may require a person making an application on behalf of a body corporate owner of an eligible licence to provide evidence that the corporation is a legal entity, documents to prove that the person making the application is a director or other person authorised by the corporation.

#### **Ownership of the Eligible Licence is disputed**

14. Transport for NSW may refuse an application where ownership of the Eligible Licence which is the subject of the application for Financial Assistance is in dispute. Transport for NSW and the State assume no responsibility for any dispute concerning ownership of a taxi licence and such dispute must be a matter for you to resolve.
15. Transport for NSW has the discretion to accept a new application during the application period if Transport for NSW is satisfied that any dispute concerning ownership of an Eligible Licence has been resolved based on evidence provided by the applicant(s).

#### **Late applications**

16. Transport for NSW may accept an application for Financial Assistance made after the date for applications if it is appropriate to do so in the circumstances of the case.

#### **Grant of application and payment**

17. If Transport for NSW is satisfied that you are entitled to receive Financial Assistance in respect of an Eligible Licence and your application is granted, you will be notified in writing. An application may be granted unconditionally or subject to conditions.
18. In the following circumstances it will be solely at Transport for NSW 's discretion whether the Financial Assistance is payable:
  - a) you claim that the taxi licence is an Eligible Licence and the owner of that licence is recorded incorrectly in the Point to Point Transport Commissioner taxi licence register; and
  - b) you claim that you made reasonable efforts to inform Point to Point Transport Commissioner about a taxi licence transfer but the Point to Point Transport Commissioner database does not reflect your claim that you are the owner of a taxi licence.

19. The Financial Assistance will be paid by cheque made payable to the individual(s) or corporate entity owner of the taxi licence.
20. Where the taxi licence is jointly owned the Financial Assistance will be paid by one cheque made payable to each and every joint owner.

### **Refusal of application**

21. An application may be refused if:
  - a) You did not agree to any conditions imposed by Transport for NSW on payment of the financial assistance;
  - b) You have not provided the information required by Transport for NSW to determine your application;
  - c) the ownership of the eligible licence is disputed
  - d) the transfer levy for a transfer of an eligible licence has not been paid to the Point to Point Transport Commissioner.
  - e) Transport for NSW is satisfied that the taxi licence is an Ineligible Licence, or you are otherwise not entitled to receive Financial Assistance, in which case you will be notified in writing. The notice will include reasons for Transport for NSW's decision as required under the Regulation. An application for a review of a decision must be made within 45 days of being notified of Transport for NSW's decision on your application.
  - f) The Minister for Transport determines that you have engaged in Improper Conduct in relation to an application for, or payment of, Financial Assistance and are not entitled to receive Financial Assistance. In this case you will be notified in writing. The notice will include the reasons for the decision of Improper Conduct.

### **Review of decision by Transport for NSW not to grant Financial Assistance**

22. Under the Regulation you may apply for review of the following decisions:
  - a) a decision that a licence is not an eligible Licence; or
  - b) a decision to refuse an application because transfer levy has not been paid.
23. The review will be conducted by the Reviewer appointed by Transport for NSW.
24. To apply for review, you must make an application addressing the grounds for review on the form available from Transport for NSW and provide evidence relevant to those grounds.
25. On conducting the review, the Reviewer will consider any relevant material submitted by you for the purpose of the review, the original application and information held by the Point to Point Transport Commissioner, including information held in the taxi licence register.
26. The Reviewer can decide to affirm Transport for NSW's decision, vary the decision or set aside the decision and make a decision in substitution for the decision that is set aside.
27. The Reviewer's decisions are final.
28. Except where otherwise required by law, all records of deliberation by the Reviewer must remain confidential.
29. Applicants will be notified of the Reviewer's decision with a statement of reasons within 14 days of the date of the decision.

### **Review of Improper Conduct**

30. You may make an application to the Local Court for an appeal if it has been determined that you have engaged in Improper Conduct and are not entitled to be paid Financial Assistance or are required to repay Financial Assistance under section 4 of Schedule 3 to the Act.

### **Financial Assistance amount**

31. The Financial Assistance is a fixed amount according to section 5 of Schedule 4 to the Regulations and you are not entitled to seek a review of the payment amount.

### **Limitation of liability**

32. Any Financial Assistance which is paid does not constitute a payment of compensation and is not an admission of liability by Transport for NSW or the State.

### **Your obligations**

33. As an applicant for Financial Assistance, you must ensure that the information contained in your application is complete and correct.
34. Where an application for Financial Assistance is found to be false or misleading in any respect or it is otherwise determined that you are ineligible for Financial Assistance, Financial Assistance may not be paid.
35. If Financial Assistance has been paid, any false or misleading statement, act or omission on or in connection with this application for Financial Assistance may lead to criminal proceedings as well as debt recovery proceedings by the Secretary of the Department of Transport of the Financial Assistance as a debt due to the Crown in a court of competent jurisdiction and interest or prosecution and fines.

### **Inconsistency between Terms and Conditions and Act or Regulations**

36. Where these Terms and Conditions are inconsistent with the Act or the Regulations, the latter must prevail and the former will, to the extent of any inconsistency, be invalid.

### **Invalidity**

37. If any of these Terms and Conditions is for any reason declared invalid or unenforceable, the validity of the remaining terms is not to be affected and those terms are to remain in full effect as if this document has been entered into with the invalid part eliminated.

### **Privacy notice**

38. Transport for NSW is committed to protecting the privacy of your Personal Information in accordance with the *Privacy and Personal Information Protection Act 1998* (NSW) and the *Health Records and Information Privacy Act 2002* (NSW).
39. Transport for NSW collects, holds and uses Personal Information for specific purposes relevant to our functions. We are collecting your Personal Information for the purpose of assessing your eligibility for Financial Assistance and making Financial Assistance payments.
40. You may choose not to provide your personal information. However, this may mean that it is not possible or practicable for us to assist you or provide Financial Assistance.
41. For the purpose of assessing eligibility for financial assistance, Transport for NSW will also use information about licence owners held by the Point to Point Transport Commissioner. Transport for NSW will not publish or disclose any Personal Information collected to third parties unless you consent or as authorised by law.
42. Transport for NSW will collect and hold your Personal Information. You can ask to access or amend your Personal Information or health information held by us at any time during business hours.