

Application for authorisation to transfer a taxi-cab licence

June 2015



Application for authority to transfer a taxi-cab licence

Under section 149 of the *Transport (Compliance and Miscellaneous) Act 1983* (Vic) (the Act), the holder of a taxi-cab licence may apply for authority to transfer a taxi-cab licence, except for the holder of:

- a licence granted temporarily for a particular purpose of limited duration; or
- a taxi-cab licence that has attached to it under section 143D of the Act a current condition stating that the licence cannot be transferred.

A separate application is required for each licence to be transferred.

All applications for authority to transfer a taxi-cab licence must be submitted to the Taxi Services Commission (TSC).

This form is to be completed in full. **Section A** is to be completed by the Transferor. **Section B** is to be completed by the Transferee.

Please return this signed application with all required documentation to the TSC.

Email

licensing@taxi.vic.gov.au

* Please note: A completed TSC Payment Authorisation form is required for payment when emailing your application.

Mail

Taxi Services Commission
GPO Box 1716
Melbourne VIC 3001

Application Requirements

The following is required:

1. Completed application form.

2. Non-refundable application fee.

For the current fee amount, please refer to the TSC website.

3. Transfer agreement.

The transfer agreement must:

- (a) state the licence number and purchase price of the licence and (if a vehicle is to be purchased) separately state the vehicle purchase price
- (b) be signed by the parties
- (c) show that the name(s) of the seller(s) is/are identical to the name(s) on the licence
- (d) show the date of the agreement.

A sample transfer agreement is available from the TSC website. Parties are free to determine their own terms of the transfer arrangement, so long as they comply with all relevant laws, including the Act and contain all of the required information (as listed above).

4. Greater Melbourne Taxi Licence Release (GMTLR) – fixed term licence transfer:

If the transfer is for a GMTLR taxi-cab licence, the transferee must submit a completed statutory declaration for a:

- conventional GMTLR taxi-cab licence, or
- wheelchair accessible GMTLR taxi-cab licence.

Refer to the TSC website for the statutory declaration documents.

5. Accreditation certificate(s).

A copy of the 'Certificate of accreditation as a taxi-cab operator' for the proposed transferee (if applicable).

6. Certified copies of proof of identity (POI) must be submitted for the Contact Person of the transferor and transferee. Refer to page 9.

7. Nominated Representative form (if applicable). Please refer to the TSC website for the form.

8. Australian Securities and Investment Commission (ASIC) Current Company Extract (which is not more than 3 months old) and POI for all directors (if transferor and/or transferee is a Company).

9. Certificate of incorporation under the *Associations Incorporation Reform Act 2012* or equivalent (if transferor and/ or transferee is an incorporated association)

10. Certificate of registration under the *Co-operatives National Law Application Act 2013* or equivalent (if transferor and/ or transferee is a co-operative)

11. Partnership agreement or other written evidence that a partnership exists (if the transferor and/or transferee is a partnership)

Note:

- Where a taxi-cab licence is subject to a 'non-transfer' condition under section 143D(1)(a) of the Act, the TSC will not approve this transfer.
- The application must be refused if the transferee intends to operate the licence and is not accredited as a taxi-cab permit holder.
- Upon authorisation of the transfer and confirmation that settlement has occurred, the vehicle that is to be operated under the licence must be registered in the name of the licence holder or the approved assignee (if applicable).
- An incomplete application will be returned to the transferor or the nominated representative.

Application for authority to transfer a taxi-cab licence – transferor

SECTION
A

Declaration

All relevant persons must sign this declaration.
Refer to the definition of 'Relevant Person' on page 8.

I/We, the undersigned, being the transferor:

- declare that all answers to the questions in this form are, to the best of my/our knowledge, true and correct.
- have read and understood the Privacy Policy set out on the back page and I/we hereby consent to the TSC collecting, storing and retaining all information (including personal and sensitive information) obtained from me/the transferor, any relevant persons in relation to the application, Victoria Police, VicRoads, the Department of Justice, the Sheriff's Office, any other government department or agency, or other persons, and using, or disclosing that information to third parties, or the contact person for this application, for the purposes of the Act or as otherwise authorised by law.

Warning: Providing false or misleading information when completing this form is an offence under the Act.

1. Relevant person

Capacity*

Signature Date

2. Relevant person

Capacity*

Signature Date

3. Relevant person

Capacity*

Signature Date

4. Relevant person

Capacity*

Signature Date

* Capacity in which person is a Relevant Person and his or her position in the company activities.

Attach a separate sheet with further names and signatures if necessary.

WARNING: Providing false or misleading information when completing this form is an offence under the Act.

Application for authority to transfer a taxi-cab licence – transferee

SECTION
B

To be completed by transferee

The transferee must hold accreditation as a taxi-cab operator if the transferee intends to or must operate the vehicle.

Operator accreditation number



Information provided in the 'bolded boxes' will be published on a Public Register (register of taxi industry participants).

You may apply to restrict public access to information relating to you that is on the register.

Applications to restrict access will only be granted in exceptional circumstances. Further information on how to apply is available at www.taxi.vic.gov.au.

DETAILS OF TRANSFEREE

Name of Operator

– as displayed on your accreditation certificate

Business address



Postal address – if different from above

Telephone – Business



Mobile

Fax

Email address

Telephone – business #2



Telephone – mobile #2

Fax #2



Email address #2

Please tick the following boxes to check that you have provided each required document:

Transfer of Taxi-cab Licence Agreement

If the transfer is for a GMTLR taxi-cab licence, a completed statutory declaration

Certificate of accreditation as a taxi-cab operator (if applicable).

Certified copies of Proof of Identity (POI) documents

Nominated Representative Form (if applicable)

ASIC Current Company Extract - which is not more than 3 months old (if transferee is a company)

Certificate of incorporation under the *Associations Incorporation Reform Act 2012* or equivalent (if transferee is an incorporated association)

Certificate of registration under the *Co-operatives National Law Application Act 2013* or equivalent (if transferee is a co-operative)

Partnership agreement or other written evidence that a partnership exists (if the transferee is a partnership)

Application for authority to transfer a taxi-cab licence – transferee

If you intend to operate a taxi-cab under the licence, please provide details of the vehicle:

Description of vehicle to be used

Registered vehicle	Type of body	Date of compliance plate	Make	Engine number	Seating capacity (excluding driver)
		MM/YYYY			

If you do not intend to operate a taxi-cab under the licence, please provide the name of the proposed assignee:

Has the assignment application form been submitted with the transfer application form?

Yes No N/A

If no, please note that the transfer of the licence cannot be approved.

Application for authority to transfer a taxi-cab licence – transferee

DECLARATION:

I/We, the undersigned, being the transferee:

- declare that all answers to the questions in this form are, to the best of my/our knowledge, true and correct.
- have read and understood the Privacy Policy set out on the back page and I/we hereby consent to the TSC collecting, storing and retaining all information (including personal and sensitive information) obtained from me/the transferor, any relevant persons in relation to the application, Victoria Police, VicRoads, the Department of Justice, the Sheriff's Office, any other government department or agency, or other persons, and using, or disclosing that information to third parties, or the contact person for this application, for the purposes of the Act or as otherwise authorised by law.
- consent to information provided being published on a 'register of taxi industry participants' specifically:
 - the applicant's name
 - the applicant's business contact details including a telephone number, facsimile number, postal address, email address and internet address
 - details of any taxi-cab network service provided by the applicant
 - the number of taxi-cabs operated under licences held by, or assigned to, the applicant.
- Acknowledge that it is my/our responsibility to determine whether the above mentioned taxi-cab licence is subject to any encumbrance (including any mortgage, charge, lien or trust) and to ensure that the taxi-cab licence is free of any such encumbrance at time of settlement.
- In the event that an encumbrance effecting the taxi-cab licence is not discharged at the time of settlement, the TSC (including its officers, employees, agents and successors) or any other governmental agency bears no responsibility for any loss, damage, claim or action that may be incurred as a result.

Warning: Providing false or misleading information when completing this form is an offence under the Act.

All the transferee's relevant persons must sign this declaration. Refer to the definition of 'Relevant Person' on page 8.

1. Relevant person

Capacity*

Signature Date

2. Relevant person

Capacity*

Signature Date

3. Relevant person

Capacity*

Signature Date

4. Relevant person

Capacity*

Signature Date

* Capacity in which person is a Relevant Person and his or her position in the company activities."

Attach a separate sheet with further names and signatures if necessary.

Application for authority to transfer a taxi-cab licence

Definitions

Contact person means;

In relation to an application by an **individual**, the individual is considered the contact person.

In relation to an application by a **non-individual**, the contact person must be one of the Relevant Persons listed in the application, who is nominated by the applicant as the contact person. This nomination means that the TSC is entitled to communicate with the nominated person in relation to the application.

Officer

In relation to a **company**, 'officer' means any of the following:

- a director
- a secretary
- a person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the company
- a person who has the capacity to affect significantly the company's financial standing
- a person in accordance with whose instructions or wishes the directors of the company are accustomed to act (excluding advice given by the person in the proper performance of functions attaching to the person's professional capacity or their business relationship with the directors of the company).

In relation to a **co-operative**, 'officer' means any of the following:

- a director
- a secretary
- a person who is concerned, or takes part, in the management of the co-operative, whether or not as a director.

In relation to an **incorporated association**, 'officer' means any of the following:

- the secretary (within the meaning of the *Associations Incorporation Reform Act 2012 (Vic)*) of the incorporated association
- a member of the committee (within the meaning of the *Associations Incorporation Reform Act 2012 (Vic)*) of the incorporated association
- a person who is concerned, or takes part, in the management of the incorporated association.

In relation to an **a body corporate (other than a company, co-operative or incorporated association)**, 'officer' means a member of the committee of management of the body corporate.

Permit means an accreditation as a taxi-cab operator under Part VI, Division 4 of the *Transport (Compliance and Miscellaneous) Act 1983*

Permit Holder means the holder of an accreditation as a taxi-cab operator under Part VI, Division 4 of the *Transport (Compliance and Miscellaneous) Act 1983*

Relevant person

In relation to an application by an **individual**, a relevant person is any person who is concerned, or takes part in, the management of the activities to which the application or the accreditation relates, whether as an employee of the applicant or accredited person or otherwise.

In relation to an application by a **partnership**, a relevant person is (1) each partner; and (2) any other person who is concerned, or takes part, in the management of the activities to which the application or the accreditation relates, whether as an employee of the applicant or accredited person or otherwise.

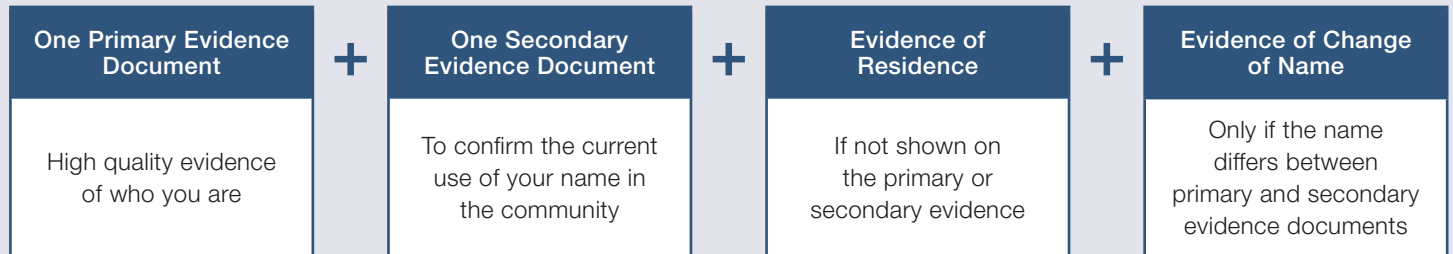
In relation to an application by a **company**, a **co-operative** or an **incorporated association**, a relevant person is each officer of the company, co-operative or incorporated association. Refer to the definition of 'Officer'.

In relation to an application by a **body corporate** (other than a company, co-operative or incorporated association), a relevant person is (1) each officer of the body; and (2) any other person who is concerned, or takes part, in the management of the activities to which the application or the accreditation relates, whether as an employee of the applicant or accredited person or otherwise. Refer to the definition of 'Officer'

Application for authority to transfer a taxi-cab licence

Proof of identify

In order to process the application, the following evidence of proof of identify (POI) needs to be presented for the transferor's and transferee's Contact Person.



Primary and secondary evidence documents must be separate documents. For example, a driver licence cannot be used as both a primary and secondary evidence. One document must contain your signature.

Primary evidence documents

One of the following current documents must be produced:

- Australian photo driver licence
- Australian passport in your name
- an overseas passport in your name
- document of identity issued by the Passport Office (usually issued to travellers to Norfolk Island)
- Australian police force or officer of Australian Defence Force photo identity card (excluding civilian staff)
- consular photo identity card issued by the Department of Foreign Affairs and Trade
- Australian birth certificate or change of name certificate issued by the registrar of Births, Deaths and Marriages (birth extracts and Commonwealth Commemorative birth certificates will not be accepted)
- Australian naturalisation or citizenship documents, or immigration papers issued by the Department of Immigration and Multicultural Affairs of the Passport Office
- NSW Photo Card (issued by NSW RTA from 14 December 2005).

OR

One of the following documents that is current or expired by no more than two years:

- Australian passport in your name
- Australian photo driver licence
- Australian photo learner permit
- Australian Defence Force photo licence
- Victorian boat operator photo licence*
- Victorian firearm photo licence.**

*An overseas passport that has expired by up to two years is acceptable if appropriate Australian documentation can be provided giving strong evidence of permanent residence (e.g. a permanent or residency visa).

**Or equivalent interstate photo licence.

Application for authority to transfer a taxi-cab licence

Secondary evidence documents

One of the following current documents must be produced:

- Medicare card
- Pensioner Concession card
- Department of Veteran's Affairs card
- entitlement card issued by the Commonwealth
- student identity card
- credit card or account card issued from a bank, building society or credit union.

OR

One of the following documents that is current or no more than two years old:

- water rates, council rates or land evaluation notice
- electoral enrolment card or other evidence of enrolment
- armed services discharge papers
- Victorian Proof of Age card issued by the Business Licensing and Regulation section of Consumer Affairs Victoria
- Victorian Driving Instructor Authority card.

Differing name or change of name

Where there is a difference in name between the primary and secondary evidence documents, or to change a name, you will need one of the following documents:

- marriage certificate issued by a Registrar of Births, Deaths and Marriages in Australia
- divorce papers (bearing the name being reverted to)
- deed poll (pre November 1986 in Victoria)
- change of name certificate (post November 1986 in Victoria).

Taxi Services Commission Privacy Policy

1. Introduction

This policy sets out the manner in which the Taxi Services Commission (TSC) will collect, use, hold, disclose and dispose of personal information and health information. This policy may be varied from time to time.

2. Definitions of personal, sensitive and health information

The TSC will collect, hold and disclose personal information and health information in accordance with the Information Privacy Principles (IPPs) set out in the *Privacy and Data Protection Act 2014* (Vic) (PDP Act) and the Health Privacy Principles (HPPs) set out in the *Health Records Act 2001* (Vic) (HRA).

2.1 Definition of personal information

Under the PDP Act, 'Personal Information' means any information or opinion (including information or an opinion forming part of a database), that is recorded in any form about an individual whose identity is apparent or can easily be ascertained from the information or opinion, but does not include information to which the HRA applies.

2.2 Definition of sensitive information

Under the PDP Act, there is a subset of personal information called 'Sensitive Information' which includes information about your race, ethnicity, political opinions or memberships, religious beliefs or affiliations, philosophical beliefs, memberships of professional/trade unions or associations, sexual preferences or practices or criminal record.

The PDP Act applies stricter provisions on how sensitive information is used. Where the TSC collects Sensitive Information about you, it will ensure that it complies with these provisions.

For the purposes of this policy, a reference to Personal Information will include Sensitive Information.

2.3 Definition of health information

Under the HRA, 'Health Information' means information or an opinion about an individual's physical, mental or psychological health, a disability, an individual's expressed wishes about the future provision of health services or a health service provided which can be linked to a living or deceased individual.

3. Collection of Personal and Health Information

The TSC only collects Personal Information or Health Information from an individual that is necessary for its functions or activities, the activities of managing or administering that function or activity, or as required by law in regard to its statutory obligations.

The TSC will take reasonable steps to collect information directly from the individual. The TSC may collect information via written or electronic correspondence including telephone, email, fax and/or social media such as Facebook and Twitter. Information may also be collected in person.

The TSC may collect Personal Information or Health Information from you when you:

- apply for accreditation as a driver, permit holder (operator), or Taxi Booking Service (Network Service Provider);
- apply for a job with the TSC;
- request to be placed on the TSC's mailing list;
- make an inquiry or give comment about the TSC's functions and services; or
- lodge a request for access to documents under the *Freedom of Information Act 1982* (Vic.) (FOI Act).

The types of Personal Information the TSC may request from you include your name, date of birth, contact details, qualifications and employment history and the types of Health Information that the TSC may collect from you, include information relating to your physical or mental health or any disability you may have.

3.1 Types of specific Personal Information the TSC may collect

3.1.1 Supplying commercial passenger vehicle services, commercial or local bus services or driving instructor services

If you are involved in the supply of commercial passenger vehicle services (including services relating to taxi-cabs, hire cars, restricted hire cars and special purpose vehicles), commercial or local bus services, or driving instructor services, we may collect or use your Personal Information or Health Information where required.

3.1.2 Security cameras in taxi-cabs

If you have been a passenger in, or drive a taxi-cab, you may have been photographed and/or filmed by a security camera installed in the taxi-cab. If you were, those photographs and/or film may contain your Personal Information. We may collect or use that Personal Information, or disclose it to a law enforcement agency if necessary to determine, or help a law enforcement agency determine:

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

3.1.3 Multi Purpose Taxi Program members

If you apply to become a member of the Multi Purpose Taxi Program, we may collect or use your Personal Information or Health information, or disclose it to another governmental agency, medical practitioner or independent health panel where this is required to assess your eligibility under the membership program or application process.

3.2 Collection statement/notice

Where the TSC collects Personal Information from you, it will take reasonable steps to ensure that you are given a collection statement that sets out the purpose for collecting that information, how that information will be used and the consequences, if any, for not providing the information. Wherever it is lawful and practical, the TSC will provide you with the option of not identifying yourself.

4. Use and disclosure of Personal Information or Health information

The TSC will only use or disclose Personal Information or Health Information as set out in this Privacy Policy or for the purpose which was either specified or reasonably apparent at the time of collection unless you have consented to, or would reasonably expect, another related use.

4.1 Disclosure required by law

In certain circumstances, the TSC may be required by law to provide Personal Information or Health Information to another organisation. Examples include warrants, court orders or demands to provide documents permitted under legislation. Examples of organisations with these powers include ASIO, ASIS and Centrelink.

Under Division 6A of Part VI of the *Transport (Compliance and Miscellaneous) Act 1983*, the TSC is required to keep a register of taxi industry participants (Register) and to make the Register publicly available, including on its website. The Register must include the name of each person who holds:

- accreditation as a taxi-cab operator;
 - accreditation as a provider of taxi-cab network services;
 - accreditation to drive a commercial passenger vehicle;
 - a hire car licence; or
 - a special purpose vehicle licence,
- and any other information prescribed by regulations.

The TSC may also include on the Register for each person whose name is on the Register:

- business contact details including a telephone number, facsimile number, postal address, email address and internet address;
- details of any taxi-cab network service provided by the person; and
- the number of taxi-cabs operated by the person.

Information about a person whose name is on the Register will only be included with the person's consent or after the person has been given 28 days' notice of the information that will be published (this notice is given on all TSC application forms). A person may apply to the TSC to restrict public access to information that is included on the Register. The TSC will only approve such an application if satisfied that there are exceptional circumstances that justify the restriction.

4.2 Disclosure authorised by law

In certain situations, the TSC is authorised to disclose Personal Information or Health Information to related transport and government agencies. Examples include booking services/associations, bus depots/associations, driving instructor associations, Melbourne Airport and relevant state and federal government agencies including Victoria Police and VicRoads.

We may do so if necessary to investigate or report on:

- whether you are, were or will be suitable to be involved in the supply of commercial passenger vehicle services (including services relating to taxi-cabs, hire cars, restricted hire cars and special purpose vehicles), commercial or local bus services or driving instructor services; or
- whether you have broken the law in the course of your involvement in the supply of commercial passenger vehicle services (including services relating to taxi-cabs, hire cars, restricted hire cars and special purpose vehicles), commercial or local bus services or driving instructor services.

Personal Information may be shared with related government agencies via phone, email, post, fax or a shared database. Personal Information shared may include names, drivers licence numbers, credit card details and police records.

4.3 Disclosure to third party contractors

From time to time the TSC may contract out some of its functions and services, for example IT and market research. In these situations your Personal Information or Health Information may be shared with third parties. Where the TSC engages third party providers, it will ensure that these parties have suitable data protection programs and privacy policies in place.

4.4 Disclosure outside Victoria

The TSC will only transfer your Personal Information or Health Information to another individual or organisation outside Victoria in limited circumstances, including when the recipient is subject to a law which upholds similar principles to the IPPs or HPPs, or you consent to the transfer. Specific disclosures will be made with consent or otherwise in accordance with the use and disclosure standards of the PDP Act and the HRA.

5. Data security and destruction

Irrespective of whether your Personal Information or Health Information is stored electronically or in hard copy form, the TSC will take reasonable steps to protect it from misuse and loss, and from unauthorised access, modification or disclosure.

The TSC will also take reasonable steps to destroy or permanently de-identify your Personal Information or Health Information if it is no longer required for the TSC to perform its regulatory functions.

6. Data quality, access and correction

The TSC will take reasonable steps to ensure that any Personal Information and Health Information it holds is accurate, complete and up to date. You are entitled to contact the TSC Privacy Officer (contact details are set out below) and request access to and correction of any of your Personal Information or Health Information held by the TSC. Under Section 169ZC of the *Transport (Compliance and Miscellaneous) Act 1983*, the TSC may, if it decides that it is necessary to do so, correct any error or omission in the Register or the public version of the Register (refer to section 4.1).

6.1 Freedom of Information requests

Access to some information that the TSC holds may require a formal request under section 17 of the *Freedom of Information Act 1982* (Vic). Your FOI application and any queries should be made to:

TSC Freedom of Information Officer

Taxi Services Commission, GPO Box 1716, Melbourne VIC 3001

Telephone: 1800 638 802 Facsimile: 03 8683 0777 Email: FOI@taxi.vic.gov.au

7. Unique identifiers

A unique identifier is a code consisting of letters or numbers (not the individual's name) that is assigned to an individual to distinguish them from other individuals, for example a driver's licence number or tax file number. The TSC will not:

- assign, use or disclose unique identifiers to individuals unless it is necessary to do so to carry out one of its organisational functions efficiently;
- adopt, use or disclose a unique identifier assigned to you by another organisation except in limited circumstances; or
- require you to provide a unique identifier in order to obtain a service, unless it is required or authorised by law or connected to the purpose for which the unique identifier was assigned.

The TSC generally assigns a unique identifier if you are, have been or seek to become:

- involved in the supply of commercial passenger vehicle services; or
- a member of the Multi Purpose Taxi Program.

8. Privacy complaints

If you believe that your Personal Information or Health Information has been used by TSC in a manner contrary to the PDP Act or HRA, you may contact the TSC Privacy Officer (on the details below) or lodge a complaint with the Commissioner for Privacy and Data Protection at: www.dataprotection.vic.gov.au.

Information for submitting complaints to the Health Services Commission in respect of your Health Information is available at: www.health.vic.gov.au/hsc

9. Further information and contact details

Further information about the TSC's Privacy Policy is available at the TSC website, or can be requested by contacting the TSC Privacy Officer. All requests and communications may be made to the TSC Privacy Officer at:

The TSC Privacy Officer

Legal & Regulatory Services, Taxi Services Commission, GPO Box 1716, Melbourne VIC 3001

Telephone: 1800 638 802 (toll-free) Email: privacy@taxi.vic.gov.au

