



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2018-0274

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	Yes/No
5. Fees	Waived
6. Processing time (in working days)	20
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

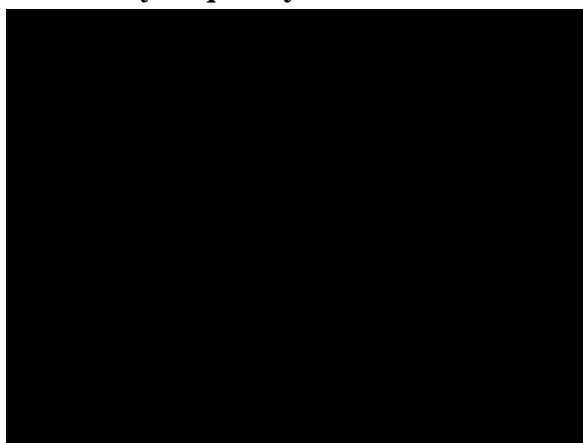
From: [REDACTED]
To: [CMTEDD FOI](#)
Subject: Freedom of Information request
Date: Tuesday, 2 October 2018 10:44:44 AM

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

Your details

All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.

Title:
First Name:
Last Name:
Business/Organisation:
Address:
Suburb:
Postcode:
State/Territory:
Phone/mobile:
Email address:



Request for information

(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)

Under the Freedom of Information Act 2016 I want to access the following document/s (*required field):

Analysis documents on impact to the ACT Taxi Industry undertaken by the Chief Minister, Treasury and Economic Development Directorate. Emails and notes by Richard Watson, Adam Stenjkovicus and other relevant officers with any content related to the ACT Taxi Industry over the last 2 years. Copies of any Ministerial directions given to the Department or related ACT Government Directorates in relation to the ACT Taxi Industry. Any economic assessments undertaken on the economic or social impacts of current ACT policy changes to the ACT Taxi Industry. Included in this is instructions given to external consultants if any, and copies of correspondence with any such external or internal consultants of officers. Emails, instructions, clarifications, related to the economic analysis or social impact analysis. Copies of any Ministerial briefs or requests for decision in relation to the ACT Taxi Industry over the last 2 years. Documents, notes or correspondence that could be classed as strategic analysis or advice in relation to policy impacts on the ACT Taxi Industry, ACT Government views on participants of the industry and consideration of Taxi Plate owners or Operators compensation for impacts suffered under the policy changes currently underway.

I do not want to access the following

Please supply this information in electronic form, via a usb or other electronic document storage device. Please do not supply in paper form unless no other suitable option is available. Please

documents in relation to my request:: supply this request in the 20 day period as it is focused on only one Directorate. A seperate FOI request is top be lodged for correspondence with other ACT Government directorates.

Thank you.
Freedom of Information Coordinator

From: [REDACTED]
To: [CMTEDD.FOI](#)
Subject: Freedom of Information request
Date: Tuesday, 2 October 2018 11:12:13 AM

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

Your details

All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.

Title:

First Name:

Last Name:

Business/Organisation:

Address:

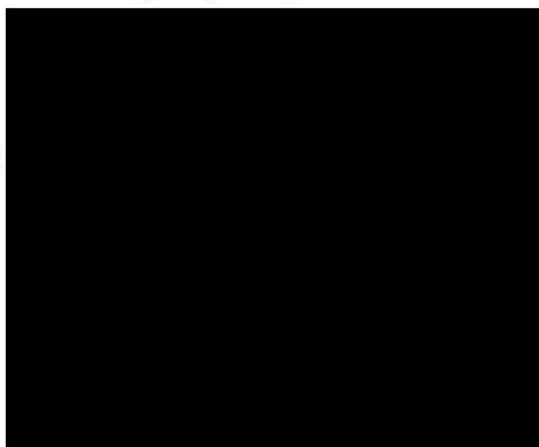
Suburb:

Postcode:

State/Territory:

Phone/mobile:

Email address:



Request for information

(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)

Under the Freedom of Information Act 2016 I want to access the following document/s (*required field):

Any emails, notes or correspondence between the Chief Ministers Department or related directorates to the Justice Directorate seeking legal advice, comment or opinion or compensation options on the recent policy changes by the ACT Government on ACT Taxi Industry in the last 3 years. Any emails, notes or correspondence from the Justice Directorate in response on this subject matter in the last 3 years. Any emails, notes or correspondence within the the Chief Ministers Directorate or related directorates on the subject matter of legality or legal advice or legal review or compensation options in relation to the ACT Taxi Industry and recent policy changes and decisions related to ACT Taxi Plate owners or Operators in the last 3 years. Any emails, notes or correspondence within the Justice Directorate or related directorates including any outsourced services on the subject matter of legality or legal advice or legal review or compensation options in relation to the ACT Taxi Industry and recent policy changes and decisions related to ACT Taxi Plate Owners or Operators in the last 3 years.

I do not want to access the following documents in relation to my request::

Please provide this information in electronic format on a USB or similar device. Please note that this application is lodged [REDACTED]



Thank you.
Freedom of Information Coordinator



The FOI Information Officer
Chief Minister, Treasury and Economic Development Directorate

Email to: CMTEDDfoi@act.gov.au
Post to: GPO Box 158
CANBERRA ACT 2601
Fax to: +61 2 6207 5886
Deliver to: Canberra Nara Centre
1 Constitution Avenue
CANBERRA ACT

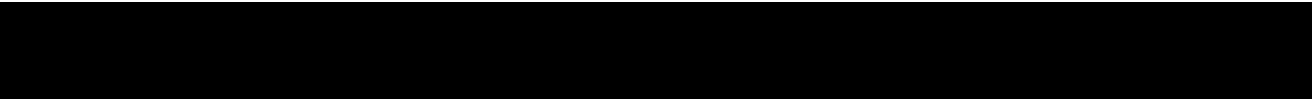
Request for Information that is in addition but not part of our current 2. FOI Requests.

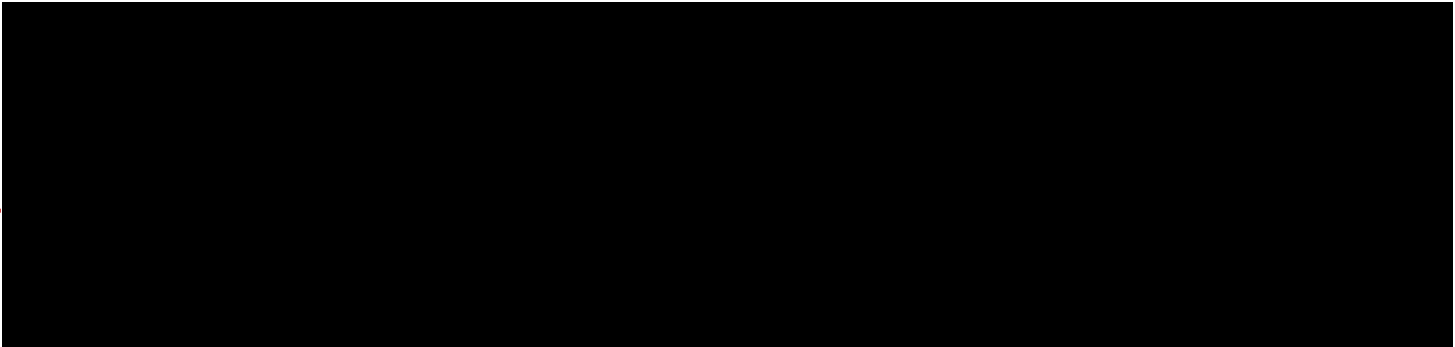
Dear FOI Officer,

It is our understanding that the following information is available without a requirement to lodge an FOI. We have lodged 2 FOI's that have requested information that is specific to internal ACT Taxi Industry considerations by the ACT Government. The below request is however in addition to aid our review of the information in context. Can you please organize for the supply of the below information as a matter of urgency in electronic format, ideally USB or other electronic storage device.

This request is lodged on behalf of .

We seek to be informed of:

1. The functional information about the relevant unit within the ACT Government dealing with the ACT Taxi Industry specifically in relation to recent policy changes of the ACT Government for the ACT Taxi Sector including its structure, functions and kinds of information held;
 2. Information and copies of work of the above agency that is tabled in the Legislative Assembly that contains any information related to the ACT Taxi Industry.
 3. Copies of the above agency's policy documents in relation to the ACT Taxi Industry.
 4. Budgetary papers including details of appropriations for line items specific or dependent on income flows or expenditure for the ACT Taxi Industry, the release of new licence plates for rental, and any subsidies provided to competing services such as Uber, or other ride share.
 5. information about government grants made or administered by the agency in relation to the ACT Taxi Industry.
- 



6. Information about the agency's disclosure log related to the ACT Taxi Industry or Uber/Ride Share operations;

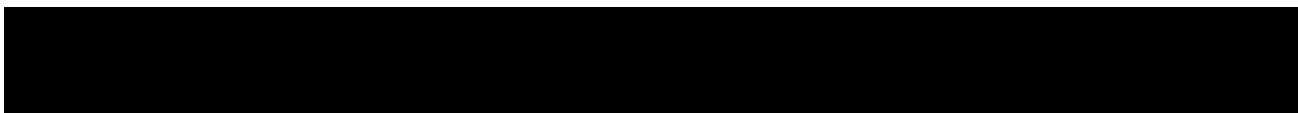
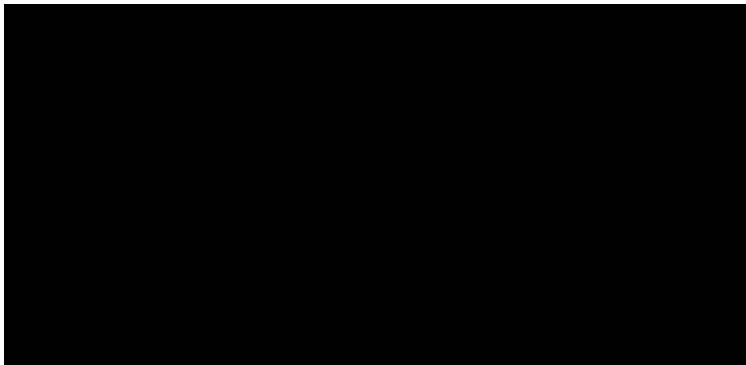
7. a statement of boards, councils, committees, panels and other bodies that have been established by the agency for the purpose of advising the agency or a Minister responsible for the agency on matters related to the ACT Taxi Industry.

8. any report or recommendation prepared by a body mentioned in the point above with content related to the ACT Taxi Industry.

9. any incoming ministerial briefs, parliamentary estimates briefs, annual reports briefs or question time briefs prepared after 31 December 2017 with content related to the ACT Taxi Industry;

Please confirm that you have received this correspondence and the envisaged timeline and method you intend to make available for our access to this information.

Regards

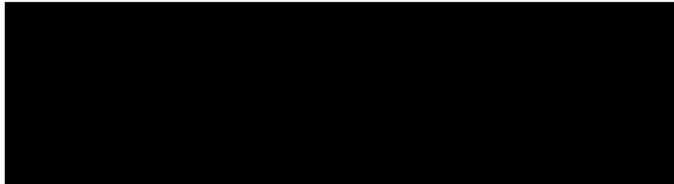




ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2018-0274



via email:



Dear



FREEDOM OF INFORMATION REQUEST

I refer to your three access applications received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 2 October 2018, in which you sought access to information under section 30 of the *Freedom of Information Act 2016* (the Act).

On 17 October 2018, you were advised that these access applications would be processed as one request in accordance with section 43(2) of the Act. As a result this decision notice will cover your three requests (CMTEDDFOI2018-0269, 0271 & 0274) dated 2 October 2018.

On 19 October 2018, you further refined the scope of your request to:

1. Any economic assessments undertaken on the economic or social impacts of current ACT policy changes to the ACT Taxi Industry.
2. Copies of any Ministerial briefs in relation to compensation.
3. The functional information about the relevant unit within the ACT Government dealing with the ACT Taxi Industry specifically in relation to recent policy changes of the ACT Government for the ACT Taxi Sector including its structure, functions and kinds of information held; and a statement of boards, councils, committees, panels and other bodies that have been established by the agency for the purpose of advising the agency or a Minister responsible for the agency on matters related to the ACT Taxi Industry.
4. Information about government grants made or administered by the agency in relation to the ACT Taxi Industry.
5. Information about the agency's disclosure log related to the ACT Taxi Industry or Uber/Ride Share operations.
6. Any incoming ministerial briefs, parliamentary estimates briefs, annual reports briefs or question time briefs prepared by the Directorate after 31 December 2017 with content related to the ACT Taxi Industry.

On 25 October 2018, you indicated that you would like to exclude any third party information from the documents. As a result third party information has been marked as out of scope.

Authority

I am an Information Officer appointed by the Director-General of CMTEED under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEED was required to provide a decision on your access application by 30 October 2018.

Decision on access

A search of documents was conducted and resulted in 36 documents being identified that fall within the scope of your request. No documents have been identified in relation to point 5 of your request.

I have decided to refuse to deal with the six documents that are publicly available, grant full access to 16 documents, partial access to 11 documents and fully exempt from release the remaining three documents. The information redacted in the documents is contrary to the public interest to release in accordance with section 16 of the Act, or would, on balance, be contrary to the public interest to release under the test set out in section 17 of the Act. Information that is not relevant to your request has been redacted as out of scope material.

I have included as Attachment A to this letter the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents. The documents to be released to you are provided as Attachment B to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decision is below.

Statement of Reasons

In reaching my access decision, I have taken the following into account:

- the Act;
- the content of the documents that fall within the scope of your request; and
- the *Human Rights Act 2004*.

Exemptions claimed

My reasons for deciding not to grant access to the components of these documents are as follows:

Refuse to deal with application in part

A search for documents has identified eight documents that fall within scope of point 1 of your request. These documents are listed in the table below. The evaluation reports and reform impacts reports have a public version and non-public version.

The public versions of these two reports and the remaining reports are publicly available from the links in the table below.

Ref	Document	Source
1	Modelling of Policy Scenarios for the on-demand transport industry	http://www.cmd.act.gov.au/data/assets/pdf_file/0004/779179/CIE-Final-Report-ACT-Gov-ACT-Taxis-2015-04092015.pdf
2	Taxi Industry Innovation Review – Supporting Analysis	https://www.aerialcapitalgroup.com.au/wp-content/uploads/2018/04/Supporting-Analysis-Paper.pdf
3	Results of Community Engagement	https://yoursay.act.gov.au/on-demand-transport-reform/evaluation
4	Impacts on Stakeholder Report	
5	Evaluation reports – two editions	
6	Reform Impacts Reports – two editions	

Noting these six documents are publically available, I have decided to refuse to deal with these documents in accordance with section 43(d) of the Act. Section 43(d) of the Act allows me to refuse to deal with an application if the government information sought is already available to the applicant. I am satisfied that these six documents meet the requirements of section 43(d) and section 45 of the Act. Therefore I have decided to refuse to deal with this part of your request.

Cabinet Information (Schedule 1 of the Act)

The non-public versions of the evaluation report and reform impact report (document Ref No. 1-2) contain information that has been submitted to Cabinet. The disclosure of this document would reveal the deliberations of Cabinet pursuant to schedule 1 section 1.6 of the Act.

In reviewing the documents, I have taken into account the requirements of schedule 1 section 1.6(2) of the Act which states that the exemption for Cabinet Information does not apply to ‘purely factual information’ unless the disclosure of the information would involve the disclosure of a deliberation or decision of Cabinet and the fact of the deliberation or decision has not been officially published. In the case of *Parnell & Dreyfus and Attorney-General's Department* [2014] AICmr 71, the Australian Information Commissioner stated that the term ‘purely factual material’ does not extend to factual material that is an integral part of the deliberative content and purpose of a document, or is embedded in or intertwined with the deliberative content in such a manner that it is impractical to separate it from the other content.

Having reviewed the documents, I consider that the purely factual information within the document identified is an integral part of the deliberative content and as stated by the Commissioner, the analysis and views in the [documents] would be robbed of their essential meaning without incorporation of this material. I am satisfied that disclosure of this purely factual information would involve the disclosure of a deliberation or decision of Cabinet.

Having considered the information contained in the documents, I am satisfied that disclosure of such information contained in documents Ref No. 1-2 would be contrary to public interest pursuant to schedule 1 section 1.6 of the Act and is therefore withheld fully from release.

Legal Professional Privilege (Schedule 1 of the Act)

Documents Ref No. 3 and 8 contain advice provided by the Government Solicitor Office (GSO). I consider the advice is subject to legal professional privilege as it was brought into existence for the dominant purpose of providing a legal opinion. I am satisfied that the communications were made in circumstances of confidentiality and were provided by an independent legal adviser satisfying the requirements to attract legal professional privilege. For this reason, I have decided to exempt from release this document.

Public Interest Test (Schedule 2 of the Act)

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when 'used in a statute, the term [public interest] derives its content from "the subject matter and the scope and purpose" of the enactment in which it appears'. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Factors favouring disclosure (Schedule 2 section 2.1)

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors in favour of disclosure are relevant to determine if release of the information contained within these documents is within the 'public interest':

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
 - (i) *promote open discussion of public affairs and enhance the government's accountability;*
 - (ii) *contribute to positive and informed debate on important issues or matters of public interest;*
 - (viii) *reveal the reason for a government decision and any background or contextual information that informed the decision;*

Having considered the factors identified as relevant in this matter, I consider that release of the information within the scope of the request may promote open discussion of public affairs and enhance the government's accountability. The documents identified contain information relating to specific policy changes occurred recently in the taxi industry which I consider is of public interest. The briefs seeking ministerial approvals identified contain details of the recommendations from the Directorate and the supporting reasoning. I consider the release of this information could reveal the reason for the government decision and any background or contextual information that informed the decision. Moreover, I consider the release of functional information of the business unit dealing with the policy changes in the ACT taxi industry could inform the community the function and structure of the relevant business unit. As a result, the release of documents identified could enhance the Directorate's accountability and contribute to positive and informed debate on the recent policy changes in the taxi industry. I am satisfied that the public interest in increasing transparency and accountability of the Directorate carries significant weight.

Factors favouring non-disclosure (Schedule 2 section 2.2)

As required in the public interest test set out in section 17 of the Act, I have also identified the following public interest factors in favour of non-disclosure that I believe are relevant to determine if release of the information contained within these documents is within the 'public interest':

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
 - (ii) *prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004;*

When considering the documents and factors in favour of non-disclosure, I have considered the personal information of staff members contained in the documents. This includes names and contact phone numbers. I am satisfied that the names and contact information of employees below Senior Executive Service (SES) levels should be redacted due to personal privacy considerations. However, I do not consider the release of the names and contact information of senior executives is unreasonable as it is accepted by senior executives that they carry additional responsibilities including approving and clearing documents prepared by their staff members. For this reason, I have decided to redact the names and phone numbers of employees that are below SES levels. I have also considered the name, signature and contact information of individuals that are not ACT Government employees. I consider it is unreasonable to release this information as it is personal information that is not publicly available.

I am of the opinion that release of the abovementioned personal information may prejudice the protection of the individual's right to privacy or any other right under the *Human Rights Act 2004*. I am satisfied that this factor favouring non-disclosure should be afforded very significant weight as it relates to individual privacy.

Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that is not in the public interest to release, while releasing the rest of the

documents will ensure the intent of the Act is met and will provide you with access to the majority of information held by CMTEDD within the scope of your request.

Additional Information

Please note that the included and unsigned Brief to Minister Ramsay (CMTEDD2016/375) is superseded by Brief CMTEDD2016/498 (page 42 of the document binder), which is signed by the Minister. Brief CMTEDD2016/498 recommends the Minister agree to a staged release of additional licenses as described in CMTEDD2016/375.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are applicable for this request because the total number of folio's to be released to you exceeds the charging threshold of 50 pages. However, the charges have been waived in accordance with section 107 (2)(b) of the Act.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application and my decision in response to your access application will be published in the CMTEDD disclosure log after 2 November 2018. Your personal contact details will not be published. You may view CMTEDD disclosure log at: <https://www.cmtedd.act.gov.au/functions/foi/disclosure-log>.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman

GPO Box 442

CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal

Level 4, 1 Moore St

GPO Box 370

Canberra City ACT 2601

Telephone: (02) 6207 1740

<http://www.acat.act.gov.au/>

Contact

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au

Yours sincerely,



Daniel Riley
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

30 October 2018



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
[REDACTED]	<ul style="list-style-type: none"> Any economic assessments undertaken on the economic or social impacts of current ACT policy changes to the ACT Taxi Industry Copies of any Ministerial briefs in relation to compensation The functional information about the relevant unit within the ACT Government dealing with the ACT Taxi Industry specifically in relation to recent policy changes of the ACT Government for the ACT Taxi Sector including its structure, functions and kinds of information held; and a statement of boards, councils, committees, panels and other bodies that have been established by the agency for the purpose of advising the agency or a Minister responsible for the agency on matters related to the ACT Taxi Industry Information about government grants made or administered by the agency in relation to the ACT Taxi Industry Information about the agency's disclosure log related to the ACT Taxi Industry or Uber/Ride Share operations Any incoming ministerial briefs, parliamentary estimates briefs, annual reports briefs or question time briefs prepared by the Directorate after 31 December 2017 with content related to the ACT Taxi Industry 	CMTEDDFOI 2018-0274

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1. Economic Assessments						
1	n/a	ODTI Evaluation report – non-public edition	2018	Exempt	Sch 1 s1.6	No
2	n/a	CIE Reform Impacts Report – non-public edition	2017	Exempt	Sch 1 s1.6	No
2. Ministerial Briefs - Compensation						
3	1-6	Brief	2016	Partial	Sch 1 s1.2 Sch 2 s2.2(a)(ii)	Yes
4	7-9	Attachment A	undated	Full	Full release of relevant information. Out of scope material has been redacted.	Yes
5	10	Attachment B	undated	Full	Full release of relevant information. Out of scope material has been redacted.	Yes

6	11-15	Attachment C	16/11/16	Full	Full release of relevant information. Out of scope material has been redacted.	Yes
7	16-25	Attachment D	9/11/16	Full	Full release of relevant information. Out of scope material has been redacted.	Yes
8	26-30	Attachment E	31/8/15	Exempt	Sch 1 s1.2	No
9	31-34	Brief	undated	Partial	Sch 2 s2.2(a)(ii)	Yes
10	35	Attachment A	undated	Full	n/a	Yes
11	36-37	Attachment B	undated	Full	n/a	Yes
12	38-40	Attachment C	undated	Full	Full release of relevant information. Out of scope material has been redacted.	Yes
13	41	Attachment D	undated	Full	Full release of relevant information. Out of scope material has been redacted.	Yes
14	42-45	Brief - signed	3/1/17	Partial	Sch 2 s2.2(a)(ii)	Yes
15	46-49	Brief Attachment A – see Ref No. 24	24/1/17	Partial	Sch 2 s2.2(a)(ii)	Yes
16	50	Attachment B	undated	Full	n/a	Yes
17	51-55	Attachment C	18/1/17	Partial	Sch 2 s2.2(a)(ii)	Yes
18	56-57	Attachment D	undated	Full	n/a	Yes
19	58-59	Attachment E	undated	Full	n/a	Yes
20	60-61	Attachment F	undated	Full	n/a	Yes
21	62-64	Brief - signed	31/1/17	Partial	Sch 2 s2.2(a)(ii)	Yes
22	65-73	Brief - signed	16/2/17	Partial	Sch 2 s2.2(a)(ii)	Yes
3. Functional Information						
23	74-75	Functional information	undated	Full	n/a	Yes

24	76-78	Act Taxi Industry Innovation Reforms – Evaluation Project Scoping Framework	1/2/17	Full	n/a	Yes
4. Government Grants						
25	79-86	Short term contract	2/3/15	Partial	Sch 2 s2.2(a)(ii)	Yes
26	87-94	Short term contract	31/3/17	Partial	Sch 2 s2.2(a)(ii)	Yes
27	95-109	Deed	11/9/17	Partial	Sch 2 s2.2(a)(ii)	Yes
6. Other Briefs after 31 December 2017						
28	110	Question Time Brief	25/1/18	Full	n/a	Yes
29	111-112	Question Time Brief	15/2/18	Full	n/a	Yes
30	113-116	Question Time Brief	10/10/18	Partial	Sch 2 s2.2(a)(ii)	Yes
Total No of Docs						
30						



SENSITIVE

**To: Minister for Regulatory Reform
Minister for Justice and Consumer Affairs**

Copy: Minister for Transport Reform
Head of Service

Subject: Regulatory Reform – Taxi Industry Innovation – Release Strategy for Unleased Government-owned Taxi Licences

Critical date and reason

- 1. **15 December 2016** – the Chief Minister and then Minister for Road Safety requested consideration in November/December 2016 (MIN:2016/002862; CMTEDD:2016/30).

Recommendations

- 2. That you:
 - a. **agree** to the proposed strategy for the market release of a backlog of government-owned taxi licence holdings; and

AGREED/NOT AGREED/ PLEASE DISCUSS

Gordon Ramsay MLA / /2016

AGREED/NOT AGREED/ PLEASE DISCUSS

Shane Rattenbury MLA / /2016

- b. **note** the conflicting stakeholder interests affected by the release of government-owned taxi licences.

NOTED/ PLEASE DISCUSS

Gordon Ramsay MLA / /2016

NOTED/ PLEASE DISCUSS

Shane Rattenbury MLA / /2016

Supporting Reasoning

3. The ACT's taxi industry innovation review and reforms have been consumer focused. They have permitted the introduction of rideshare and reduced regulatory costs on the taxi and hire car industry. The ACT Government committed to the two-year period of monitoring and evaluation from the commencement of its reforms in October 2015.
4. As part of ongoing reforms, we propose the release of currently unallocated standard government-owned taxi licences (GOTL) to support the intended outcomes of the taxi industry innovation reform by meeting operator demand and permitting competitive pressure in the taxi licence leasing market.
5. The release will directly affect the conflicting interests of private taxi licence owners and taxi operators, with a potential to promote calls for government assistance from those negatively impacted.
6. Overall taxi supply in the market may increase, but it is not expected to equal the number of licences allocated due to potential substitution effects.

Background

7. Currently, there are 50 standard government-owned taxi licences (GOTL) for standard taxis available for release. These licences have previously been released, but are currently unallocated.
 - a. Of a regulated cap of 358 taxi licences, 141 are GOTL and 217 are perpetual licences held by private interests. Of perpetual licensees, 19 are owner-operated.
 - b. Of the 358 licences, 26 are for Wheelchair Accessible Taxi (WAT) vehicles; the remainder relate to 'standard' taxis.
8. We understand that the current holdings of GOTL are not reflective of demand for licences, but rather the means by which they have been made available.
 - a. Prior to the introduction of the list system for automatic release of unallocated GOTL (in August 2016), GOTL were made available for lease via an infrequent ad hoc ballot (which would also create a reserve list operating for two years). Except for the release of seven WAT licences in May 2015, the last release of GOTL was in 2013 under the reserve list. Releases were withheld for the conduct of the taxi review from 2015.
 - b. With the introduction of the list system under the reforms, Access Canberra currently has significant demand for GOTL with a waiting list of 246 applicants for multiple standard licences and 33 applicants for WATs.

A conflicted market

9. The release of the backlogged GOTL is significant to stakeholders as licence supply in the market remains locked under the regulated cap limiting the opportunity for taxi operators to have effective choice and competition in the market.

- a. From consultations we understand that existing taxi operators are unable to negotiate lease reductions from perpetual licence holders due to the limited opportunity to move to GOTL.
 - b. Perpetual taxi licences continue to be leased at prices of \$20,000 per annum and above. This has created a two-tier market, with lessees of GOTL now paying \$5,000 per annum.
 - i. Note: WAT licences have a different fee structure – \$100 for a dual WAT and \$1,000 for single WAT.
 - c. Increasing the availability of GOTL will increase competitive pressure on perpetual licence holders to lower annual lease rates for operators.
10. Release of the unallocated GOTL may not fully address these issues and may create concerns for existing operators.
- a. To the extent GOTL are not taken up by existing operators, there will be increased competition from new operators compounding concerns regarding viability arising from competition due to ridesharing.
 - b. Operators may be contracted with perpetual licence holders for a number of years and may find it difficult to move to a GOTL if desired.
 - c. The number of GOTL is limited and perpetual licence holders retain significant market power (approximately 60 per cent of ACT licences under the cap).

Release strategy

11. We propose a considered and conservative ‘drip-feed’ approach to the release of unallocated GOTL as follows.
12. Current holdings of GOTL will be provided to the market over the course of 15 months subject to market conditions.
- a. Releases would occur in batches of 10 every three months from 1 February 2017.
 - b. Updates on market conditions would be provided to Ministers two weeks prior to each batch release, along with the required regulatory instruments.
 - c. New quarterly reporting requirements for Transport Booking Services (Out of [REDACTED]) will be fully operable from March 2017 to support monitoring. In addition, stakeholder feedback would be sought through an existing Implementation Working Group.
 - d. The commencement date would be to avoid the release of a batch over the New Year’s period. January is generally characterised by low demand for taxis, which would not support the viability of a new taxi.
13. We consider that as ‘generic’ a release strategy as possible is preferred so that it does not create bias toward the interests of any particular stakeholder group.
- a. For example, ACT Taxi Plate Owners Association (ACTTPOA) has indicated that they would like to reduce the coincidence of release with perpetual lease contract renewals. This would promote an increased taxi supply, but would

also act to support perpetual licence lease values at the expense of taxi operators. In meetings with officials, ACTTPOA has indicated an amenity to a drip-feed method. (Refer to separate ACTTPOA brief CMTEDD:2016/332.)

- b. Alternative approaches considered are outlined at Attachment A.
14. If agreed, we will prepare:
- a. communications material including a joint media release; and
 - b. first release regulatory instruments for the Minister for Justice and Consumer Affairs, in accordance with portfolio responsibility for the *Road Transport (Public Passenger Services) Act 2001*.
15. Under the legislated reforms the release of GOTL is subject to anti-hoarding and eligibility requirements – see outline at Attachment B.

Potential market impacts

16. We estimate that the effective **taxi supply** has already increased over the past year (based on a decline in booked jobs). Release of these GOTL will increase supply of taxi services in the market. An outline of market conditions is provided at Attachment C.
17. The impacts for overall taxi supply for consumers may not match the number released as existing market participants substitute GOTL for perpetual plates.
- a. Of the first 50 applicants on the taxi licence waiting list, 20 are existing market participants. While this does suggest a potential for substitution, there is also a potential that they could be seeking to expand their current interests.
18. The GOTL release may negatively impact on the interests of **perpetual licence holders** to the extent it promotes downward pricing pressure on perpetual licences and related lease fees due to increased competition.
19. For **taxi operators** it provides the opportunity for new entry, lower regulatory costs and price competition with those in perpetual leases. Some existing operators may still be unable take advantage of lower fees (e.g. contracted to perpetual licence holders or lower down the wait list).
20. Existing operators may also be subject to competition from new entrants or expanded fleets of other existing operators (e.g. 60 per cent of the first 50 parties on the waiting list are not current operators).

Consultation and Communication

21. Access Canberra and JACSD were consulted in the preparation of this minute, and agree with the proposed strategy.
22. During consultations on Phase 2 reforms various stakeholders made conflicting proposals for the Government's strategy for the release of licences – see Attachment D.
- a. For example, the Canberra International Airport continues to seek a substantive increase in taxi supply particularly given the introduction of international flights (see letter at Attachment D1). Whereas the interests of

existing perpetual plate holders (see Attachment D2) and operators could be negatively impacted.

23. Stakeholders will be advised of proposed release arrangements via the Implementation Working Group. Further communications will be developed by Access Canberra.

Financial

24. Government revenue will increase to the extent unallocated GOTL are taken up by the market. There are possible revenues of up to \$250,000 per annum with GOTL lease fees at \$5,000 per annum from 1 November 2016.
- a. With the 2016-17 Budget allowing for GOTL lease fee revenue of \$569,000 (i.e. near full GOTL allocation) only a limited budget adjustment may be required.
25. There is a risk that any reduction in lease prices by perpetual licence holders through competition may prompt claims for assistance. sch 1 s1.2 [REDACTED] (See Attachment E.)

Management of Other Risks

26. Separate briefing is prepared for a meeting of the Minister for Regulatory Services with the ACTTPOA on 1 December 2016 (CMTEDD:2016/332 refers).

Executive Clearance: A/g Deputy Director-General: Geoffrey Rutledge, Policy & Cabinet

Date: 18 November 2016

Action Officer: Sch 2 s2.2(a)(ii) [REDACTED]

Phone: Sch 2 s2.2(a) [REDACTED]

TRANSITIONAL ISSUES ANALYSIS: TAXI LICENCE LEASING IMPEDIMENTS TO REFORM

Problem:

1. The release of the backlog of GOTL involves a series of policy and market tradeoffs.
2. The restricted supply of taxi licences continues to support the perpetual licence holder leases to the detriment of operators.
 - a. Taxi operators claim that the Government has created a two-tier taxi licence leasing system with its reforms – between those that lease government-owned licences and those with perpetual licence leases. At the same time as increasing industry competition in the form of ridesharing.
 - b. The lack of availability of government-owned licences has supported perpetual plate leases (we understand that parties are still able to lease for prices in the order of \$20,000 per annum and more). Out of Scope
 - c. The retained lease prices for perpetual plate licences runs against their claims for assistance by licence holders.
3. The release of backlog GOTL may not support all existing operators.
 - a. Existing operators may be faced with competition from new operators.
 - b. Existing operators may not be able to exit from contracts with perpetual licence holders to take advantage of the availability of GOTL.
 - c. The limited number of GOTL compared to perpetual licences limits the potential for competition for operators to extract lease fee reductions.
4. The release of backlog GOTL may not result in increased consumer outcomes.
 - a. Existing operators may substitute perpetual licences for GOTL. Subject to demand there may not be an overall increase or an increase up to the regulated in taxi numbers servicing the market.
 - b. The pricing differential between the licence types creates an incentive for perpetual licence owners to lease and hold GOTL (but not operate them) – thereby promoting the value of their perpetual licence holdings which are transferable.

Proposed release arrangements:

5. We consider that release of backlogged licences is necessary to exert competitive pressure within the taxi licence market. However, the release will not benefit all stakeholders.
 - a. Perpetual licence holders may suffer reduced lease values.
 - b. Existing operators may be limited in their ability to take up licences (as described above) and face competition from new operators.
6. The 'drip-feed' release strategy:
 - a. limits the potential impacts on individual perpetual licence holders by not substantially increasing supply at a point when leases on particular licences would be up for renewal;

- b. spreading the time for release potentially allows for more diverse operator take up and greater access by existing operators as contracts with perpetual licence holders expire ;
- c. sends a clear signal to market of expectations for nearly a year;
- d. allows time for further adjustments to the release strategy for market conditions.

Other measures

- 7. Other measures considered but not recommended at this time are outlined below.

Full release of unallocated GOTL

- 8. The immediate availability of all unallocated GOTL was not preferred due to potential disruption to existing operators, and more limited opportunity for them to take advantage of availability of the licences.
- 9. The impact on perpetual licence holders would be focused on those parties with contracting arrangements up for renewal within proximity of the release.

Withhold further release for a period

- 10. Tasmania has announced that it will not release any taxi licences for three years as part of its reforms, rather than provide direct financial assistance to perpetual plate holder.
- 11. The restricted supply should maintain perpetual plate values as we have witnessed in the ACT over the last year.
 - a. While there has only been thin trading activity in the ACT perpetual plates since late 2015, sale prices have been substantially maintained. (Note plate holders may not have been able to find buyers due to reform uncertainty.)
 - b. In 2014 (pre-review/reform), eight plates sold at an average of \$244,900. In 2015, 13 plates sold at an average of \$244,200. In 2016, three plates sold at an average of \$231,600, with a plate traded in October for \$220,000.
- 12. The ACT Government has not agreed to any assistance to perpetual plate holders with its reforms and is evaluating the reforms over two years.
- 13. Perpetual plate holders in the ACT have already benefitted from no standard taxi GOTL releases since 2011

Financial support for operators

- 14. Operators remaining subject to higher leasing costs with perpetual licence holders are at a competitive disadvantage compared to operators leasing GOTL.
- 15. Financial support (limited) could be provided to operators. For example, the Government could provide grants to operators who have not received the benefit of reduced lease payments (in full or part).

16. The current differential between government-owned taxi licenses and perpetual taxi licenses is at least \$15,000 (as some perpetual plates were leasing above government rates).
 - a. Payments to operators for the 198 potentially affected licenses for this difference would equate to approximately \$3 million per annum.
17. Any payments to operators would need to consider the potential flow on impacts involving perpetual licence holders, with regard to:
 - a. the potential to prop up lease payments they receive;
 - b. consideration of direct assistance to perpetual licence holders.

Regulating lease fees

18. During the review and reforms, some operators have proposed that the Government apply a cap on perpetual license leasing charges.
19. Such actions would impact on private contractual rights which would be expected to raise issues regarding the acquisition of property.
20. Perpetual licence holders argue for increases in GOTL lease fees to support their financial interests.

Deregulate taxi supply

21. Overall we consider that the only way to ensure full competition in the taxi licence leasing market would be to deregulate taxi supply. However, there is the potential for this to add greater disruption for existing operators at a time of already significant reform.
 - a. The potential for deregulation of taxi supply could be fully considered in conjunction with the evaluation of reforms after the two year monitoring period.

GOVERNMENT-OWNED TAXI LICENCE – ANTI-HOARDING AND ELIGIBILITY REQUIREMENTS

Anti-hoarding – given the price differential between GOTL and perpetual licences there is a need to ensure that licences are taken up and used.

- Licence conditions require that GOTL must be operated or be forfeited.
- Restricted eligibility – applicants will be limited to those that do not already have significant licence interests (defined as 25 or more licences which a person or related parties owns, operates or controls).
- Allocation limits – no more than five GOTL can be allocated to a pre-approved holder within a 12 month period and only one at a time (then back to the end of the waiting list).

Eligibility requirements – part of general licensing to reduce potential turnover and administration of licences.

- Parties who forfeit or surrender licences prior to the expiry date of the term of the licence are not be eligible to be on the waiting list for 12 months.

These arrangements address incentives to hoard licences due to lease pricing differentials by requiring that the licences be operated. Restrictions on applicant eligibility also prevent larger existing interests from taking control of new licences and inhibiting outcome for operators.

- Out of Scope [REDACTED]

In contrast, perpetual plate holders have an incentive to maintain the operation of their licence holdings due to the sunk costs involved in purchased.

ON-DEMAND TRANSPORT MARKET DEMAND¹

16 November 2016

SERVICES

Booked services

Rideshare

Out of Scope

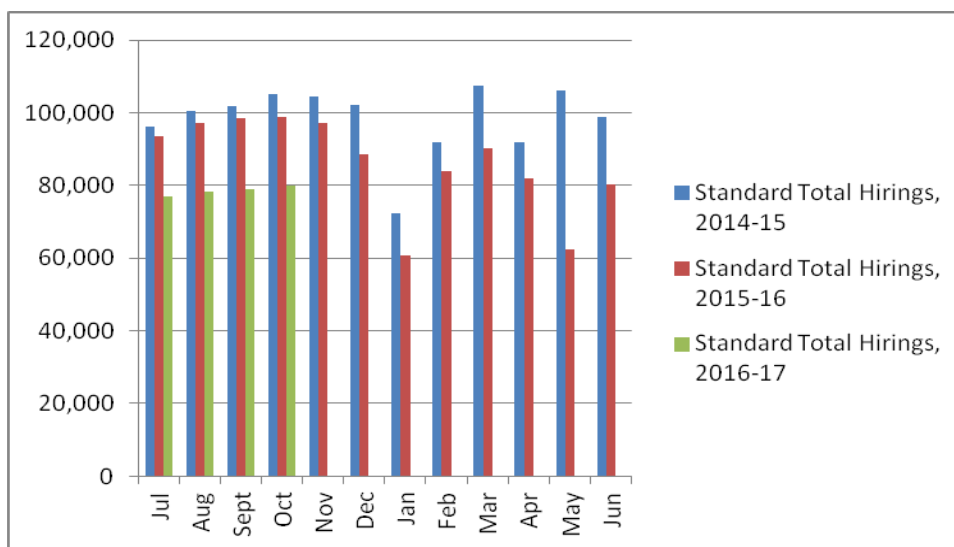
Anecdotally we understand that this includes a element of latent demand from consumers who would otherwise not have used taxis.

Taxis

The taxi industry advise (anecdotally) that there has been limited impact on taxis. Primarily some reduced demand on Friday and Saturday nights.

Data received by Access Canberra as part of ongoing wait time performance reporting suggests a reduction in booked services for standard taxis in the order of 20 per cent per month (since June 2016). [Note the Federal election period to May this year may have contributed to outcomes.]

Table 1: Standard taxi booked hirings per month



The decline in booked jobs for taxis for the period November 2015 to October 2016 (excluding May 2015) compared to the prior year totals over 150,000 jobs and is equivalent to the prior workload for over 20 taxis. Out of Scope

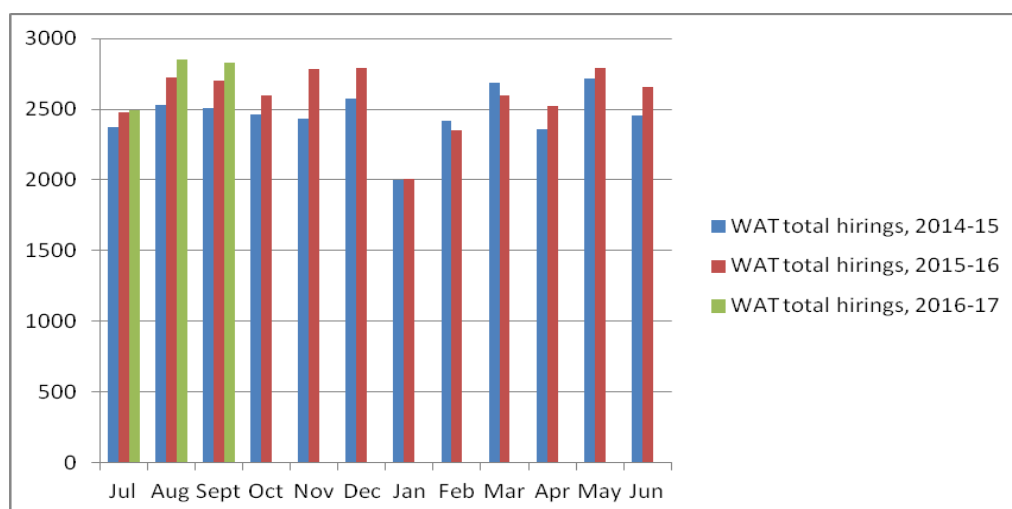
¹ New reporting requirements are expected to be fully operational for reporting in March 2017 as Transport Booking Services are licensed.

- Caution is required in interpretation of the potential impact of rideshare introduction, as in each of the four months prior rideshare commencing taxi bookings had declined by an average of approximately 3,900 jobs. Allowing for a similar monthly reduction trend to the above period would reduce the workload equivalent nominally related to reforms was in the order of 14 to 15 taxis.

WAT services

Demand for WAT services continues to increase. Access Canberra advise however that there remains sufficient spare capacity in the WAT supply particular in 'off peak' periods based on detailed data from the WAT transport booking service (TBS). (Note – WAT services for people with disabilities are all subject to bookings through a centralised TBS.)

Table 2: WAT booked hirings per month



Rank and hail

No current data. The Australian Taxi Industry Association (ATIA) has no updated data since the 2014 calendar year.

- In the ACT, rank and hail is understood to be the origin of approximately half of taxi fares. Though it has been declining as a proportion of total jobs from 55 per cent in 2010 to 49 per cent in 2014 (according to ATIA statistics).

MARKET PARTICIPANTS

The following details reflect licensing numbers since commencement of Phase 2 legislated reforms in August 2016.

Transport Booking Services

Table 3: Transport Booking Services (as at 1 November 2016)

Type	Number	Company
Taxi	4	<ul style="list-style-type: none"> ○ Aerial – t/a Silver Service and Canberra Elite ○ goCatch ○ Cabxpress ○ ACTCabs
Rideshare	1	<ul style="list-style-type: none"> ○ Uber
Hire car	1	<ul style="list-style-type: none"> ○ Aerial

Drivers

Access Canberra is recording increasing licence numbers for all types of drivers. (Note rideshare drivers are currently transitioning from interim arrangements.)

- For taxis, we anticipate the increase has been supported by revised licensing and English-language testing requirements.

Table 4: On-demand transport drivers – Licensed with Access Canberra

2016-17 (as at 1 st of month)	Jul	Aug	Sept	Oct	Nov
Taxi	-	1455	1489	1523	1543
Rideshare	-	-	Out of Scope		
Hire car	-	-	197	201	204

Operators

Rideshare operator numbers are increasing in line with expectations of licensing transition. Taxis and hire cars are subject to limited variation.

Table 5: On-demand transport operators – Licensed with Access Canberra

2016-17 (as at 1 st of month)	Jul	Aug	Sept	Oct	Nov
Taxi		164	169	170	169
Rideshare		-	Out of Scope		
Hire car		24	24	23	26

TAXI LICENCE – GOTL AND PERPETUAL

(Since July 2016)

GOTL

- Month to 1 November: 2 - 1 x WAT and 1 x Standard.
 - Standard already on road, WAT on offer.
 - WAT return was based on the retirement of operator.
- Current waiting list: standard – 246 applicants; WAT – 33 applicants.

Perpetual

- Month to 1 August: 2 - Transfer of names only no money exchanged)
- Month to 1 November: 1 transfer – sold for \$220,000

CONSUMERS

Pricing

Taxis

Regulated fares have not changed since prior to the reforms. The Canberra Taxi Industry Association has purposefully not sought a review.

Table 6: Taxi fares

Description of matter in respect of which fare is payable	Maximum fare (\$)
Radio Bookings	\$0.00
Booking Fee for Canberra Silver Service Taxis (operated by Aerial Capital Group Limited)	\$13.80
Standard Taxi (single hiring)	
Flagfall	\$5.00
Kilometre Rate	
- For a journey commencing between 6 am and 9 pm on a day other than a Saturday, Sunday or public holiday	\$2.06
- For a journey commencing before 6 am or after 9 pm Monday to Friday and all day on a Saturday, Sunday or public holiday	\$2.37
Other fees and charges are also regulated such as: multiple hirings, high occupancy; wait time; baby capsule, commissionaire surcharge.	

Source: [Road Transport \(Public Passenger Services\) Maximum Fares for Taxi Services Determination 2015 \(No 1\)](#)

Rideshare (Uber)

Uber's fare structure has remained unchanged since their commencement in the ACT. Note Uber customers may also be subject to 'surge' pricing in periods of high demand.

Table 7: Uber fares

Fare structure	3 November 2015	16 November 2016
Base fare	\$2.35	\$2.35
Per minute	\$0.45	\$0.45
Per kilometre	\$1.35	\$1.35
Minimum Fare	NA	\$6.00

Source: Uber website, <https://www.uber.com/en-AU/cities/canberra/>

Service quality

Subject to conduct of further consumer surveys. Initial surveys undertaken during review.

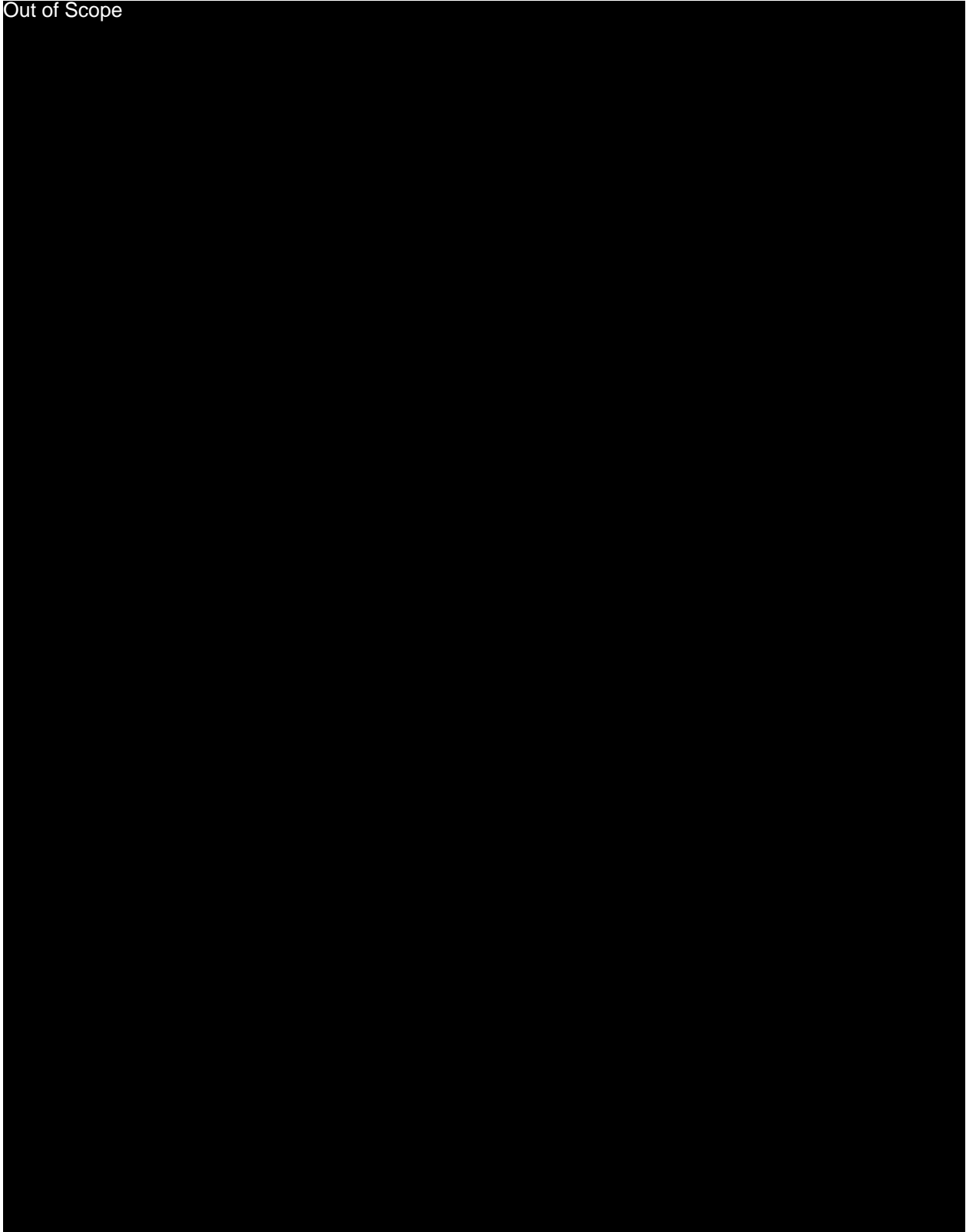
Complaints

Table 8: Complaints received by Access Canberra (2016-17)

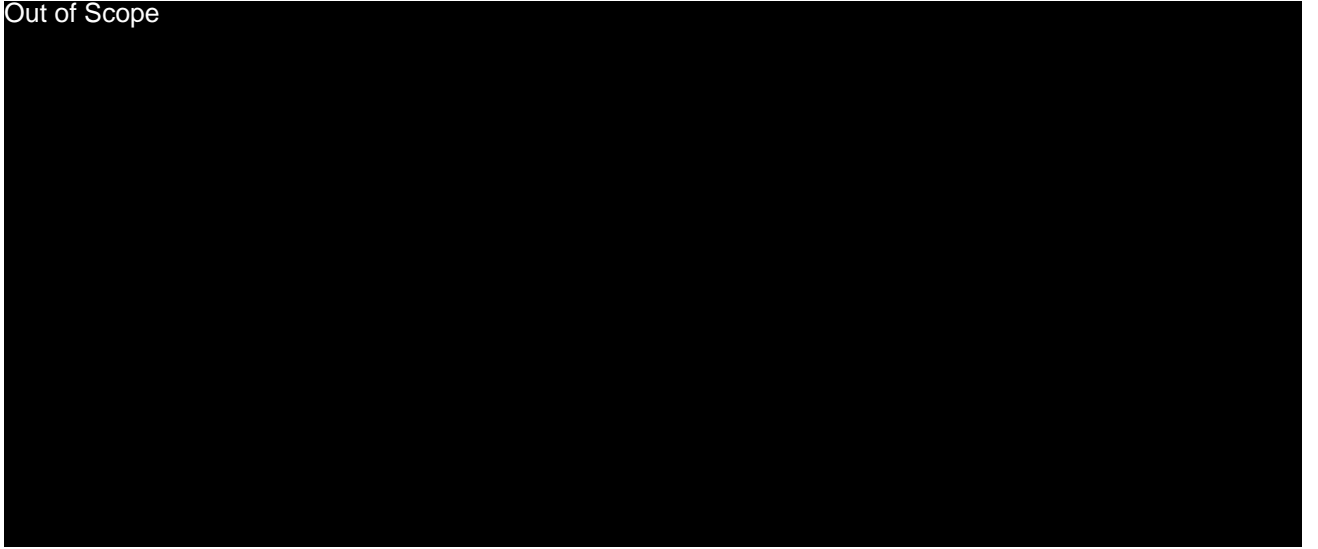
Service	July		August		September		October	
	No.	Concern; Action	No.	Concern; Action	No.	Concern; Action	No.	Concern; Action
Taxis	2	No Show, WAT Overcharge	6	Subleasing, aggressive driving, No show, TSS issue, Aerial Bylaws.	11	Fare/overcharging, Eftpos surcharge, No show, Aggressive driver, Dangerous driving, Subleasing.	9	3 Overcharge – refunded; 1 TSS issue – resolved with operator; 1 suspected misconduct/assault – investigated NFA; 1 no show – referred to TBS; 1 complaint against taxi and Aerial – referred from fair trading. Investigated NFA.
Rideshare	2	Driver licensing, general complaint that Uber is killing taxi industry	0	NA	0	NA	7	Out of Scope
Hire car	0	NA	0	NA	0	NA	0	NA
Other	1	Third-party Taxi TBS: Receipt – use of private registered car	0	NA	0	NA	0	NA

STAKEHOLDER VIEWS ON GOTL RELEASE

Out of Scope



Out of Scope



Out of Scope

PERPETUAL PLATE OWNERS

ACT Taxi Plate Owners' Association Inc.

Gordon Ramsey, MLA
Attorney General
Minister for Regulatory Services
Minister for the Arts and Community Events
Minister for Veterans and Seniors

9 November, 2016

Dear Mr Ramsey,

Congratulations upon the ACT Labor Party's return to office and your election and appointment to the Ministry. With ACTTPOA's formulation it is now hoped that a fruitful and amicable relationship might develop between yourself and the Association in dealing with regulatory taxi issues. This is of particular importance over the next twelve months as the planned review of the Government's past actions affecting the local taxi plate owners is implemented as promised. For this reason it was the Association's desire to make contact with you as early as practicable.

The Association acknowledges the Chief Minister's very close involvement and initiative in introducing legal ridesharing as part of the point-to-point transport system in the ACT. However, the attached ACTTPOA Position Statement is intended to provide you with the background of the Association's formulation and its causes for concern. It is also hoped that it might serve as a basis for future discussions with you over the proposed "monitoring" period.

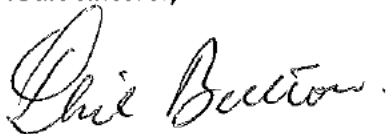
In summary, the paper covers the following:

- Background to the formulation of our Association
- Impacts over the twelve months re:-
 - (A) Lease fees - owners' perspectives
 - (B) Government Leased Plates Perspectives
 - (C) The arrival of Ridesharing into the market place
 - (D) Devaluation of perpetual taxi plates
- Summary Remarks, and
- Conclusion.

A copy of the Position Statement will also be provided to Mr Geoffrey Rutledge, the Acting Deputy Director General of the Government's Policy and Cabinet Division for his information.

ACTTPOA was pleased to learn that you are available to meet with its representatives on Thursday 1 December at 10.00 AM and look forward to doing so during the outset of your term as Minister. From the meeting it is hoped that ACTTPOA will be able to provide some constructive news to its members concerning the future of their financial livelihoods prior to Christmas.

Yours sincerely



P. M. Button
Chairman
ACTTPOA

ACT TAXI PLATE OWNER'S ASSOCIATION (ACTTPOA)

POSITION STATEMENT

BACKGROUND

At present ACTTPOA believes there are 311 taxi plates on the road in the ACT. 217 or seventy percent (70%) are privately owned. The balance are government leased plates. The 217 plates are owned by we believe approximately 180 individuals or families and those that we have being able to contact in the majority are now financial members of the association.

The Chief Minister announced in October 2015, that he would legalise the entry of ridesharing into the ACT thereby facilitating the beginning of deregulation of the local taxi industry. He also initially stated that there would be no compensation for perpetual plate owners. As a consequence the ACT Taxi Plate Owners Association (ACTTPOA) was created in March, 2016 to give a voice to perpetual taxi plate owners who have been severely impacted by the ACT Government's actions. ACTTPOA aims to protect the value of taxi plate investments and to defend the income that these investments generate.

Until ACTTPOA's creation taxi plate owners had no entity representing their interests since the early 1990s when the Canberra Taxi Proprietors Association was disbanded. Since then, there have been claims that plate owners' interests were covered by the Canberra Taxi Industry Association (CTIA). However, it could be argued that the CTIA have been more focused on representing the interests of the Aerial Capital Group as a whole rather than individuals who make up the local industry.

ACTTPOA discovered that in January 2015, over twelve months before its formulation, that the ACT Government commissioned the Centre of International Economics (CIE) to develop an "On Demand Transport Model" for the Territory. It is documented that the ACT Government requested the CIE to consider policies that would:

- Embrace the introduction of ridesharing
- Set requirements for the safe provision of ridesharing such as licences and training
- Level the playing field with taxis by reducing the costs of providing taxi services, and
- Make taxi fares more competitive for users of the service¹.

ACTTPOA further understands that of the three (3) model options proposed by the CIE, the Government chose the third option - namely to legally introduce ridesharing. This decision resulted in:

- Ridesharing companies operating even though enabling legislation did not exist
- A halving of Government taxi plate lease costs to \$10,000 pa
- A further reduction to \$5,000 as of 1 November 2016, and
- A misguided belief that there would be an alleged reduction of taxi network fees due to increased competition.

To facilitate and manage the proposed changes the Government established an Innovation Working Group tasked with liaising with the various affected groups and individuals.

IMPACTS OVER THE PAST TWELVE MONTHS

(A) Lease Fees – Owners' Perspectives

The reduction of lease fees for Government plates from \$20,000 to \$10,000 pa took effect from 1 November 2015 and led to a loss of \$960,000 to Government revenue.

¹ ACT Government. 2015. Modelling of Policy Scenarios for the ACT On-demand Transport Sector

As of 1 November 2016 the Government leased plates have again halved to just \$5,000 a further loss to government revenue of \$480,000. This further sacrifice of income brings a total loss of revenue to \$1.44 million at a time when the Government is increasing their revenue by way of raising rates, telephone surcharges, additional utilities tax and a range of new levies, for example fire and emergency services. A strange decision to forgo revenue at a time when all other costs are rising.

ACTTPOA addressed the concerns of plate owners when meeting representatives of the ACT Government's Innovation Group. Further concerns were raised with both Government and Opposition Members of the Assembly. Despite these representations it appears that the Government still proposes to forgo this revenue. The question must be asked "for what purpose?"

Another concern was the re-release of Government surrendered taxi plates. The effects of the start-up of ridesharing on the travelling public and the local taxi industry was unknown. Flooding the market with the surrendered Government plates would have been devastating to the local community that rely on a 24/7 on demand point-to-point transport service. Consequently ACTTPOA was pleased to have their concerns addressed when the decision was taken not to release any further government plates at this time. It is understood that only plates handed back during 2016 will be re-issued immediately. ACTTPOA supports this outcome.

It is ACTTPOA's opinion that future changes to the ACT point to point road transport industry beyond the next 12 months need to be undertaken in a transparent, collaborative and professional manner. ACTTPOA must be informed by Government as to how it plans to monitor and regulate the new transport environment it has created.

(B) Government Leased Plate Perspectives

The announcement that a waiting list system for applicants seeking Government leased plates was to be introduced was welcomed by ACTTPOA. The Association believes that there is acceptance of the new waiting list scheme and taxi operators appreciate the need to ensure that the market place is not oversupplied. The Association believes that it is in nobody's best interest to have the market place flooded with unviable plates only to have them handed back. ACTTPOA would also support a plan that penalises operators who return Government plates from future participation in the industry. Surely establishing a viable industry servicing all of Canberra 24/7 is in everybody's best interest.

(C) The Arrival of Ridesharing into the Market Place

From the outset ACTTPOA has accepted the arrival of ridesharing. The local taxi industry prepared for the use of new technologies with the introduction of their own APP "Taxi To Me" five years ago. Development of this app has continued and now is similar to the apps used by ridesharing companies.

Ridesharing was given a green light to operate legally in the ACT by the Chief Minister. Their arrival was seen as an excuse to deregulate the taxi industry. Rather than have ridesharing meet current accepted safety and performance standards that applied to taxis they were granted exceptions to these standards. Of more concern is the disparity between taxis and ridesharing vehicles Comprehensive Third Party Insurance Policies. This disparity in costs is unacceptable. Has the Government forsaken the previous mentioned revenue in order to try and equalise this situation. ACTTPOA urges the legislation aimed at pursuing a more realistic third party scheme such as enforced in New South Wales, whose taxis are also able to operate in the ACT. Concern has been stated that ridesharing operators have no intention of serving general transport needs for all ACT Residents. Observations this year to date report ridesharing operating mostly on Friday and Saturday nights "cherry picking" their work and leaving the outer suburbs un-serviced. The impact that this has had is to take work out of the best shifts, shifts that taxis rely upon to maximise income allowing them to meet 24/7 running costs.

ACTTPOA believes that ridesharing vehicles should be readily identifiable by members of the public. Information given to ACTTPOA states that the Police have also requested that these vehicles be readily identifiable. A simple requirement would be to have them display a magnetic door sign when operating as a ridesharing vehicle. The inability of the public being able to overtly identify a ridesharing vehicle is a considerable risk.

It is hypothesised that the many ridesharing pitfalls experienced in other jurisdictions will become apparent in the ACT. ACTTPOA believes that promises made and embraced about performance and safety by the ridesharing providers and operators will not materialise.

(D) Devaluation of Perpetual Taxi Plates

The Government's announcements have had a devastating impact on the value of taxi plates. Plates offered for sale have not been able to attract buyers at realistic prices. Valued at around \$285,000 prior to the announcement they now have effectively had their value greatly diminished.

It is interesting to note that from the outset the CIE pointed out to the Government that **the most significant constraint on policy change is the impact on existing owners of perpetual taxi plates**. They (CIE) went on to point out that "the price at which government owned plates are leased would also reduce the lease price for perpetual plates, **resulting in perpetual plate owners receiving lower income from their asset and hence its value would fall**. Further they said "in making a decision on the extent to which licence lease values are reduced, the ACT government **must weigh up what is considered "fair" for licence plate owners** against the best interests of consumers and the community more broadly².

The CIE then provides in its report a table of data dating from 2004 to 2015 end of year (sourced from the ACT Government) indicating the average sale price of plates year to year. The data covers a total of 151 licence transfers and points out that there are 217 perpetual licences in total. It states that where a licence has been transferred as part of a deceased estate the transfer value is recorded as zero³.

In any event the table shows that the average sale price over the period 2004 to year ending 2015 was \$260,648. In the last year ending the average of those sold was \$245,250⁴.

ACTTPOA is most concerned and focussed on this issue. Whilst the Association does not accept that perpetually owned taxi plates are worthless, it is difficult to establish a real value. In this regard ACTTPOA places the Government on notice that it is prepared to go to any length to ensure social fairness and equity is given to plate owners who purchased plates from the Government in good faith.

ACTTPOA is prepared to continue to work with Government over the coming months to evaluate the impacts upon stakeholders in the industry. The Association looks forward to receiving advice from the Government's Innovation Group and the Territory and Municipal Services (TAMS) as to what methods are to be employed in monitoring and evaluating the changes occurring in the point to point transport industry.

SUMMARY REMARKS

In the last twelve months it must be noted that legislation has enabled the legal introduction of ridesharing in the ACT. At the same time the impact upon stakeholders so far effected must be assessed before another twelve months elapses.

² Ibid

³ Ibid

⁴ Ibid

One of the goals stipulated at the outset was to set requirements for the safe provision of ridesharing services. The licencing of operators has partly been addressed, however some requirements have been totally discarded. It could be concluded that rules that have governed the conduct and transport of the public in the past have been deemed unnecessary in this new operating environment. The de-regulation of standards ultimately will result in poorer delivery of service with the travelling members of the ACT community being the most adversely affected.

One of the Government's primary aims was to create a level playing field in this new age and to reduce the costs of providing taxi services. The outcomes so far on this issue leave much to be desired. Regardless of some minor costs being reduced and rank preference pick up concessions given to taxis alone, not all costs have been reduced equitably. The failure of Government to pursue with insurers the exorbitant costs to ACT taxis of Compulsory Third Party Insurance falls well short of this goal. This matter (as mentioned above) must be pursued if costs are to be substantially reduced.

Finally, the Government intended to have taxi fares become "more competitive for users of taxi services"⁵. Again there has been no success here for several reasons, primarily because taxi fares have been found to be often cheaper to the ridesharing operators' charges. Any decrease in taxi fares without just cause would result in many taxi operators losing significant income. It is interesting to note that claims of a 50% drop in fares charged by ridesharing companies has not materialised. In fact overcharging has seemingly become the norm leaving taxis the cheaper option.

ACTTPOA intends to report on the impacts on stakeholders over the coming twelve months. It does so on the basis that the Government accepts that the ACT taxi industry is a vital part of point to point transport within the ACT public transport system. The Association accepts that there will always be a need for taxis in the equation just as there may be for ridesharing operators. Furthermore it understands that there will be an ongoing need for perpetually owned and operated taxi plates.

IN CONCLUSION

ACTTPOA's principal goals include:

- Maintaining the value of perpetual taxi plates
- Protecting the value of income generated for perpetual plate holders particularly as an income source in retirement
- Protecting the ongoing viability of point-to-point transport covering all areas of Canberra on a 24/7 basis
- Advocating for a controlled release of ACT Government taxi plates by ensuring that a reasonable and rational approach is taken by the Minister and the Regulator soundly based on collected data, and
- Ensuring that compensation is awarded to perpetual taxi plate owners in line with current accepted Australian social justice policies.

The Board of the ACT Taxi Plate Owners Association (ACTTPOA)
November 2016

⁵ Ibid

GSO ADVICE



ACT
Government

Chief Minister, Treasury and
Economic Development

SENSITIVE

To: Minister for Regulatory Services

Copy: Head of Service

Subject: Regulatory Reform – Taxi Industry Innovation Reform – Data and taxi licence release

Critical date and reason

1. Normal course of business – to support your consideration of taxi licence supply arrangements.

Recommendations

2. That you:
 - a. **note** the industry data and advice available; and

NOTED/PLEASE DISCUSS

- b. **agree** to a staged release of additional taxi licences up to the regulated cap (refer to CMTED:2016/375) as the preferred approach under continuing reform actions – though with a delay in commencement to 1 March 2017.

AGREED/NOT AGREED/NOTED/PLEASE DISCUSS

Gordon Ramsay MLA / /

Supporting Reasoning

3. At the meeting with the ACT Taxi Plate Owners' Association (ACTTPOA) on 1 December 2016 queries were made about the data available to support consideration of the taxi industry innovation reforms, including a release strategy for currently unleased Government-owned taxi licences (see ACTTPOA email at [Attachment A](#)).
4. We have sought further information from key stakeholders to confirm reported aspects of evolving market supply and demand.
5. Out of Scope [REDACTED]
6. Out of Scope [REDACTED]
7. Out of Scope [REDACTED]
8. Out of Scope [REDACTED]
9. An outline of performance, licensing and complaint data available to Access Canberra pre- and post-reforms and proposed for the evaluation is at [Attachment B](#).

Public information

10. Through the reform process Access Canberra agreed to stop publication of ACT taxi performance statistics. This was determined on the basis that Uber was unwilling to provide data, so for equity reasons taxi data was also no longer published.
 - a. We note that the Australian Taxi Industry Association has also ceased publication of statistics (since the 2014 calendar year).
 - b. Modified taxi data is available on request from Access Canberra on a needs basis and is a combined total, with no specific party identification.
 - c. We are yet to receive substantive reporting from Uber. New Taxi Booking System reporting requirements will require information from March 2017.
11. Access Canberra advises that most other Australian jurisdictions do not have performance indicators nor collect this data.
 - a. Some jurisdictions, such as Victoria, provide details of licence numbers for drivers, operators and report transfer values of perpetual licences.

Taxi licence supply

12. Allowing the supply of taxi licences to increase would ensure that the taxi supply market does not stagnate. It would permit the entry of new operators, as well as promote competition in the taxi licence leasing market.
 - a. Taxi supply is limited at less than the regulated cap due to prior administrative process.
 - b. There are no caps on the number of hire car or ridesharing vehicles.
 - c. Limiting supply of a good or service can move the market out of its natural equilibrium and can promote rationing through availability or price.
13. Maintaining restrictions on taxi licence numbers and availability for lease only serves to protect the interests of perpetual plate holders and certain existing operators or drivers.
 - a. Perpetual plate values and lease fees have been maintained (source: Access Canberra **Out of Scope**).
 - b. Existing taxi operators/drivers may experience less competition from new entrants. However, operators unable to take advantage of reduced government-owned taxi licence lease fees complain of a bifurcated market.
14. We recommend that any effort to address the pre-existing regulatory intervention in the market be managed to allow for the continued provision of services and limit harms to stakeholders.
15. We consider that the ability to allow for increased taxi supply is supported by:
 - a. high demand for taxi licences, both from new entrants and existing providers ;
 - b. the substantive maintenance of perpetual plate trading values and lease fees (at cost to taxi operators);
 - c. limited negative impacts on taxi services advised to date;
 - d. lower taxi density per head of population than other Australian capitals; and
 - e. ongoing calls from stakeholders such as Canberra Airport for further licence release to support expanding transport services.
16. A more detailed outline of reasons for staged licence releases (up to the regulated cap) is at Attachment C.
 - a. If agreed, this can be used as basis for communications materials to provide reasoning for the decision, to support an open engagement with stakeholders.
17. Given delays in obtaining further information, you may also wish to delay the timing of the initial further licence release to 31 March 2017 (and quarterly thereafter).

Retraction

18. Please note we previously suggested an effective increase in taxi supply due to reduced numbers of taxi bookings (refer to briefing CMTED:2016/375). However, we now understand that the data did not include Out of Scope [REDACTED]. Accordingly, we cannot infer a substantive decline in booked taxi services following rideshare commencing in the ACT as advised earlier.

Consultation and Communication

19. Access Canberra and Justice and Community Safety Directorate were consulted in the preparation of this brief. They continue to support the proposed approach to taxi licence release.
20. The positions of key stakeholders on taxi licence release are outlined at Attachment D.
21. As referred to in briefing CMTED:2016/375, subject to your agreement we will prepare the necessary communications materials and draft statutory instruments (for the Minister for Justice and Community Services). As part of actions to announce the results of your decision on taxi licences, we propose writing to the ACTTPOA to advise the outcome and basis for the decision.

Financial

22. Nil.

Management of Other Risks

23. Arrangements for any licence release will need to be managed with the Office of the Minister for Justice and Consumer Affairs (refer to briefing CMTED:2016/375).
24. Monitoring of the industry is ongoing. Details of arrangements for the evaluation of reforms will be provided in the New Year.

Executive Clearance: Geoffrey Rutledge, A/g Deputy Director General, Policy & Cabinet

Date: December 2016

Action Officer: Sch 2 s2.2(a)(ii) [REDACTED]

Phone Sch 2 [REDACTED]

ATTACHMENT A

ACTTPOA email post meeting

- (Note separate response being prepared.)

OUTLINE OF DATA SETS

Access Canberra performance and licensing data

	Pre-reform	Post-reform*
Performance	No. of bookings	No. of bookings No. of hirings (includes taxi rank and hail)
	Waiting times (peak and off-peak) – taxis including wheelchair accessible taxis (WATs)**	Waiting times (peak and off-peak) – taxis including WATs Av. Wait times – services booked through a Transport Booking Service (TBS) including by area
	N/A	Average fares
	Complaints – taxis	Complaints or average service ratings
Licensing	Taxi networks	TBSs
	Taxi and hire car – drivers, operators and vehicles	Taxi, hire car and rideshare – drivers, operators and vehicles
	Taxi – perpetual plate transfers (owners and value)	Taxi – perpetual plate transfers (owners and value)

* New TBS reporting to be in full effect from March 2017.

** Note: WATs are subject to real time monitoring of service provision through the WAT TBS.

Other proposed data to support evaluation

Type	Detail
Data – stakeholder satisfaction surveys [Builds off surveys undertaken during review]	Consumer (general), to include demand profiling Taxi Subsidy Scheme/People With Disabilities
Data – stakeholder impact surveys	Drivers Vehicle owners Booking services Taxi plate owners*
Data – stakeholder submissions	Seek submissions from Implementation Working

[Builds off submissions received during review]	Group and Stakeholder Forum participants
Data – industry	Approach Australian Taxi Industry Association for update on 2014 statistics (last publication)
Data – Canberra Airport	Receiving hourly/daily/monthly statistics on: <ul style="list-style-type: none"> • taxi and rideshare movements • passenger arrivals
Data – other Australian states and territories, international	Direct approach for data/market impacts Desktop review of research literature
Economic	Modelling – consultant to be procured [Centre for International Economic performed modelling during review] General economic and demographic data

* Note, survey already discussed with ACTTPOA and ACT Valuation Office.

ACT TAXI LICENCE RELEASE STRATEGY – STATEMENT OF REASONS

With the objective of supporting improved passenger services, we propose the ACT Government make available for lease government-owned taxi licences through a staged process. Commencing on 1 March 2017, 10 additional licences should be released each quarter up to the regulated cap, subject to ongoing consideration of market conditions.

The following outlines the factors considered in determining this approach.

The ACT Government is committed to promoting consumer outcomes with a regulatory framework designed to promote safe, reliable, sustainable and efficient transport services. The Government is continuing to monitor the Territory's on-demand transport industry as part of the two year evaluation of its reforms which commence in October 2015.

[Note this action does not preclude further changes by the Government in relation to availability of licences or the regulated cap of taxi supply, which may arise from its evaluation of reforms in late 2017.]

MARKET SUPPLY

Taxi supply

The supporting analysis report accompanying the reforms indicated that taxi supply arrangements would be monitored, and that a new list system would operate to promote supply up to the regulated cap. The list system is now operating but holds numbers at 308 ACT-licensed taxis, as at 31 July 2016.

Since the commencement of the reforms the Government has not released any additional standard taxi licences for lease. In addition, before the list system there had not been a new lease of any government-owned standard taxi licences since 2013. In 2015, seven WAT licences were made available to bring numbers up to the regulated cap.

Despite the projected period of uncertainty and increased competition as industry transitions to new arrangements with the introduction of rideshare, demand for leases of ACT taxi licences remains strong. This is evidenced by considerable waiting lists for both government-owned and perpetual taxi licences. The supply of taxi drivers to service vehicles and consumers has risen strongly since the commencement of second phase reforms to driver licensing, with a nearly 10 per cent increase in licensed taxi driver numbers to 1 December 2016.

Industry reports that the lease fees of perpetual taxi licences remains strong, with consequential support for the transfer value of perpetual taxi licences. This is backed by the traded value of perpetual taxi licences market transfers during 2016 averaging \$231,600 (though limited in number, to three).

Taxi services are backed by a greater number of transport booking services with ACT Cabs, Aerial Capital Group, Cabxpress and goCatch now operating.

Canberra has had fewer taxis per head of population than other cities (in one comparison around 0.8 taxis per thousand people, compared with Sydney which has a ratio over 1.2¹).

Rideshare entry

The number of rideshare providers is not regulated. Out of Scope

Hire cars

The number of hire car providers is not regulated. The number of licensed hire car operators and drivers has remained broadly consistent over the reform period.

CONSUMER DEMAND

Data on consumer demand use of services remains partial at this point due ongoing transitioning of transport booking services and further evaluation initiatives to be undertaken.

However, there are pointers to overall demand being either maintained or increased through:

- industry advice as to the (limited) impact of new rideshare services on taxi – with such impacts primarily affecting services on Friday and Saturday nights;
- greater demand for passenger transport through expansion of Canberra International Airport services.

While the introduction of rideshare represents a substantial supply increase, it is not apparent that this has substantially eroded demand for taxi services. The increased supply may have instead been taken up by otherwise latent consumer demand for a differentiated service.²

STAKEHOLDER VIEWS

The views of key stakeholders vary, and align to competing interests or beliefs on the best way to support industry reform.

Broadly, arguments to retain current supply levels are as a means to limit competition impacts on existing providers to allow for their ongoing adaptation, and promote their viability during the reform transition through (perceived) maintenance of the value of investments or incomes.

¹ Australia Institute, The role of ridesharing in addressing Canberra's transport challenges (July 2015) – see [link](#).

²As suggested in: ACT Government, Taxi Industry Innovation Review, Supporting Analysis (September 2015) – see [link](#).

Arguments for releasing additional Government licences relate to improved consumer outcomes, (the potential for) new or greater market opportunities, and different regulatory approaches to taxis versus rideshare and hire cars.³

The approach to permitting any increase in supply can also raise additional differences of opinion. While some stakeholders seek a substantial release, others have raised concerns that any sudden and significant increase could lead to a supply shock that creates industry disruption.

RECOMMENDATION

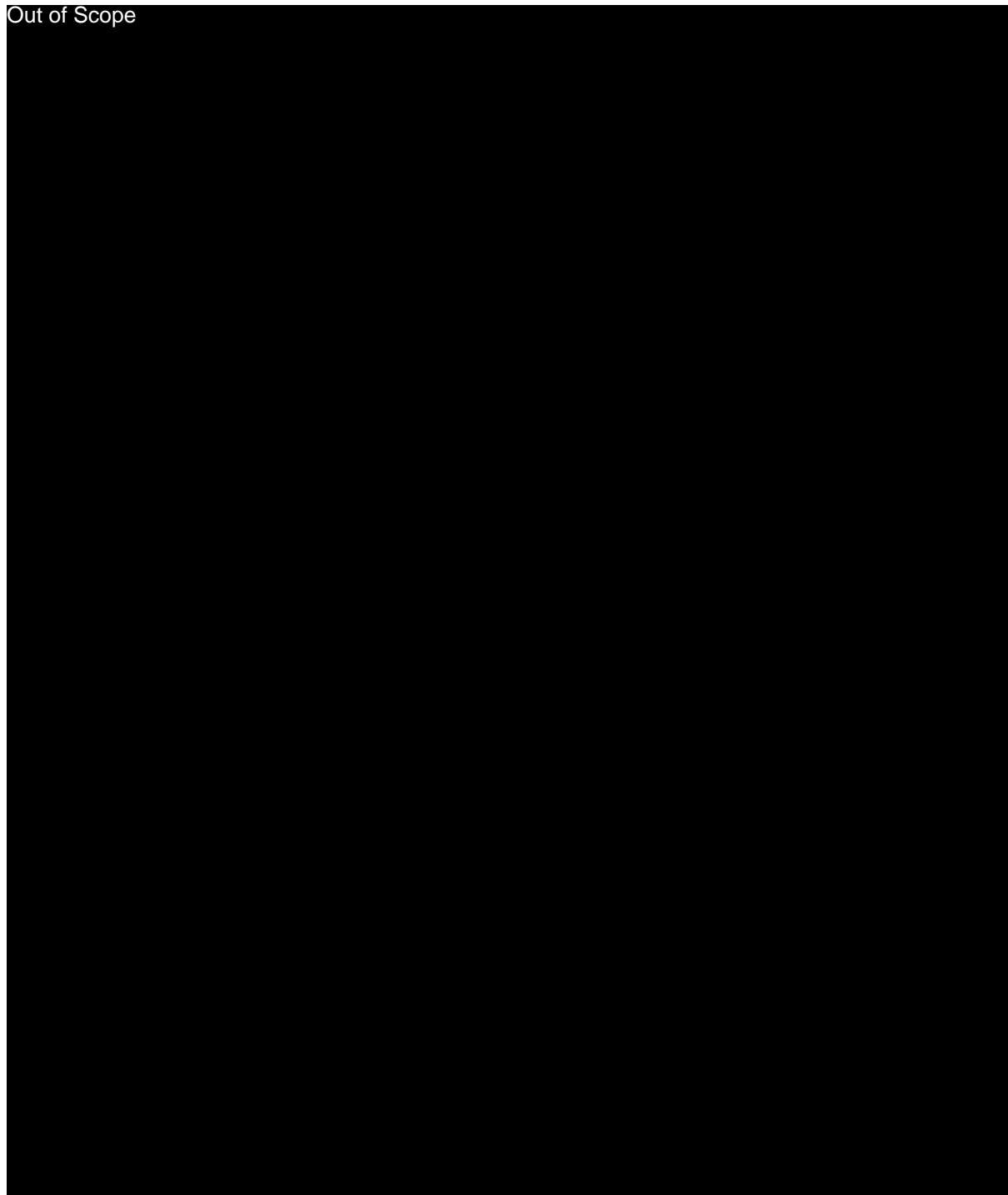
We consider that the best way to support industry transition in the face of greater competition from alternate services is to allow for movement in taxi supply and permit new entrants on the taxi side of the equation. This is balanced by a staged approach and ongoing monitoring of releases to limit the potential for any shock or other unforeseen material circumstances.

³ Cabcharge has been reported as seeking an end to regulated caps on supply in NSW to permit the taxi industry to compete better with rideshare. (Source: <http://www.smh.com.au>.) Canberra Airport continues to call for increased supply (taxi or rideshare) to meet the needs of its passengers by reducing wait times.

POSITION OF KEY STAKEHOLDERS ON TAXI LICENCE RELEASE

(As advised to Regulatory Reform in meetings and submission throughout the reform process, and through media reports.)

Out of Scope





ACT
Government

Chief Minister, Treasury and
Economic Development

SENSITIVE

To: Minister for Regulatory Services

Copy: Head of Service

Subject: Regulatory Reform – Taxi Industry Innovation Reform – Data and taxi licence release

Critical date and reason

1. Normal course of business – to support your consideration of taxi licence supply arrangements.

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2. That you:
 - a. **note** the industry data and advice available; and

NOTED/PLEASE DISCUSS

- b. **agree** to a staged release of additional taxi licences up to the regulated cap (refer to CMTED:2016/375) as the preferred approach under continuing reform actions – though with a delay in commencement to 1 March 2017.

AGREED/NOT AGREED/NOTED/PLEASE DISCUSS

Gordon Ramsay MLA

3/1/17

- * Please ensure clear stakeholder communication in lead up to release
- * letter (for us to sign) to ACTTPOA advising of decision.

Supporting Reasoning

3. At the meeting with the ACT Taxi Plate Owners' Association (ACTTPOA) on 1 December 2016 queries were made about the data available to support consideration of the taxi industry innovation reforms, including a release strategy for currently unleased Government-owned taxi licences (see ACTTPOA email at [Attachment A](#)).
4. We have sought further information from key stakeholders to confirm reported aspects of evolving market supply and demand.

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- 6.
- 7.
- 8.
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10. Through the reform process Access Canberra agreed to stop publication of ACT taxi performance statistics. This was determined on the basis that Uber was unwilling to provide data, so for equity reasons taxi data was also no longer published.
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Consultation and Communication

19. Access Canberra and Justice and Community Safety Directorate were consulted in the preparation of this brief. They continue to support the proposed approach to taxi licence release.
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Financial

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Management of Other Risks

23. Arrangements for any licence release will need to be managed with the Office of the Minister for Justice and Consumer Affairs (refer to briefing CMTED:2016/375).
24. Monitoring of the industry is ongoing. Details of arrangements for the evaluation of reforms will be provided in the New Year.

Executive Clearance: Geoffrey Rutledge, A/g Deputy Director General, Policy & Cabinet

Date: December 2016

Action Officer: **Sch 2 s2.2(a)(ii)** Senior Manager

Phone: **Sch 2 s2.2(a)(ii)**

Chief Minister, Treasury and Economic Development Directorate

SENSITIVE

To: Minister for Regulatory Services Tracking No.: CMTEDD2017/27

CC Chief Minister; Head of Service

From: Deputy Director-General, Policy and Cabinet

Date 24 January 2017

Subject: **Taxi Reform – Industry evaluation and governance**

Critical Date: Normal course of business

Critical Reason: To meet the late 2017 deadline for the evaluation.

- DG .../.../...
- DDG .../.../...
- CFO .../.../...

Purpose

To provide the arrangements for the evaluation of the ACT Government’s taxi industry innovation reforms.

Recommendations

That you:

1. Agree in principle to the evaluation framework and governance arrangements (Attachment A and C);

Agreed / Not Agreed / Please Discuss

2. Sign letters to the Chief Minister and other key ministers advising of the evaluation schedule (Attachments D to F);

Agreed / Not Agreed / Please Discuss

3. Note further briefing on a final framework will be provided following stakeholder consultation.

Noted / Please Discuss

SENSITIVE

Gordon Ramsay MLA/...../.....

Minister's Office Feedback

Background

1. As part of the ACT's Taxi Industry Innovation Review/Reforms, a two-year period of monitoring and evaluation of the impact of reforms of the on-demand transport industry was announced. That period is scheduled to finish at the end of October 2017.
 - a. Monitoring has been ongoing since October 2015 and over the second phase of reforms.
 - b. The evaluation will be undertaken during 2017, with a report to Ministers to be scheduled for November 2017.

Issues

Objectives

2. The evaluation is to determine passenger and market outcomes of the reforms, and recommend whether any follow-on reforms should be undertaken. See the proposed Evaluation Framework at Attachment A.
 - a. The evaluation will examine effects of reforms on: the passenger travel experience, including accessibility and safety; the structure and competitiveness of the industry; and other factors.

Consultation

3. The Implementation Working Group (IWG), established during the reforms, will be used for consultation during the evaluation process. (See composition of the IWG at Attachment B.)
4. To support stakeholder engagement in the evaluation, the Steering Group members of IWG and the ACT Taxi Plate Owners' Association will be approached to comment on the Evaluation Framework.
5. Other consultation with stakeholders and the community during the evaluation will include public submissions and surveys.

Governance

6. A governance structure will ensure consistency and quality outcomes, including design, execution and development of any follow-on reform proposals. See Governance Framework at Attachment C.
 - a. An Evaluation Committee will oversee the project and be composed of representatives of Regulatory Reform (CMTEDD) – Chair, Access Canberra (CMTEDD), Justice and Community Safety Directorate (JACSD) and Transport Canberra and City Services (TCCS). All of its members are sources of relevant

knowledge of the transport industry.

- b. A third-party consultancy will be retained to support the Evaluation.

Financial Implications

- 7. Nil. The consultancy will be retained out of existing Regulatory Reform Team resources.

Consultation

Internal

- 8. Access Canberra was consulted in the preparation of this brief.

Cross Directorate and Agency

- 9. JACSD and TCCS were consulted in the preparation of this brief.
- 10. We have prepared letters to the Chief Minister and Ministers Rattenbury and Fitzharris informing them of the arrangements for the Evaluation. See Attachments D, E and F.

External

- 11. Key industry stakeholders are aware of the undertaking of an evaluation during 2017, as per statements during the 2015 Taxi Industry Innovation Review and subsequent reforms.
- 12. The existing IWG will be used as a primary point of consultation throughout the evaluation.
- 13. Further communication materials will be prepared in conjunction with actions through the evaluation, such as public submissions, surveys and reporting.

Benefits/Sensitivities

- 14. Various stakeholders have entrenched positions on regulatory approaches and reform impacts. Analytical findings released and follow-on reforms recommended from the evaluation may not change those positions.

Media Implications

- 15. Given prior public statements that an evaluation is to occur we expect negligible public comment on the establishment process.

Signatory Name: Brook Dixon

Phone: x50468

Action Officer: Sch 2 s2.2(a)(ii)

Phone: Sch 2

Attachments

Attachment	Title
Attachment A	Summary Evaluation Framework
Attachment B	Implementation Working Group (IWB) composition

SENSITIVE

Attachment C	Governance Framework
Attachment D	Letter to the Chief Minister
Attachment E	Letter to Minister Rattenbury
Attachment F	Letter to Minister Fitzharris

SENSITIVE

TAXI INDUSTRY EVALUATION IMPLEMENTATION WORKING GROUP (IWG)

For the monitoring and evaluation period, the stakeholders from the taxi industry innovation reform IWG steering group and stakeholder forum will be updated and looked upon for ongoing information dissemination and consultation purposes.

Participants

The **Steering Group** – key industry and community stakeholders with day-to-day regulatory, monitoring, enforcement or business operational involvement in on-demand transport affairs.

- Canberra Taxi Industry Association (Taxi peak body)
- Executive Drivers (Hire car service)
- goCatch (Third-party booking service)
- Uber (Rideshare)
- Transport Workers' Union (Unions)
- ACTCOSS/People with Disabilities (ACT) (Community representative)

The **Stakeholder Forum** – representatives of groups with interests in specific reforms and their successful implementation.

- | | |
|---|---|
| <ul style="list-style-type: none"> • ACT Taxi Plate Owners' Association (Perpetual licence owners) • Taxi booking services (traditional networks) <ul style="list-style-type: none"> ○ Aerial Capital ○ ACT Cabs (new) ○ CabXpress • Taxi operators <ul style="list-style-type: none"> ○ Denis O'Brien (Australian Taxi Federation) ○ Gagandeep Singh (Rik Group) ○ Numan Riase (Rik Group) ○ Amer Muhammad (ACT Cabs) • Taxi driver representatives <ul style="list-style-type: none"> ○ Canberra Taxi Alliance ○ Sikh Taxi Drivers Association • Hire car services <ul style="list-style-type: none"> ○ CBD Chauffeured Transport ○ Limofied • Training <ul style="list-style-type: none"> ○ Transport Industry Skills Centre ○ CIT | <ul style="list-style-type: none"> • Business groups <ul style="list-style-type: none"> ○ Canberra Business Chamber ○ Canberra CBD Limited ○ CBR Innovation Network ○ Canberra Airport • Unions <ul style="list-style-type: none"> ○ UnionsACT • Community <ul style="list-style-type: none"> ○ Youth Coalition ○ ACT Inclusion Council ○ Council of the Ageing ACT (COTA) ○ National Disability Service (ACT) ○ ACT Inclusion Council ○ Other – Ian Trehwella, AM (advocate for people with a disability in Canberra) |
|---|---|

Note: Relevant government agencies, including ACT Policing, are also consulted.

Taxi Industry Innovation Reform: Industry Evaluation Governance

18 January 2017

Sch 2 s2.2(a)(i)

Project Director

Senior Manager, Smart City & Regulatory Reform Team

Government Reform, Policy & Cabinet Division

Chief Minister, Treasury and Economic Development Directorate

CONTENTS

Background	2
Evaluation governance.....	2
Roles and responsibilities – in detail.....	3
Progress reporting	4

Background

The Evaluation of the on-demand transport industry over a 24-month period forms part of the reforms for the ACT's Taxi Industry Innovation Reform program. It is intended to support regulatory arrangements by evaluating the impact of the reforms, to-date, on the market, and providing input to any potential follow-on reforms.

The Evaluation is intended to formally cover a 24-month period time, which commences at the introduction of rideshare to the ACT during November 2015.

A governance arrangement is intended to ensure that the Evaluation is strongly managed. Specifically, it is to ensure that the Evaluation is well designed, properly executed in accordance with an Evaluation Framework, and that any outcomes, such as recommendations and follow-on regulation, are devised based on evidence and analysis, and are rendered without bias or prejudice to any stakeholders.

Evaluation governance

Introduction

Ultimate responsibility to ensure the delivery of the evaluation will rest with the Deputy Director-General, Policy & Cabinet Division, CMTEDD.

- The evaluation will be overseen on an ongoing basis by an Evaluation Committee, comprised of:
- Director, Regulatory Reform (Chair) – Brook Dixon
- Director, Community Business and Road Transport, Access Canberra – Craig Simmons
- Deputy Executive Director, Legislation Policy and Programs, JACSD – Karen Greenland
- A designated executive of Transport Canberra, TCCS

Design of the Evaluation as a whole will be led by the Smart City and Regulatory Reform Team ("RRT") with the assistance of JACSD and CMTEDD (Access Canberra's Community Business and Road Transport team ("CBRT")).

Execution of the Evaluation, including development of final recommendations, is principally led by the Regulatory Reform Team with the assistance of a third-party consultant and relevant Government directorates (JACSD and CMTEDD – Treasury and Access Canberra).

The Project Director, **Sch 2 s2.2(a)(ii)**, will provide day-to-day oversight of the Evaluation, and assist with its design and execution, including relationship management with relevant executives from relevant agencies.

The Project Manager, **Sch 2 s2.2(a)(ii)**, will be responsible for the day-to-day management of the Evaluation, and completion of key deliverables, such as desktop analysis, survey administration, stakeholder meetings and the Final Report. Both the Project Director and Project Manager reside within the Smart City and Regulatory Reform Team at CMTEDD.

A third-party consultant will also support with a range of tasks in support of the Project Manager.

Roles and responsibilities – in detail

Minister for Regulatory Services

- The Minister agrees to the overarching terms of the evaluation and Final Report.
 - The Final Report will be received by the Minister in the first instance, and then distributed to other ministers.
- Minister Rattenbury will be apprised of the progress of the evaluation in his capacity as Minister for Justice, Community Affairs and Road Safety.

Deputy Director-General, Policy & Cabinet Division, CMTEDD

- Overall responsibility for the execution of the evaluation.

Evaluation Committee

- Ongoing oversight and contribution to the design and execution of the Evaluation, including the development of recommendations and any proposals of follow-on reforms.
- The oversight extends to the work of agencies and a third-party consultant.

Project Director / Senior Manager, RRT, CMTEDD

- Provides policy and project guidance, and commitment of resources to the initiative.
- Represents the RRT and CMTEDD at Evaluation Committee meetings.

- Monitors project performance and taking action to address risks to ensure successful Evaluation delivery.
- Delivery of outcomes in the Evaluation Framework.

Project Manager / Senior Policy Officer, RRT, CMTEDD

Under the direction of the Project Director and guidance of the Evaluation Committee

- Works with RRT and CBRT leaders and other staff of ACT agencies towards the achievement of the evaluation's objectives.
- Leads in the planning and execution of industry and community consultations.
- Leads in the development of any follow-on reform proposals.
- Leads in preparing the Final Report.
- Prepares briefings to senior management on Evaluation progress and issues.
- Undertakes planning and resource management for the Evaluation as a whole, including keeping the Evaluation Committee informed of progress and issues.

Progress reporting

Monitoring of progress of the Evaluation will be the responsibility of the Project Director.

Progress meetings

The Deputy Director-General, Policy and Cabinet Division, will discuss the Evaluation's progress with the Project Director, and RRT management. The Project Director will hold regular progress monitoring meetings with the Project Manager. Periodic progress reports will be provided in writing and in *ad hoc* meetings with the Evaluation Committee.



Gordon Ramsay MLA

Member for Ginninderra

Attorney-General

Minister for Regulatory Services

Minister for the Arts and Community Events

Minister for Veterans and Seniors

Andrew Barr MLA

Chief Minister

ACT Legislative Assembly

GPO Box 1020

CANBERRA ACT 2601

Dear Chief Minister

I am writing to inform you of the arrangements for the evaluation of the ACT Taxi Industry Innovation Reforms.

This evaluation will be undertaken during 2017, and is in accordance with public statements with the 2015 review and subsequent reforms. A final report will be scheduled for November 2017, describing impacts of the reforms and any recommendations for further reform.

The evaluation will examine the effect of reforms on the passenger travel experience, including accessibility and safety. It will also look at various stakeholder interests, the structure of the industry, and other factors.

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Desktop analysis, stakeholder engagement (including meetings, submissions and surveys), quantitative modelling and other methods will be used to support evaluation conclusions. A consultant will also be engaged for some aspects of the evaluation.

I will keep you apprised throughout the year of progress with the evaluation and of findings with the final report.

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601, Australia GPO Box 1020, Canberra ACT 2601, Australia
Phone +61 2 6205 2615 Email ramsay@act.gov.au



I have also written to Ministers Rattenbury and Fitzharris to inform them of these arrangements.

Yours sincerely

Gordon Ramsay MLA



Gordon Ramsay MLA

Member for Ginninderra

Attorney-General

Minister for Regulatory Services

Minister for the Arts and Community Events

Minister for Veterans and Seniors

Shane Rattenbury MLA

Minister for Justice, Consumer Affairs and Road Safety

ACT Legislative Assembly

GPO Box 1020

CANBERRA ACT 2601

Dear Minister Rattenbury

I am writing to inform you of the arrangements for the evaluation of the ACT Taxi Industry Innovation Reforms.

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 @Gordon_R_Ramsay

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Attorney-General

Minister for Regulatory Services

Minister for the Arts and Community Events

Minister for Veterans and Seniors

Meegan Fitzharris MLA

Minister for Transport Canberra and City Services

ACT Legislative Assembly

GPO Box 1020

CANBERRA ACT 2601

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Yours sincerely

Gordon Ramsay MLA

Chief Minister, Treasury and Economic Development Directorate

SENSITIVE

To: Minister for Regulatory Services Tracking No.: CMTEDD2017/27

CC Chief Minister; Head of Service

From: Deputy Director-General, Policy and Cabinet

Date 24 January 2017

Subject: **Taxi Reform – Industry evaluation and governance**

Critical Date: Normal course of business

Critical Reason: To meet the late 2017 deadline for the evaluation.

- DG .../.../...
- DDG .../.../...
- CFO .../.../...

Purpose

To provide the arrangements for the evaluation of the ACT Government's taxi industry innovation reforms.

Recommendations

That you:

1. Agree in principle to the evaluation framework and governance arrangements (Attachment A and C);

Agreed / Not Agreed / Please Discuss

2. Sign letters to the Chief Minister and other key ministers advising of the evaluation schedule (Attachments D to F);

Agreed / Not Agreed / Please Discuss

3. Note further briefing on a final framework will be provided following stakeholder consultation.

Noted / Please Discuss

Gordon Ramsay MLA  31/1/17

SENSITIVE

Minister's Office Feedback

Note discussion on 31/1/17

Background

1. As part of the ACT's Taxi Industry Innovation Review/Reforms, a two-year period of monitoring and evaluation of the impact of reforms of the on-demand transport industry was announced. That period is scheduled to finish at the end of October 2017.
 - a. Monitoring has been ongoing since October 2015 and over the second phase of reforms.
 - b. The evaluation will be undertaken during 2017, with a report to Ministers to be scheduled for November 2017.

Issues

Objectives

2. The evaluation is to determine passenger and market outcomes of the reforms, and recommend whether any follow-on reforms should be undertaken. See the proposed Evaluation Framework at Attachment A.
 - a. The evaluation will examine effects of reforms on: the passenger travel experience, including accessibility and safety; the structure and competitiveness of the industry; and other factors.

Consultation

3. The Implementation Working Group (IWG), established during the reforms, will be used for consultation during the evaluation process. (See composition of the IWG at Attachment B.)
4. To support stakeholder engagement in the evaluation, the Steering Group members of IWG and the ACT Taxi Plate Owners' Association will be approached to comment on the Evaluation Framework.
5. Other consultation with stakeholders and the community during the evaluation will include public submissions and surveys.

Governance

6. A governance structure will ensure consistency and quality outcomes, including design, execution and development of any follow-on reform proposals. See Governance Framework at Attachment C.
 - a. An Evaluation Committee will oversee the project and be composed of representatives of Regulatory Reform (CMTEDD) – Chair, Access Canberra (CMTEDD), Justice and Community Safety Directorate (JACSD) and Transport Canberra and City Services (TCCS). All of its members are sources of relevant knowledge of the transport industry.
 - b. A third-party consultancy will be retained to support the Evaluation.

Financial Implications

7. Nil. The consultancy will be retained out of existing Regulatory Reform Team resources.

Consultation

Internal

8. Access Canberra was consulted in the preparation of this brief.

Cross Directorate and Agency

9. JACSD and TCCS were consulted in the preparation of this brief.
10. We have prepared letters to the Chief Minister and Ministers Rattenbury and Fitzharris informing them of the arrangements for the Evaluation. See Attachments D, E and F.

External

11. Key industry stakeholders are aware of the undertaking of an evaluation during 2017, as per statements during the 2015 Taxi Industry Innovation Review and subsequent reforms.
12. The existing IWG will be used as a primary point of consultation throughout the evaluation.
13. Further communication materials will be prepared in conjunction with actions through the evaluation, such as public submissions, surveys and reporting.

Benefits/Sensitivities

14. Various stakeholders have entrenched positions on regulatory approaches and reform impacts. Analytical findings released and follow-on reforms recommended from the evaluation may not change those positions.

Media Implications

15. Given prior public statements that an evaluation is to occur we expect negligible public comment on the establishment process.

Signatory Name: Brook Dixon Phone: x50468
 Action Officer: **Sch 2 s2.2(a)(ii)** Phone: **Sch 2**

Attachments

Attachment	Title
Attachment A	Summary Evaluation Framework
Attachment B	Implementation Working Group (IWB) composition
Attachment C	Governance Framework
Attachment D	Letter to the Chief Minister
Attachment E	Letter to Minister Rattenbury
Attachment F	Letter to Minister Fitzharris

Chief Minister, Treasury and Economic Development Directorate

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Gordon Ramsay MLA  16/1/17

SENSITIVE

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Signatory Name: Brook Dixon

Phone: x50468

Action Officer: Sch 2 s2.2(a)(ii)

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Member for Ginninderra

Attorney-General
Minister for Regulatory Services
Minister for the Arts and Community Events
Minister for Veterans and Seniors

Andrew Barr MLA
Chief Minister
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Andrew
Dear Chief Minister

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Minister for Regulatory Services
Minister for the Arts and Community Events
Minister for Veterans and Seniors

Shane Rattenbury MLA
Minister for Justice, Consumer Affairs and Road Safety
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Shane
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Minister for Regulatory Services
Minister for the Arts and Community Events
Minister for Veterans and Seniors

Meegan Fitzharris MLA
Minister for Transport Canberra and City Services
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Meegan
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Phone +61 2 6205 2615 Email ramsay@act.gov.au



11/11/11

I have also written to the Chief Minister and Minister Rattenbury to inform them of these arrangements.

Yours sincerely

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

Gordon Ramsay MLA



Functional Information

The functional information about the relevant unit within the ACT Government dealing with the ACT Taxi Industry industry

* * *

Re: Request 3 (CMTEDDFOI 2018-0274) of the ACTTPOA FOI request

[In fiscal year 2017-2018] CMTEDD coordinated regulation and government reform initiatives across government, including policy and project initiatives targeted at improving the effectiveness and efficiency of regulation and processes to strengthen the delivery of government priorities. This work included¹

- *managing the transition of industry for the cessation of greyhound racing in the ACT from 30 April 2018 following the passage of the Domestic Animals (Racing Greyhounds) Amendment Act 2017 in November 2017;*
- *engaging with industry and the community to evaluate the ACT's on-demand transport industry (taxi, hire car and rideshare) reforms;*
- *the Red Tape Reduction Legislation Amendment Act 2017, which included amendments to reduce duplication and reporting for charities and incorporated associations registered with the Australian Charities and Not-for-profits Commission;*
- *undertaking a detailed evaluation of the extended smart parking trial in Manuka to assess the technology's suitability for wider deployment across the ACT. The trial is now complete with permanent implementation plans underway;*
- *coordinating ACT Government feedback on sun-setting Commonwealth legislation applying to the ACT;*
- *reviewing the ACT Evaluation Policy and supporting evaluation work by Directorates; and*
- *developing new regulatory arrangements for controlled sports in the ACT.*

The Regulation and Productivity Team (“the Team”) develop policy options at the direction of Ministers, who then make ultimate policy and related implementation decisions based on these policy options. Development of policy options can require: research; research undertaken by third parties at the direction of the team; community consultation; community consultation undertaken by third parties at the direction of the Team; analysis; analysis undertaken by third parties at the direction of the Team; report-writing; and third-party report-writing as directed by the Team.

¹. [Information extracted from page 39 of the 2017-2018 Annual Report of the Chief Minister, Treasury and Economic Development Directorate, page 39]

Reports, such as the series of reports prepared by the Centre for International Economics (“the CIE”) regarding the ACT on-demand transport industry, are prepared independently of the ACT Government.

The Legislation, Policy and Programs (LPP) Division of JACSD also contributed policy input and specific regulatory-reform functions to the 2017 evaluation of the on-demand transport industry. It performed these activities in its capacity for ongoing directorate responsibility for a series of acts, subordinated laws and instruments affecting the on-demand transport industry. LPP also briefs Minister Rattenbury on on-demand industry related matters as the Minister has portfolio responsibility for Road Safety.

- The Regulation and Productivity Team, CMTEDD

ACT TAXI INDUSTRY INNOVATION REFORMS – EVALUATION PROJECT SCOPING FRAMEWORK

What

The Government's vision for on-demand transport is that it provides people of the ACT with broader and sustainable on-demand travel choices which are safe and accessible. It also wants a regulatory and industry environment where innovation and new travel models are encouraged and welcomed over time. This latter objective dovetails with the Government's broader goal of supporting Canberra as a modern and innovative city for the benefit of the people of Canberra and those who visit here.

This evaluation forms part of the reforms for the Territory's taxi, hire car and rideshare industry. The evaluation will be critical in understanding how successful the Government was in moving toward achieving the vision and broader objectives outlined above. The pre-reform environment was characterised by consumer perceptions of costly on-demand services, and services with unacceptable variation in quality. The market also featured a dominant provider of taxi services.

The central feature of the evaluation will be how the travel experience has changed for people, including those living with disabilities, and will identify changes from initial market characteristics. We will address how the presence of digital technology is affecting passengers, including those living with disabilities.

The evaluation will consider whether the market is operating efficiently or if there are elements that could point to failure of market to reach its greatest potential, such as: a presence of dominant suppliers; inefficiencies in productivity or allocation of resources; or negative externalities such as patterns of safety incidents.

Finally, the evaluation will also provide guidance as to whether further actions should be taken by the Government to support its initial objectives and any additional aims.

Why

The reforms have been significant in their design and proposed impact: they enable new services and industry participants while reducing prior regulatory barriers that affect the operations and interests of existing service providers.

This evaluation is being conducted because the Government has committed to a formal evaluation over a period of 24 months from the commencement of the reforms (30 October 2015).

The evaluation will:

- assess the impacts and achievements of reforms against the Government's original vision and design principles for the program; and
- investigate ways of improving the program (if any).

Success of reforms will be assessed against:

- net community and consumer outcomes (quantity and quality);

- safety of passengers, drivers and vehicles, and the community;
- efficient, accessible and sustainable supply to the marketplace; and
- the extent to which competitive forces have developed, or are developing, in the market, and the associated consumer benefit.

How

In evaluating outcomes, the original vision and design principles will guide a methodology that combines aspects of efficiency (of regulatory and service performance), effectiveness (in terms of stakeholder satisfaction and outcomes) and appropriateness (of actions affecting stakeholders).

The evaluation will include a desktop review of available materials and input from consultations with stakeholders through the preparation of surveys, receipt of submissions and (selected) interviews or focus groups with key interests. Feedback will also be sought on outcomes of similar reforms under way in other Australian jurisdictions.

Any limitations on the availability of supporting materials or measures recognised during the evaluation will be advised, as part of a gap analysis.

The evaluation will be overseen by an Evaluation Committee comprising:

- Director, Regulatory Reform, Chief Minister, Treasury and Economic Development Directorate (CMTEDD) (Chair)
- Director, Community Business and Road Transport, Access Canberra, CMTEDD
- Deputy Executive Director, Legislation Policy and Programs, Justice and Community Safety Directorate (JACSD)
- Executive Director, Strategy, Innovation and Customer Experience, Transport Canberra and City Services (TCCS).

The Committee will be supported by the Regulatory Reform Team, with the assistance of a consultant and relevant Government directorates (JACSD, CMTEDD – Treasury and Access Canberra).

- Regulatory Reform will collate and analyse relevant data, provide secretariat services for the Committee, undertake stakeholder engagement, commission the consultant and draft the report.
- The consultancy will peer-review evaluation methods, undertake economic modelling and report on its findings.
- Directorates will have input to the evaluation framework, provide data, undertake data analysis and draft materials for the evaluation report as required.

Stakeholders will be engaged through the Implementation Working Group (IWG) and Stakeholder Forum, which have operated through the taxi industry innovation reform process. The IWG will have input into the Evaluation Framework.

Timeframe

This evaluation will be concluded by November 2017.

Deliverables

Evaluation findings are to be presented as a report from the Evaluation Committee for the project to the Minister for Regulatory Services and the Minister for Justice, Consumer Affairs and Road Safety.

Any proposed actions are to be determined and responsibilities assigned.

Author:	Regulatory Reform
Version:	V3
Drafting date	1 February 2017
Clearance:	Director, Smart City & Regulatory Reform



SHORT FORM CONTRACT for Goods and Services under \$200,000

DATE: 25 FEBRUARY 2015

PARTIES AND ADDRESSES FOR SERVICE OF NOTICES

Purchase Order No. (if using) Insert PO No Quote No. RFQ Number "ACTGOVRFQ-1-285"

Territory

Name:	AUSTRALIAN CAPITAL TERRITORY established under the <i>Australian Capital Territory (Self-Government) Act 1988</i> (Cth) represented by Chief Minister and Treasury (Territory).		
Address:	Nara House, 1 Constitution Avenue, Canberra ACT 2600		
Territory Contract Manager:	Sch 2 s2.2(a)(ii)	Sch 2 s2.2(a)(ii)	Email: Sch 2 s2.2(a)(ii)@act.gov.au

Supplier

Name:	The Centre for International Economics (Supplier).		
ABN/ACN/ARBN:	11 705 723 812		
Address:	Ground Floor, 11 Lancaster Place, Canberra Airport ACT 2609		
Supplier Contract Manager:	Sch 2 s2.2(a)(ii)	Ph: (02) 9250 0800	Email: Sch 2 s2.2(a)(ii)

This Contract includes items 1 – 8, the Supplier's Quotation (if used), the General Conditions of Contract and the Special Conditions (if any).

1 – TERM

Option A

The Commencement Date is 03/03/2015 or when this Contract is signed by the second party, whichever is the later. The Term of this Contract is 6 months from the Commencement Date.

The Term of this Contract may be extended for two (2) additional periods of one (1) year (up to a maximum of two years) if both parties agree in writing before the expiration of this Contract.

Work that may fall outside the scope of this contract may be incorporated into an extended or new contract, at the daily rates cited in the Proposal, based on discussion and written agreement between the two parties.

2 – THE SUPPLIES

1. In the development of the Discussion Paper and package of reform options the consultancy will provide insights to the ACT Government from other jurisdictions on their approaches to framing taxi industry reviews, particular issues to be aware of, and the reform-development processes itself. The consultancy will identify overall

discussion approaches, specific analytical approaches, and policy considerations that were both problematic and successful in other jurisdictions. The Regulatory Reform Team will provide background to the consultancy on the ACT public transportation system.

2. The consultancy will also provide specific advice on:
 - a. Potential changes to the viability of specific industry stakeholders, including: taxi drivers, taxi operators, taxi networks, and hire-car operators.
 - b. Potential changes to values of key assets and lease rates, including: the value of private perpetual taxi licence plates; and the lease rates on Government-issued taxi plates.
 - c. Change, and the implications of change, to the overall competitive landscape of the on-demand transportation system.
 - d. Potential change to passenger service experiences across the on-demand transportation system under different reform scenarios.
 - e. Methods of creating incentives among stakeholders and passengers in reform-transition and post-reform phases in order to effect desired policy outcomes.
 - f. Safety and liability aspects of new and existing business models.
 - g. Efficient regulatory structures and the potential for co-regulation as part of reform options we propose
 - h. Stakeholder behaviour during reform-proposal and reform-rollout.

3. The CIE will provide analytical support to support the advice provided in items: 2. a), b), c) and e). The consultant will produce documented analytical approaches, and a working quantitative tool or tools to support its analysis.

Sequence of advice and analytical output (indicative timing)

The CIE will provide strategic advice and analytical work over six points during the project:

- 1) Initial, 1-day workshop to provide advice on:
 - a. the structure of the Review
 - b. definition of policy problems and policy issues for consideration during the Review
 - c. the structure of the Discussion Paper
 - d. preliminary reform proposals outlined in the Discussion Paper
 - e. approaches to analysis of key issues (all by the second week of March)
- 2) Analytics work, commencing immediately after the workshop's completion, and provided when available by the completion of the Community Consultation process. (June 15, 2015)
- 3) Advice on the outcomes of the Community Consultation process and their implications for the reform options, and recommendations for change to the reform options. (June 15, 2015)
- 4) The CIE's analytical results are presented, and their implications for the reform proposals, are discussed. (June 15, 2015)
- 5) Advice on the final reform proposals to be presented to Government for consideration. (Mid-July, 2015)
- 6) Advice on any subsequent changes to reform options after industry and community stakeholders have been consulted a second time. (July, 2015)

The CIE will provide formal, written summaries of its advice for each of the activities, 1), 3), 4), 5) and 6).

3 – TIMING AND DELIVERY DATES

The Supplies must be provided during the period commencing 03/03/2015 and ending 03/08/2015 at the Delivery Location, and in accordance with the Delivery Instructions.

5 – CONTRACT PRICE AND PAYMENT

For the purpose of this item 5, Invoice means a correctly rendered invoice that:

- (a) is a valid tax invoice under the *A New Tax System (Goods and Services Tax) Act 1999* (Cth); and
- (b) clearly sets out details of the Supplies provided, and the amount due for payment correctly calculated in respect of the Supplies provided under the terms of this Contract.

This is a fixed-price contract, and the Contract Price is \$58,713 (including GST). It is payable in three instalments following receipt of invoices in accordance with this Contract. An Invoice may only be rendered upon satisfactory completion by the Supplier of the milestones as set out in the following table and otherwise according to the terms of this Contract. The Contract Price excludes travel expenses, which will be charged at cost, and on the approval of the ACT Government.

Instalment	Amount of Instalment (incl. GST)	Milestones	Date for Completion of Milestone
1	\$10,000	Initiation of the project.	N/A
2	\$15,000	1) Advice on the Community Consultation process is complete (see "Sequence of advice" in Section 2, part 3) of the Contract. 2) Analytics work is complete and presented (see "Sequence of advice" in Section 2, part 4) of the contract.	30/06/2015
3	\$33,713	1) Advice on final reform proposals, to be presented to Government, is complete (see "Sequence of advice" in Section 2, part 5) of the Contract.) 2) Advice on any change to reform proposals after a second-round of consultation with the community and industry stakeholders has occurred (complete (see "Sequence of advice" in Section 2, part 6) of the Contract.)	03/08/2015

6 – WARRANTY PERIOD

Not applicable.

7 – CONFIDENTIAL TEXT under the Government Procurement Act 2001 (ACT)

This Contract is a notifiable contract for the purposes of the Procurement Act. Clause 7 of Attachment B – *General Conditions of Contract* applies.

Text of this contract considered to be Confidential Text	Applicable grounds under section 35(1) Procurement Act
Table “6.1 Daily rates” on page 26 of the document “Proposal – Support for the Innovation review of the ACT Taxi Industry”	The information contained in this table is of a commercially- and competition-sensitive nature.
Table “6.2 Indicative costs” on page 27 of the document “Proposal – Support for the Innovation Review of the ACT Taxi Industry”	The information contained in this table is of a commercially- and competition-sensitive nature.

8 – INSURANCE

The Supplier must effect and maintain for the Term, the following insurances, and must provide evidence of the insurance if required by the Territory:

Public Liability insurance with coverage in the amount of no less than \$10 million in respect of each occurrence

Professional Indemnity insurance with coverage in the amount of no less than \$10 million in the annual aggregate

Product Liability insurance to a value of \$10 million in the annual aggregate

SIGNED AS A CONTRACT ON..... 2 March 2015

SIGNED for on behalf of the AUSTRALIAN CAPITAL TERRITORY

in the presence of:

Ben Dixon

Signature of Territory delegate

Brook Dixon

Print name

Sch 2 s2.2(a)(ii) [Redacted]

Signature of witness

Sch 2 s2.2(a)(ii) [Redacted]

Print name

SIGNED by of for and on the behalf of

Sch 2 [Redacted]

Signature of director/authorised officer/individual

Print name

in the presence of:

Signature of director/secretary/witness

Signature of second authorised officer*

Print name

Print name and position



Note
Date: Must be dated on the date the last party signs the contract or, if signed counterparts of the contract are exchanged, the date of exchange. Also date the cover page.
Company: Must be signed in accordance with section 127 of the Corporations Act 2001 (Cth), for example, by 2 directors or a director and a secretary. Common seal must be affixed if required under the Supplier's constitution.
Individual: Must be signed by the individual supplier and witnessed.
Incorporated Association: As a minimum, two authorised officers must sign. Otherwise, the contract must be signed in accordance with the Supplier's constitution. Common seal must be affixed if required under the constitution.

ATTACHMENT A – SUPPLIER’S QUOTATION

Not used.

ATTACHMENT B – GENERAL CONDITIONS OF CONTRACT

1. Provision of Supplies

The Supplier must provide the Supplies according to the provisions of this Contract and to a standard of care, skill and diligence expected of a person who regularly acts in the capacity in which the Supplier is engaged.

2. Acceptance

2.1 If the Territory notifies the Supplier that the Supplies are defective, damaged or unfit for the purpose specified in or implied by this Contract, the Territory may, in the case of:

- (a) goods, require replacement Supplies; or
- (b) services, require the Supplier to provide the Supplies again.

2.2 If the Territory does not notify the Supplier of any issues in accordance with clause 2.1 within 14 days of receiving the Supplies, the Territory is taken to have accepted the Supplies.

3. Warranty

If the Supplies are or include goods, the Supplier must:

- (a) during the Warranty Period, without delay and at no cost to the Territory, correct all defects in the Supplies by way of repair, replacement or such other means acceptable to the Territory; and
- (b) ensure, to the extent practicable and permitted by law, that the Territory receives the benefit of any warranty given by a third party with respect to any goods,

however:

- (c) this does not in any way relieve the Supplier of any obligation or warranty by it under this Contract; and
- (d) the Supplier is liable for all costs incidental to the discharge of any warranty under this Contract.

4. Ownership and use of material

4.1 Ownership of:

- (a) all Contract Material, including any intellectual property rights, vests on its creation with the Territory;
- (b) all Territory Material, including any intellectual property rights, remains with the Territory; and
- (c) all Support Material, including any intellectual property rights, remains the property of the Supplier.

4.2 The Territory grants to the Supplier a royalty-free, limited licence to use the Contract Material and Territory Material for the Term.

4.3 The Supplier:

- (a) grants to the Territory, a perpetual, royalty-free licence to use the Support Material to the extent necessary for the Territory to obtain the full benefit of the Supplies; and
- (b) warrants that the Territory's use of any Contract Material and Support Material under this Contract will not infringe the intellectual property rights of, or create any obligations in connection with, any third party.

4.4 The Supplier must safeguard and preserve Contract Material and Territory Material in its possession or control and deliver to the Territory all Contract Material and Territory Material on expiration or termination of this Contract (other than copies that the Territory authorised the Supplier to retain).

5. Supplier's Personnel

The Supplier must, in providing the Supplies:

- (a) engage only persons who have the skills, training and expertise appropriate for the Supplies; and
- (b) comply with all reasonable requirements notified by the Territory regarding suitability and fitness of persons engaged for the provision of the Supplies.

6. Non-disclosure of Territory Information

The Supplier must:

- (a) use Territory Information held in connection with this Contract only for the purposes of fulfilling its obligations under this Contract;
- (b) comply with the "Information Privacy Principles" set out in the *Privacy Act 1988* (Cth), as if they were provisions of this Contract and the Supplier was a collector and/or record-keeper of the Personal Information under the Act;
- (c) not transfer Territory Information held in connection with this Contract outside the Territory, or allow any person (other than its authorised personnel) outside the Territory to have access to it, without prior written approval of the Territory;
- (d) notify the Territory immediately if the Supplier becomes aware that a disclosure of Territory Information may be required by law or any

unauthorised disclosure of Territory Information has occurred.

7. Confidential Text under the Procurement Act

7.1 In giving effect to the principles of open and accountable government, the Territory may disclose documents and information unless it has otherwise agreed, or is otherwise required under law, to keep the information confidential.

7.2 Except as provided in this Contract, the Territory must not disclose Confidential Text to any person without the prior written consent of the Contractor (which consent will not be unreasonably withheld) except to the extent that Confidential Text:

- (a) is required or authorised to be disclosed under law;
- (b) is reasonably necessary for the enforcement of the criminal law;
- (c) is disclosed to the Territory's solicitors, auditors, insurers or advisers;
- (d) is generally available to the public;
- (e) is in the possession of the Territory without restriction in relation to disclosure before the date of receipt from the Contractor;
- (f) is disclosed by the responsible Minister in reporting to the Legislative Assembly or its committees; or
- (g) is disclosed to the ombudsman or for a purpose in relation to the protection of public revenue.

8. Indemnity and Liability

8.1 The Supplier indemnifies the Territory against claims, costs and expenses for all loss or damage caused by a wilful or unlawful act or omission by the Contractor in its provision of the Supplies.

8.2 The Supplier's liability under this Contract is limited to all costs necessary to, as applicable:

- (a) replace the Supplies;
- (b) provide the Supplies again; or
- (c) refund the Territory the whole of the Contract Price,

except with respect to:

- (d) personal injury or death;
- (e) loss of, or damage to, tangible property; or
- (f) third party claims against the Territory, including infringement of intellectual property rights.

9. Termination

The Territory may terminate this Contract, at any time by notice to the Supplier, if the Supplier:

- (a) is or becomes bankrupt or insolvent, enters into voluntary administration or makes any arrangement with its creditors or takes advantage of any statute for the relief of insolvent debtors;
- (b) fails to provide the Supplies within, or to meet any other, timeframes specified in this Contract; or
- (c) is in breach of a provision of this Contract, where that breach:
 - (i) if capable of being remedied, is not remedied within the period specified in a notice by the Territory, or
 - (ii) is not capable of being remedied.

10. Conduct in Territory Premises

The Supplier must, when using Territory premises or facilities, comply with all reasonable directions of the Territory.

11. Notices

Any notice or communication under this Contract will be effective if it is in writing, from one Contract Manager and delivered to the other Contract Manager. A notice will be deemed to have been delivered:

- (a) if delivered by hand, on delivery;
- (b) if sent by prepaid mail, on the expiration of two business days;
- (c) if sent by facsimile, on the sender's facsimile machine recording that the facsimile has been successfully and properly transmitted to the recipient's address; or
- (d) if sent by electronic mail, on the other party's acknowledgement of receipt by any means.

12. Assignment and Subcontracting

The Supplier must not assign or subcontract any of its rights or obligations under this Contract without the prior written consent of the Territory. If the Territory gives its consent, the Territory may impose any conditions.

13. Survival

Clauses 4, 6 and 8 of this Contract survive the termination or expiration of this Contract.

14. Applicable Law

The laws of the Australian Capital Territory apply to this Contract.

15. Definitions and Interpretation

"Contract Material" means all material created, written or otherwise brought into existence as part of, or for the purpose of providing the Supplies including all reports (whether in draft or final form), documents, information and data stored by any means.

"Personal Information" means information or an opinion (including information or an opinion forming part of a

database), whether true or not, and whether recorded in a material form or not, about a natural person whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

"Territory Information" means the kind of information that:

- (a) is or relates to documents, submissions, consultations, policies, strategies, practices and procedures of the Territory which are by their nature confidential;
- (b) is notified (whether in writing or not) by the Territory to the Supplier as being confidential; or
- (c) is Personal Information,

but does not include information that:

- (d) is or becomes public knowledge other than by breach of this Contract;
- (e) has been independently developed or acquired by the Supplier; or
- (f) has been notified by the Territory to the Supplier as not being confidential.

SPECIAL CONDITIONS

None.

“Territory Material” means any material provided by the Territory to the Supplier for the purposes of this Contract including documents, equipment, information and data stored by any means.



SHORT FORM CONTRACT for Goods and/or Services - \$25,000 and \$200,000

DATE: 30/03/2017

PARTIES AND ADDRESSES FOR SERVICE OF NOTICES

Procurement Reference Number:	ACTGOVRFQ-1-285
Contract Number:	20161109

Territory

Name:	AUSTRALIAN CAPITAL TERRITORY established under the <i>Australian Capital Territory (Self-Government) Act 1988</i> (Cth) represented by Chief Minister, Treasury and Economic Development Directorate (Territory).		
Address:	GPO Box 158 CANBERRA ACT 2601		
Territory Contract Manager:	Senior Policy Officer, Sch 2 s2.2(a)(ii)	Sch 2 s2.2(a)(ii)	Email: Sch 2 s2.2(a) @act.gov.au

Supplier

Name:	The Centre for International Economics (Supplier)		
ABN:	11 705 723 812		
Address:	Ground Floor, 11 Lancaster Place, Canberra Airport, ACT 2609		
Supplier Contract Manager:	Director, Sch 2 s2.2(a)(ii)	Ph: 02 9250 0800	Email: Sch 2 s2.2(a)(ii)

1 – TERM

Option A

The commencement date is 03/04/2017 or when this Contract is signed by the second party, whichever is the later. The term of this Contract is 6 calendar months from the commencement date.

The term of this Contract may be extended for two (2) additional periods of up to one (1) year (up to a maximum of two years) by the written agreement of the parties, prior to the Contract expiration date. The maximum term of this contract is two years and six months.

2 – THE SUPPLIES

Option A

The provider will be required to:

- 1) review and advise on the design of the ACT's evaluation approach;
- 2) interpret and advise on the outcomes of the ACT's taxi industry reforms;
- 3) undertake an analysis to assess different impacts of change to the ACT on-demand transport and broader ACT public transportation system.

The Supplies include the following Support Material:

Formal, written comments on the evaluation process, delivered toward the beginning of the project; and policy recommendations, presented either as a separate report or an annotation to the provided materials (to be further discussed with the consultancy.)

- Documented analysis, with accompanying data sets and/or scenario sets that assist in evaluating the potential impacts of reforms.
- The analysis can commence in mid-2017, and should be usable by early September, in time to provide insights for use in our Community Consultation process.
- Given that the ACT Government is interested in targeted support throughout the process, the respondent should be mindful when considering the specified deliverables, due to general budgetary constraints.

3 – TIMING AND DELIVERY DATES

Option A

The Supplies must be delivered on a period commencing 3/4/2017 and ending 15/10/2017 at the delivery location, and in accordance with the delivery instructions set out in Item 4.

4 – DELIVERY LOCATION AND INSTRUCTIONS (FOR SUPPLIES THAT INCLUDE GOODS)

The delivery location (if applicable) is: N/A – see below.

The Supplies must be provided in accordance with the following delivery instructions: Written materials must be provided in PDF format through email to the Territory Contract Manager. Economic modelling material must be provided in Excel format, and sent to us also through email to the designated Territory Contract Manager.

5 – CONTRACT PRICE AND PAYMENT

Option B

The Contract Price is \$51,700 (including GST). It is payable in instalments in accordance with the following table. Clause 2 of Attachment B - *General Conditions of Contract* applies.

Instalment	Amount of Instalment (including GST)	Milestone/ Deliverable	Date for Completion of Milestone/ Deliverable
1	\$10,000	Initiation of the Project	N/A
2	\$10,000	1) Advice on overall framework approach to evaluation; 2) advice on approach and content of stakeholder consultation process and consultation materials; 3) analysis of, and comment on, any initial data, stakeholder input and Government input to the Evaluation.	30/06/2017
3	\$31,700	1) analysis of, and comment on, data, stakeholder input and Government input to the Evaluation; 2) Modelling and associated analysis of modelling outputs (excludes specific modelling of the	15/10/2017

Instalment	Amount of Instalment (including GST)	Milestone/ Deliverable	Date for Completion of Milestone/ Deliverable
		potential future impacts of any follow-on reforms); and 3) Comment on draft Final Report.	

6 – WARRANTY PERIOD (FOR SUPPLIES THAT INCLUDE GOODS)

Option B

Not applicable.

7 – CONFIDENTIAL TEXT under the Government Procurement Act 2001 (ACT)

This is a notifiable contract (a contract that is \$25,000 or more in total value (including GST)) and must be made publicly available on the Territory's Contracts Register (with confidential text removed). Please note that delegate approval may be required in relation to the removal of confidential text from the public text version of the contract. If so, this approval should be obtained prior to the execution of the contract or the notification of the contract on the Territory's Contracts Register. For general information about confidential text, please refer to http://www.procurement.act.gov.au/__data/assets/pdf_file/0007/259576/PC16.pdf

This Contract is a notifiable contract for the purposes of the Procurement Act and confidential text, and the grounds on which this text is confidential is set out below. Clause 9 of Attachment B – *General Conditions of Contract* applies.

Text of this contract considered to be Confidential Text	Applicable grounds under section 35(1) Procurement Act
Table "3.1 Allocation of days across areas" on page 9 of the document "Proposal - Evaluation of the ACT taxi industry, post reforms"	The information contained in this table is of a commercially- and competition-sensitive nature.
Table "3.2 Time allocation" on page 10 of the document "Proposal - Evaluation of the ACT taxi industry, post reforms"	The information contained in this table is of a commercially- and competition-sensitive nature.
Table "3.3 Daily rates" on page 10 of the document "Proposal - Evaluation of the ACT taxi industry, post reforms"	The information contained in this table is of a commercially- and competition-sensitive nature.

8 – INSURANCE

The Supplier must effect and maintain for the Term, all insurances required to be effected by it by law and the following insurances in the amounts stated:

1. Public Liability insurance with coverage in the amount of no less than \$10 million in respect of each occurrence.
2. Professional indemnity insurance with coverage in the amount of no less than \$10 million in the annual aggregate.
3. Product liability insurance to a value of \$10 million in the annual aggregate.

SIGNED AS A CONTRACT ON.....

31/3/2017

SIGNED for on behalf of the
AUSTRALIAN CAPITAL TERRITORY

[Handwritten Signature]
Signature of Territory delegate

in the presence of:

Sch 2 s2.2(a)(ii)
[Redacted]

ISRAEL DIXON
Print name

Signature of witness

Sch 2 s2.2(a)(ii)
[Redacted]

Print name

Sch 2 s2.2(a)(ii)
[Redacted]

SIGNED by of for and on the behalf of
International Economics Pty Ltd
trading as the Centre for International
Economics ABN 11 705 723 812

Signature of director/authorised officer/individual

Sch 2 s2.2(a)(ii)
Print name

in the presence of:

Sch 2 s2.2(a)(ii)
[Redacted]

Sch 2 s2.2(a)(ii)
[Redacted]

Signature of director/secretary/witness

Signature of second authorised officer*

Sch 2 s2.2(a)(ii)
Print name

Sch 2 s2.2(a)(ii)
Print name and position



Note

- Date:** Must be dated on the date the last party signs the contract or, if signed counterparts of the contract are exchanged, the date of exchange. Also date the cover page.
- Company:** Must be signed in accordance with section 127 of the *Corporations Act 2001* (Cth), for example, by 2 directors or a director and a secretary. Common seal must be affixed if required under the Supplier's constitution.
- Individual:** Must be signed by the Individual supplier and witnessed.
- Incorporated Association:** As a minimum, two authorised officers must sign. Otherwise, the contract must be signed in accordance with the Supplier's constitution. Common seal must be affixed if required under the constitution.

ATTACHMENT A – SUPPLIER’S QUOTATION

Please see the accompanying Responder’s document “Proposal – Evaluation of ACT taxi industry, post reforms”

ATTACHMENT B – GENERAL CONDITIONS OF CONTRACT**1. Provision of Supplies**

- 1.1 The Supplier must provide the Supplies according to the provisions of this Contract and to a standard of care, skill and diligence expected of a person who regularly acts in the capacity in which the Supplier is engaged.
- 1.2 Supplies that are goods must be new and unused, free from any security interest, defects in materials and workmanship, of acceptable quality and must conform to any specifications and descriptions set out in this Contract.

2. Contract Price

- 2.1 Except if otherwise stated in this Contract, the Contract Price is:
- (a) payable within 30 days of receipt by the Territory of an Invoice;
 - (b) inclusive of GST and all other taxes, duties and charges; and
 - (c) inclusive of all disbursements, including out of pocket expenses incurred by the Supplier.
- 2.2 An Invoice may be issued by the Supplier upon the satisfactory completion of each milestone set out in the Contract, or if no milestones are specified, on the satisfactory completion of all services and acceptance of all goods comprising the Supplies.

3. Delivery and Acceptance

- 3.1 Supplies that are goods must be delivered at the times and places detailed in the Contract, in good order and condition and marked with the relevant Reference Number and full delivery point details. Delivery will be free into store unless otherwise specified in the Contract.
- 3.2 The Territory may reject Supplies supplied incorrectly, damaged, in excess of or less than specified quantities or otherwise found not to be in accordance with the Contract.
- 3.3 If the Territory rejects any Supplies, the Supplier must, at no cost to the Territory and within any timeframe specified by the Territory, remove the Supplies (in the case of goods) and:
- (a) replace any rejected Supplies that are goods; and
 - (b) re-perform any rejected Supplies that are services; or
 - (c) refund any payment for the rejected Supplies.
- 3.4 If the Territory does not reject the Supplies within 14 days of receiving the Supplies, the Territory is taken to have accepted the Supplies.

4. Title and Risk

Risk of loss and damage and title in Supplies that are goods passes to the Territory on its acceptance of those goods.

5. Warranty

For Supplies that are goods, the Supplier must:

- (a) during any warranty period specified in the Contract, without delay and at no cost to the Territory, correct all defects in the Supplies by way of repair, replacement or such other means acceptable to the Territory; and
- (b) ensure, to the extent practicable and permitted by law, that the Territory receives the benefit of any warranty given by a third party with respect to any goods,

however:

- (c) this does not in any way relieve the Supplier of any obligation or warranty by it under this Contract; and
- (d) the Supplier is liable for all costs incidental to the discharge of any warranty under this Contract.

6. Ownership and use of material**6.1 Ownership of:**

- (a) all Contract Material, including any intellectual property rights, vests on its creation with the Territory;
- (b) all Territory Material, including any intellectual property rights, remains with the Territory; and
- (c) all Support Material, including any intellectual property rights, remains the property of the Supplier.

6.2 The Territory grants to the Supplier a royalty-free, limited licence to use the Contract Material and Territory Material for the term specified in the Contract.

6.3 The Supplier:

- (a) grants to the Territory, a perpetual, royalty-free licence to use the Support Material to the extent necessary for the Territory to obtain the full benefit of the Supplies; and
- (b) warrants that the Territory's use of any Contract Material and Support Material under this Contract will not infringe the intellectual property rights of, or create any obligations in connection with, any third party.

6.4 The Supplier must safeguard and preserve Contract Material and Territory Material in its possession or control and deliver to the Territory all Contract Material and Territory Material on expiration or termination of this Contract (other than copies that the Territory authorised the Supplier to retain).

7. Supplier's Personnel

The Supplier must, in providing the Supplies:

- (a) engage only persons who have the skills, training and expertise appropriate for the Supplies; and
- (b) comply with all reasonable requirements notified by the Territory regarding suitability and fitness of persons engaged for the provision of the Supplies.

8. Non-disclosure of Territory Information

The Supplier must:

- (a) use Territory Information held in connection with this Contract only for the purposes of fulfilling its obligations under this Contract;
- (b) not transfer Territory Information held in connection with this Contract outside the Territory, or allow any person (other than its authorised personnel) outside the Territory to have access to it, without prior written approval of the Territory;
- (c) notify the Territory immediately if the Supplier becomes aware that a disclosure of Territory Information may be required by law or any unauthorised disclosure of Territory Information has occurred; and
- (d) in respect of any Personal Information held in connection with this Contract:
 - (i) comply with the TPPs and any applicable TPP Code and must not (and procure that any subcontractor engaged by the Supplier does not) act or engage in a practice that breaches a TPP or a TPP Code; and
 - (ii) co-operate with any reasonable requests or directions of the Territory arising directly from, or in connection with, the exercise of the functions of the Information Privacy Commissioner under the Information Privacy Act.

9. Confidential Text under the Procurement Act

9.1 In giving effect to the principles of open and accountable government, the Territory may disclose documents and information unless it has otherwise agreed, or is otherwise required under law, to keep the information confidential.

9.2 Except as provided in this Contract, the Territory must not disclose confidential text specified in the Contract to any person without the prior written consent of the Supplier (which consent will not be unreasonably withheld) except to the extent that the confidential text:

- (a) is required or authorised to be disclosed under law;
- (b) is reasonably necessary for the enforcement of the criminal law;

- (c) is disclosed to the Territory's solicitors, auditors, insurers or advisers;
- (d) is generally available to the public;
- (e) is in the possession of the Territory without restriction in relation to disclosure before the date of receipt from the Supplier;
- (f) is disclosed by the responsible Minister in reporting to the Legislative Assembly or its committees; or
- (g) is disclosed to the ombudsman or for a purpose in relation to the protection of public revenue.

10. Indemnity

The Supplier indemnifies the Territory, its employees and agents against all liability in respect of all claims, costs and expenses in relation to all loss, damage, injury or death to persons or property caused by the Supplier, in connection with the provision of the Supplies, except to the extent that the Territory caused the relevant loss, damage or injury.

11. Termination

The Territory may terminate this Contract in part or whole, at any time by notice to the Supplier, if the Supplier:

- (a) enters, or in the Territory's absolute opinion, is likely to enter, into any form of external administration or makes any arrangement with its creditors or takes advantage of any statute for the relief of insolvent debtors;
- (b) fails to provide the Supplies within, or to meet any other, timeframes or milestones specified in this Contract; or
- (c) is otherwise in breach of a provision of this Contract, where that breach:
 - (i) if capable of being remedied, is not remedied within the period specified in a notice by the Territory, or
 - (ii) is not capable of being remedied.

12. Conduct in Territory Premises

The Supplier must, when using Territory premises or facilities, comply with all reasonable directions of the Territory.

13. Notices

Any notice or communication under this Contract will be effective if it is in writing, and delivered to the other party. A notice will be deemed to have been delivered:

- (a) if delivered by hand, on delivery;
- (b) if sent by prepaid mail, on the expiration of two business days;
- (c) if sent by facsimile, on the sender's facsimile machine recording that the facsimile has been successfully and properly transmitted to the recipient's address; or
- (d) if sent by electronic mail, on the other party's acknowledgement of receipt by any means.

14. Assignment and Subcontracting

The Supplier must not assign or subcontract any of its rights or obligations under this Contract without the prior written consent of the Territory. If the Territory gives its consent, the Territory may impose any conditions.

15. Survival

Clauses 6, 7 and 8 of this Contract survive the termination or expiration of this Contract.

16. Applicable Law

The laws of the Australian Capital Territory apply to this Contract.

17. Variation

This Contract may be varied only by the written agreement of the parties prior to the expiration of the Contract.

18. Entire Agreement

This Contract constitutes the entire agreement of the parties in relation to the provision of the Supplies and all other agreements, warranties and representations are excluded.

19. Definitions and Interpretation

"Contract Material" means all material created, written or otherwise brought into existence as part of, or for the purpose of providing the Supplies including all reports (whether in draft or final form), documents, information and data stored by any means.

"Information Privacy Act" means the *Information Privacy Act 2014* (ACT).

"Invoice" means an invoice that:

- (a) if GST is payable in respect of the provision of the Supplies, is a valid tax invoice for the purposes of the *A New Tax System (Goods and Services Tax) Act 1999* (Cth);
- (b) clearly sets out details of the Supplies provided and of the amount that is due for payment, is correctly calculated and is in respect of Supplies provided in accordance with this Contract;
- (c) is accompanied by any other details or reports required under this Contract; and
- (d) is rendered at the time/s specified in clause 2.2.

"Personal Information" is information or an opinion about an identified individual or an individual who is reasonably identifiable:

- (a) whether the information is true or not; and

- (b) whether the information or opinion is recorded in a material form or not,

but does not include personal health information (as defined in the *Health Records (Privacy and Access) Act 1997* (ACT) about the individual.

"Reference Number" means the relevant, purchase order number, quote number or contract number for the provision of the Supplies.

"Supplies" means the goods and/ or services the subject of this Contract.

"Support Material" means the material specified as support material in the Contract (if any).

"Territory Information" means the kind of information that:

- (a) is or relates to documents, submissions, consultations, policies, strategies, practices and procedures of the Territory which are by their nature confidential;
- (b) is notified (whether in writing or not) by the Territory to the Supplier as being confidential; or
- (c) is Personal Information,

but does not include information that:

- (d) is or becomes public knowledge other than by breach of this Contract;
- (e) has been independently developed or acquired by the Supplier; or
- (f) has been notified by the Territory to the Supplier as not being confidential.

"Territory Material" means any material provided by the Territory to the Supplier for the purposes of this Contract including documents, equipment, information and data stored by any means.

"TPPs" means the Territory Privacy Principles provided for in section 13 and set out in Schedule 1 of the Information Privacy Act.

"TPP Code" means a code of practice about information privacy which, having regard to section 21(1) and (3) of the Information Privacy Act, binds an agency that engages the Supplier in the provision of the Supplies.

SPECIAL CONDITIONS

Option A

Not used.



DEED OF CONFIDENTIALITY AND CONFLICT OF INTEREST – NON ACT PUBLIC SERVANTS

Dated	8 September 2017
Parties	AUSTRALIAN CAPITAL TERRITORY Winton Sustainable Research Strategies Pty Limited ABN 47 002 306 381
Description	UNDERTAKING AS TO CONFIDENTIALITY AND CONFLICT OF INTEREST
Prepared by	Sch 2 s2.2(a) Policy & Cabinet CMTEDD Sch 2
	Ref: 1
Version	8/9/2017

PARTIES: **AUSTRALIAN CAPITAL TERRITORY**, the body politic established by section 7 of the *Australian Capital Territory (Self-Government) Act 1988 (Cth) (Territory)* represented by Chief Minister, Treasury and Economic Development Directorate

Les Winton of Winton Sustainable Research Strategies Pty Limited (Confidant)

BACKGROUND

- A. The Territory has engaged the Confidant for the purpose of conducting Surveys on the behalf of the Government Reform Branch, to complete evaluation of taxi industry reforms.
 - B. In the course of the Confidant conducting surveys the Confidant may have access to, and may become aware of, Confidential Information belonging to, or in the possession of the Territory.
 - C. The Territory requires, and the Confidant agrees, that it is necessary to take all reasonable steps (including the execution of this Deed) to ensure that the Territory's Confidential Information is kept confidential and that the Confidant only acts in the best interests of the Territory.
-

THE PARTIES AGREE as follows.

1. Interpretation

- (1) Unless the context requires or this Deed specifies otherwise, the following definitions apply in this Deed:
 - (a) **Approved Purpose** means the provision of surveys needed to complete evaluation work on taxi industry reforms.
 - (b) **Confidential Information** means any information that:
 - (i) is by its nature confidential;
 - (ii) the Confidant knows, or ought to know, is confidential;
 - (iii) the Territory communicates to the Confidant (whether in writing or not) as being confidential;
 - (iv) is Personal Information; or
 - (v) relates to:

1. any information technology needs, intellectual property rights or assessments of an administrative body of the Territory such as a Directorate;
2. the financial, corporate or commercial information of a Directorate;
3. the affairs of a third party (provided the information is not in the public domain); and
4. the strategies, practices and procedures of a Directorate and any information in the Confidant's possession arising out of the undertaking of the Services,

but excludes any information which:

- (i) is in the public domain, unless it is in the public domain due to a breach of confidentiality by the Confidant or another person;
 - (ii) has been independently developed by the Confidant; or
 - (iii) is in the possession of the Confidant without breach of confidentiality by the Confidant or another person.
- (c) **Contract Officer** means, in relation to each party, the representatives whose names and contract details are specified in **Item 1 Schedule 1** of the relevant agreement or as notified from time to time by one party to the other.
- (d) **Directorate** means a directorate of the Territory.
- (e) **Personal Information** means information or an opinion (including information or an opinion that forms part of a database), whether true or not, and whether recorded in a material form or not, about a natural person whose identity is apparent, or can reasonably be ascertained, from the information or opinion.
- (f) **Services** means the services described in the Request for Quotation document, number 89
- (g) **Territory** means:
- (i) when used in a geographical sense, the Australian Capital Territory; and
 - (ii) when used in any other sense, the body politic established by section 7 of the *Australian Capital Territory (Self-Government) Act 1988* (Cth).
- (h) **Territory Material** means any material that the Territory provides to the Confidant in relation to the Services, including documents, equipment, information, electronic storage devices from which images, sounds, messages or writing can be produced or reproduced (such as a USB flash drive), and data stored by any means.

- (2) This Deed:
 - (a) must be read in conjunction with the Request for Quotation document, number 89; and
- (3) adds to, but does not limit the effect of, the Request for Quotation document, number 89
- (4) In this Deed, unless the context requires otherwise:
 - (a) references to “Confidant” include any of the Confidant’s employees, agents, officers, consultants or sub-contractors;
 - (b) references to legislation, or to provisions in legislation, include references to:
 - (i) amendments or re-enactments of the legislation; and
 - (ii) all regulations and instruments issued under the legislation;
 - (c) words in the singular include the plural and vice versa;
 - (d) headings:
 - (i) are for convenience only; and
 - (ii) do not affect the construction or interpretation of this Deed;
 - (e) an obligation imposed on more than one person binds them jointly and severally;
 - (f) the word “include”, and any derivation of “include”, must not be construed as a word of limitation; and
 - (g) a reference to “interest” includes but is not limited to direct, indirect, personal, pecuniary and non-pecuniary interests.

2. Governing law and compliance with the law

- (1) The law for the time being in force in the Territory governs this Deed.
- (2) The parties submit to the non-exclusive jurisdiction of the courts of the Territory.
- (3) The Confidant must comply with the laws from time to time in force in the Territory in performing the Services.

3. Confidentiality undertakings

- (1) The Confidant:
 - (a) acknowledges and agrees that improper use, or disclosure of any Confidential Information and Territory Material obtained in the course of providing the Services will be detrimental to the Territory; and

- (b) must ensure that such Confidential Information and Territory Material is used only for the Approved Purpose.

4. Non-disclosure of Confidential Information

- (1) The Confidant must not disclose Confidential Information to any person unless:
 - (a) the Territory has provided its prior written consent; or
 - (b) the Confidential Information is:
 - (i) required or authorised to be disclosed by law;
 - (ii) disclosed to the Confidant's solicitors, auditors, insurers or advisers;
 - (iii) generally available to the public; or
 - (iv) in the possession of the Confidant, without restriction in relation to disclosure, before the date of receipt from the Territory.
- (2) The Territory may in its absolute discretion:
 - (a) grant or withhold its consent;
 - (b) if it does provide consent, impose any terms and conditions that it considers appropriate; and
 - (c) require the Confidant to ensure that the party to whom the Confidant will disclose the Confidential Information executes a deed on any terms and conditions that the Territory imposes.

5. Restriction on use of Confidential Information and Territory Material

- (1) The Confidant must use the Confidential Information and Territory Material solely for the Approved Purpose.
- (2) The Consultant must not disclose any of the Confidential Information or give any Territory Material to any person other than those of its employees, consultants and professional advisors who need access to that Confidential Information or Territory Material for the purposes of providing the Services, who are aware of the requirements of this Deed, and who are bound by an enforceable obligation of confidentiality.

6. Conflicts of interest

- (1) In performing the Services the Confidant:
 - (a) undertakes to act solely in the best interests of the Territory;
 - (b) will not use its role to gain its own commercial advantage, for example to participate in any other procurement process conducted by an administrative body or Directorate of the Territory, or to otherwise solicit any business for the Confidant;

- (c) must not place itself in any position that may or does give rise to any risk of a conflict of interest between the Territory and the Confidant; and
 - (d) must immediately declare to the Territory's representative, any perceived, actual or potential conflict of interest that may arise during performance of the Services.
- (2) The Confidant warrants that, at the date of executing this Deed, it has made diligent and proactive enquiries and it does not know of any conflict of interest that exists or is likely to arise in performing:
- (a) the Services; or
 - (b) any other obligation under the Panel Agreement.

7. Management of conflicts of interest

- (1) The Confidant acknowledges that probity and the ongoing management of any potential conflicts of interest is a priority for the Territory.
- (2) The Territory may require the Confidant to ensure that an authorised person:
- (a) at the time of executing this Deed, honestly, fully and accurately completes a "Declaration of Interests" (**Declaration**);
 - (b) updates the Declaration when there is any change in the Confidant's interests; and
 - (c) sends any updated Declaration to the Territory as soon as possible.
- (3) If a conflict of interest or a risk of a conflict of interest arises, the Confidant must:
- (a) immediately notify the Territory in writing; and
 - (b) comply with any requirement that the Territory imposes to eliminate or otherwise deal with that conflict or risk of conflict.

8. Indemnity

- (1) The Confidant indemnifies the Territory against any costs, liabilities, losses and claims that the Territory incurs as a result of the Confidant's breach of this Deed.

9. Termination of appointment

- (1) If the Confidant breaches this Deed the Territory may, at its absolute discretion, terminate the relevant contract.

10. Injunctive relief

- (1) The Confidant acknowledges that:

- (a) damages may not be an adequate remedy for the Territory for any breach of the provisions of this Deed; and
- (b) the Territory is entitled to injunctive relieve as a remedy for any breach or threatened breach by the Confidant, in addition to any other remedies available at law or equity.

11. No waiver

- (1) Failure or omission by the Territory at any time to enforce or require strict or timely compliance with any provision of this Deed will not affect or impair:
 - (a) that provision in any way; or
 - (b) the rights and remedies that the Territory may have in respect of that provision.

12. Notices

- (1) Any notice, including any other communication, required to be given or sent to either party under this Deed must be in writing and given to the relevant Contract Officer.
- (2) A notice will be deemed to have been given:
 - (a) if delivered by hand, on delivery;
 - (b) if sent by prepaid mail, on the expiration of two business days after the date on which it was sent;
 - (c) if sent by facsimile, on the sender's facsimile machine recording that the facsimile has been successfully and properly transmitted to the recipient's address; or
 - (d) if sent by electronic mail, on whichever of the following occurs first:
 - (i) the other party's acknowledgment of receipt by any means; or
 - (ii) the sender's electronic mail device recording that the electronic mail has been successfully transmitted to the recipient's address; or
 - (iii) expiration of two business days after the date on which it was sent without receipt of a notification that the delivery failed.

DATE OF THIS DEED

11/9/2017

SIGNED for and on behalf of the AUSTRALIAN CAPITAL TERRITORY in the presence of:

Sch 2 s2.2(a)(ii)

Signature of witness

Sch 2 s2.2(a)(ii)

Print name

Sch 2 s2.2(a)(ii)

Print name

SIGNED by or for and on behalf of Les Winton in the presence of:

Sch 2 s2.2(a)(ii)

S

Sch 2 s2.2(a)(ii)

Signature of director/secretary [Sole director company]

*DELETE whichever is not applicable (see note below)

Sch 2 s2.2(a)(ii)

Print name



- Date: Must be dated on the date the last party signs the Deed or, if signed counterparts of the Deed are exchanged, the date of exchange. Also date the cover page.
Company: Must be signed in accordance with section 127 of the Corporations Act 2001 (Cth), for example, by 2 directors or a director and a secretary. Common seal may be affixed if required under the Confidant's constitution.
Individual: Must be signed by the individual Confidant and witnessed.
Incorporated Association: Must be signed in accordance with the Confidant's constitution, which may or may not require the common seal to be affixed. As a minimum, 2 authorised officers must sign

Goods and/or Services REQUEST FOR QUOTATION UNDER \$25,000

REQUEST FOR QUOTATION INFORMATION

The Territory as represented by the Chief Minister, Treasury and Economic Development Directorate would like to invite Winton Sustainable Research Strategies Pty Ltd to respond to this Request for Quotation (RFQ).

This RFQ comprises:

- Schedule 1 – Statement of Requirement;
- Schedule 2 – General Terms and Conditions for Purchase Orders (Goods and/or Services); and
- Schedule 3 – Supplier’s Quotation, including Supplier’s declaration.

SCHEDULE 1 - STATEMENT OF REQUIREMENT

RFQ Title:	Follow up surveys		
RFQ Number:	89	Territory Contact Officer:	For all matters relating to this RFQ contact: Sch 2 s2.2(a)(ii)
Purchasing Directorate:	Chief Minister, Treasury and Economic Development Directorate	Section/Business Unit:	Government Reform, Policy and Cabinet Division
Issue Date:	08/09/2017	Closing Date:	13/09/2017
Supplies Required by:	26/09/2017		
Lodgement method:	Quotations should be lodged with Sch 2 s2.2(a)(ii) via email at Sch 2 s2.2(a)(ii) in MS Word or PDF format by the closing date specified above. Please note: due to system restrictions responses cannot exceed one file and 3MB.		
Questions	Any questions relating to this RFQ should be addressed to the Territory Contact Officer and sent via email.		

The Requirement

Item	Details
Description of Requirement (including warranties for goods):	The Government Reform branch requires Winton Sustainable Research Strategies Pty Ltd to conduct 62 prescribed general-public surveys on the experiences of customers of taxis hire cars and customers in the ACT. The required 62 surveys will be added to the 88+ completed surveys to achieve a statistically sound sample size needed to complete this part of the Branch’s evaluation of on-demand transport industry reforms.

Item	Details
Background Information:	<p>On 30 September 2015, Andrew Barr MLA, Chief Minister and Shane Rattenbury MLA, the Minister Assisting on Transport Reform, announced reforms to the taxi and on-demand transport industry. The reforms followed a review that investigated how emerging technologies and new business models can contribute to a better on-demand transport system.</p> <p>The ACT is the first jurisdiction in Australia to legalise and regulate ridesharing services, such as uberX, and the first capital city in the world to regulate ridesharing before the service has begun.</p> <p>The reforms ensure that Canberrans and travellers to the ACT have access to safe, flexible and affordable taxi, hire car and ridesharing services while also reducing significant costs and regulatory burden on the existing taxi and hire car industries to ensure they remain competitive and sustainable for drivers, owners and passengers.</p> <p>As a part of the reforms, the Government Reform Branch in the ACT Government is conducting surveys to customers of taxi, hire cars and rideshare services to further evaluate the reforms that took place in 2015.</p>
Delivery Instructions (for goods) or Service Timeframes/ Milestones (for services):	<p>The Branch asks Winton Sustainable Research Strategies Pty Ltd to input data from the surveys into the web-based tool Survey Monkey. A Survey Monkey account has been set up for Winton Sustainable Research Strategies Pty Ltd on which they can use to input the data from whichever method of surveying that they see fit.</p> <p>Beyond the inputs of the survey data into Survey Monkey, the Branch requires nothing beyond a simple report stating that the work has been completed and any issues that may have risen as a result from conducting the survey.</p>
Required insurance/s	N/A

SCHEDULE 2 - GENERAL TERMS AND CONDITIONS FOR PURCHASE ORDERS (GOODS AND SERVICES)

If this quotation is accepted and approved by the Australian Capital Territory (indicated at the end of the document), the following general terms and conditions for purchase orders (Goods and/or Services) will apply to the provision of the supplies.

1. Provision of Supplies

- 1.1 The Supplier must provide the goods and/or services specified in the Purchase Order (**Supplies**) according to the provisions of the Purchase Order and these terms and conditions (collectively, **Contract**) and to a high standard of care, skill and diligence.
- 1.2 Supplies that are goods must be new and unused, free from any security interest, defects in materials and workmanship, of acceptable quality and must conform to any specifications and descriptions set out in the Purchase Order.
- 1.3 If the Supplies contain hazardous substances, the Supplier must provide material safety data sheets for those hazardous substances.

2. Price of Supplies

- 2.1 Except if otherwise stated in the Purchase Order, the price for the Supplies is:
 - (a) payable within 30 days of receipt by the Territory of an Invoice;
 - (b) inclusive of GST and all other taxes, duties and charges; and
 - (c) inclusive of all disbursements, including out of pocket expenses incurred by the Supplier.
- 2.2 An Invoice may be issued by the Supplier upon the satisfactory completion of each milestone set out in the Purchase Order, or if no milestones are specified, on the satisfactory completion of all services and acceptance of all goods comprising the Supplies.

3. Delivery and Acceptance

- 3.1 Supplies that are goods must be delivered at the times and places detailed in the Purchase Order, in good order and condition and marked with the relevant Purchase Order Number and full delivery point details. Delivery will be free into store unless otherwise specified in the Contract.
- 3.2 The Territory may reject Supplies supplied incorrectly, damaged, in excess of or less than specified quantities or otherwise found not to be in accordance with the Purchase Order.
- 3.3 If the Territory rejects any Supplies, the Supplier must, at no cost to the Territory and within any

timeframe specified by the Territory, remove the Supplies (in the case of goods) and:

- (a) replace any rejected Supplies that are goods; and
- (b) re-perform any rejected Supplies that are services; or
- (c) refund any payment for the rejected Supplies.

- 3.4 If the Territory does not reject the Supplies within 14 days of receiving the Supplies, the Territory is taken to have accepted the Supplies.

4. Title and Risk

Risk of loss and damage and title in Supplies that are goods passes to the Territory on its acceptance of those goods.

5. Warranty

For Supplies that are goods, the Supplier must:

- (a) during any warranty period specified in the Purchase Order, at no cost to the Territory, correct all defects in the Supplies by way of repair, replacement or such other means acceptable to the Territory; and
- (b) ensure, to the extent practicable and permitted by law, that the Territory receives the benefit of any warranty given by a third party with respect to any goods,

however, this does not in any way relieve the Supplier of any obligation or warranty by it under the Contract and the Supplier is liable for all costs incidental to the discharge of any warranty under the Contract.

6. Insurance

The Supplier must effect and maintain for the Purchase Order term any insurances specified in the Purchase Order.

7. Indemnity

The Supplier indemnifies the Territory, its employees and agents against all liability in respect of all claims, costs and expenses in relation to all loss, damage, injury or death to persons or property caused by the Supplier, in connection with the provision of the Supplies, except to the extent that the Territory caused the relevant loss, damage or injury.

8. Cancellation

The Territory may cancel the Purchase Order in part or whole, at any time by notice to the Supplier, if the Supplier:

- (a) enters, or in the Territory's absolute opinion, is likely to enter, into any form of external administration or makes any arrangement with its creditors or takes advantage of any statute for the relief of insolvent debtors;
- (b) fails to provide the Supplies within, or to meet any other, timeframes or milestones specified in this Contract; or
- (c) is otherwise in breach of a provision of this Contract, where that breach:
 - (i) if capable of being remedied, is not remedied within the period specified in a notice by the Territory, or
 - (ii) is not capable of being remedied.

9. Assignment and Subcontracting

The Supplier must not assign or subcontract any of its rights or obligations under this Contract without the prior written consent of the Territory.

10. Applicable Law

The laws of the Australian Capital Territory apply to this Contract.

11. Variation

This Contract may be varied only by the written agreement of the parties prior to the expiration of the Contract.

12. Entire Agreement

The Contract constitutes the entire agreement of the parties in relation to the provision of the Supplies and all other agreements, warranties and representations are excluded.

SCHEDULE 3 - SUPPLIER'S QUOTATION FOR SUPPLIES (TO BE COMPLETED BY SUPPLIER)**Supplier's Details**

Full legal name:	Winton Sustainable Research Strategies Pty Ltd
Registered office or postal address:	31 Fihelly St Fadden ACT 2904
ACN/ARBN (if applicable):	002306381
ABN (if applicable):	47002306381

Contact Officer for the Supplier

For all matters relating to this RFQ, including any notices, the Supplier's contact officer will be:

Name:	Les Winton
Position title:	Director
Phone:	0414504832
Mobile:	0414504832
Email:	leswinton@bigpond.com

Supplier's Quotation

Details of relevant qualifications and/or certifications held:	Les Winton
If insurances are required by the Statement of Requirements, please state the insurances held:	We hold relevant professional indemnity, public liability and Workers compensation insurances see attached..
Provide a brief summary of similar work undertaken/goods supplied in the past 12 months.	Many telephone surveys for various ACT Government Directorates

SUPPLIER'S QUOTATION FOR SUPPLIES (CONTINUED...)

Goods (if applicable)

Item Number	Item Description	Quantity	Unit Price (excluding GST)	GST Component	Unit Price (including GST)	Total
1	Services in conducting taxi, rideshare and hire car consumer surveys	1	\$3,500.00	\$350.00	3,850.00	\$3,850
					Total (including GST)	\$3,850

Details of Warranties (if applicable)

Insert the details of any warranty period that will be offered for these good/s.

Services (if applicable)

Brief response to Statement of Requirements, including milestones (if applicable)					
Key personnel (if applicable) and pricing	Name and Position (Not applicable)	Expected Hours/Days allocated	Hourly Rate (including GST)	Daily Rate (including GST)	
Please note: Total Cost field must be completed.					
					Total Cost (including GST)

SUPPLIER'S DECLARATION



I/We quote to provide the goods and / or services described in the RFQ (Supplies) at the prices specified in this Supplier's Quotation.

I/We understand that if accepted by the Territory, this Supplier's Quotation becomes the purchase order for the provision of the Supplies.

I/We declare I/We have read and, if this Supplier's Quotation is accepted by the Territory, agree to provide the Supplies on the basis of the General Terms and Conditions for Purchase Orders (Goods and/ or Services).

Prior to signing ensure you have the legal authority to be a signatory for this quote.

NB: physical signatures are not required for this document. Complete the information and return electronically to the email address provided in Schedule 1.

Signatory's Full Printed Name:	Les Winton	Signatory's Title/Position:	Director
Signatory's Phone Number:	0414508832	Signatory's email address:	leswinton@bigpond.com
Signatory's Signature:	Sch 2 s2.2(a)(ii)	Date:	11/09/2017

TERRITORY APPROVAL FORM (TO BE COMPLETED BY THE AUSTRALIAN CAPITAL TERRITORY)

By signing this form I, **Sch 2 s2.2(a)**, within Government Reform representing the Chief Minister, Treasury and Economic Development Directorate on behalf of the Australian Capital Territory, commit to purchasing the above specified services (non-consultancy) in accordance with the methodology and price specified in the Supplier's Quotation.

Signatory's Full Printed Name:	Sch 2 s2.2(a)(ii)	Signatory's Title/Position:	Senior Manager, Government Reform, Chief Minister, Treasury and Economic Development Directorate
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The Territory accepts the quotation and the Supplier is permitted to commence the provision of the Supplies.

Signature: _____
Date: 11/09/17

Portfolio/s Chief Minister

ISSUE: Release of taxi licences

Talking points:

- Twenty taxi licences have been made available to service the market since the ACT Government announced its release strategy for (50) taxi licences in February 2017.
- They comprise: 10 standard taxis in March 2017; five wheelchair accessible taxis (WAT) in June 2017; and five standard taxis in September 2017. No releases were made in December 2017, as this is a recognised low season.
- The Government will next consider a further release in March 2018.
- The overall regulated cap of 358 ACT taxi licences remains the same.

Key Information

Basis for releases

- The ACT Government lifted its freeze on the release of 50 government leased taxi licences to promote consumer outcomes and help meet demand.
- The release of these taxi licences supports consumer outcomes through:
 - A more flexible supply to more readily address peak-time demands, and
 - Encouraging prospective new taxi operators to consider servicing Canberrans, bringing new energy to service customers.
- The release strategy is subject to assessment of market conditions and industry consultation.
- The Government acknowledges that, over time, there will be different and opposing views on the release of taxi licences. The approach adopted balances feedback and data received through consultations with information available on market conditions. The Government details the issues that it considers with releases via the Access Canberra website.
- The licences are made available via the existing waiting list of pre approved applicants. The waiting list stands at around 250 applicants for standard taxis.
- Licence holders are required to operate the leased government licences. This requirements helps to uphold the Government's policy goal of genuinely and responsively increasing service supply in the marketplace.

Cleared as complete and accurate: 25/01/2018
Cleared by: Deputy Director-General Ext: 73751
Contact Officer Name: Adam Stankevicius Ext: 50468
Lead Directorate: Chief Minister, Treasury and
Economic Development

TRIM Ref:

Portfolio/s Chief Minister

ISSUE: Release of taxi licences

Talking points:

- Twenty taxi licences have been made available to service the market since the ACT Government announced its release strategy for (50) taxi licences in February 2017.
- They comprise: 10 standard taxis in March 2017; five wheelchair accessible taxis (WAT) in June 2017; and five standard taxis in September 2017. No releases were made in December 2017, as this is a recognised low season.
- The Government has determined that further releases will be withheld pending consideration of the evaluation of its 2015 industry reforms.
- The overall regulated cap of 358 ACT taxi licences remains the same.

Key Information

Basis for releases

- The ACT Government lifted its freeze on the release of 50 government leased taxi licences to promote consumer outcomes and help meet demand.
- The release of these taxi licences supports consumer outcomes through:
 - A more flexible supply to more readily address peak-time demands, and
 - Encouraging prospective new taxi operators to consider servicing Canberrans, bringing new energy to service customers.
- The release strategy is subject to assessment of market conditions and industry consultation.
 - Industry is engaged through a stakeholder group used for the Government's broader reforms. The group includes: industry representative bodies such as the Canberra Taxi Industry Association, Sikh Taxi Drivers Association and ACT Taxi Plate Owners' Association Transport Booking Services (TBS), taxi operators, hire car and rideshare providers, as well as community and business interests (e.g. ACTCOSS and Canberra Airport).
- The Government acknowledges that, over time, there will be different and opposing views on the release of taxi licences. The approach adopted balances feedback and data received through consultations with information available on market

Cleared as complete and accurate: 15/02/2018
Cleared by: Deputy Director-General Ext: 73751
Contact Officer Name: Adam Stankevicius Ext: 50468
Lead Directorate: Chief Minister, Treasury and
Economic Development

TRIM Ref:

conditions. The Government details the issues that it considers with releases via the Access Canberra website.

- The licences are made available via the existing waiting list of pre approved applicants. The waiting list stands at over 200 applicants for standard taxis.
- Licence holders are required to operate the leased government licences. This requirements helps to uphold the Government's policy goal of genuinely and responsively increasing service supply in the marketplace.

Cleared as complete and accurate: 15/02/2018
Cleared by: Deputy Director-General Ext: 73751
Contact Officer Name: Adam Stankevicius Ext: 50468
Lead Directorate: Chief Minister, Treasury and
Economic Development

TRIM Ref:

Add reference number

Portfolio/s: Business and Regulatory Services
Justice, Consumer Affairs and Road Safety

ISSUE: ON-DEMAND TRANSPORT INDUSTRY EVALUATION

This Brief provides talking points around findings and recommendations of the newly-released On-Demand Transport Industry Evaluation Report, and the subsequent taxi licence-release program.

Talking points:

Findings of evaluation

- The Government received the Report of the Evaluation of the ACT's On-Demand Transport Industry Reforms earlier this year. The report and associated analysis are available on the Your Say website.
- Through extensive stakeholder consultation for the Evaluation, consumers told us that they now have more choices for travel – namely rideshare – but also more taxi booking services to choose from, as well.
- Stakeholder surveys indicated that there is a whole new cohort of Canberrans using on-demand transport since the 2015 reforms began.
 - Surveys indicate passengers were attracted to lower fares and the availability and quality of rideshare services.
- Users of wheelchair accessible taxi (WAT) services indicated their satisfaction with the quality and availability of this service. Use of WAT services has been rising consistently year-on-year.
- We see businesses and tourists benefiting from the reforms:
 - Hotels surveyed indicated significant take-up of rideshare service from its guests (estimated by some hoteliers to be around 18-19% of trips), and positive interaction between rideshare drivers and hotels.
- The Evaluation indicated that the 2015 reforms to the industry created net benefits to consumers of \$6.4 to \$8.8 million in 2016/17, and between \$2.8 and \$3.8 million for the broader community.

Cleared as complete and accurate:	10/10/2018	
Cleared by:	Director	Ext: 50468
Information Officer name:	Adam Stankevicius	
Contact Officer name:	Sch 2 s2.2(a)	
Lead Directorate:	Chief Minister, Treasury and Economic Development	

TRIM Ref:

- These benefits were largely in the form of lower fares for on-demand transport.
- The 2015 reforms brought benefits to consumers and change to the on-demand transport industry.
- The Government undertook extensive industry and community consultation, research and analysis, prior to the reforms, to determine the full range of potential impacts to stakeholders.
 - Reforms, which included measures to create a more level playing field for the taxi industry, were not pre-determined; rather, they were shaped by this consultation.

Perpetual taxi licences

- The evaluation carefully considered compensation for holders of perpetual taxi licences.
- The evaluation indicated – and the Government agrees – that Individuals who purchased these licences directly from the government during 1995 or earlier, and held on to them, will have achieved a full return on their investments.
 - Further, over time individuals holding these licences have had ready access to information about government intentions to review the industry and potentially introduce deregulation to the industry. Holders have therefore been equipped to consider the sovereign risk of holding these licences as investments.

Personal Support

- The on-demand transport industry has undergone significant change since the introduction of the reforms. This includes increased competition and changes in the market for taxi licences.
- The Government learned from surveys and discussions that the reforms have affected industry participants – such as taxi drivers and operators, and holders of perpetual taxi licences – in different ways.
- The ACT Government has arranged for counselling to be provided to members of the ACT taxi industry. Members can access free counselling by contacting Woden Community Service at (02) 6282 2644 or

Cleared as complete and accurate: 10/10/2018
Cleared by: Director Ext: 50468
Information Officer name: Adam Stankevicius
Contact Officer name: **Sch 2 s2.2(a)**
Lead Directorate: Chief Minister, Treasury and Economic Development

info@wcs.org.au. The Government will also consider what kind of other personal assistance may be appropriate in the future.

Taxi licence releases

- The Government has determined that more standard-taxi licences should be made available to the industry to keep pace with population and visitor growth in the ACT.
- We plan to make available 15 licence immediately, and 65 more in the medium term - by the end of March 2019 .
- To accommodate this release program and to ensure flexibility in the future, we are also immediately raising the regulated cap from 358 to 500.
 - Issuing 80 new licences will bring the total number of licences available to industry to 408.
 - The Government does not currently have plans to make available licences up to the regulated cap of 500.
 - The need for further Wheelchair Accessible Taxi (WAT) Licences will be assessed in 2019.
 - Economic and transport-industry conditions can change significantly over time, raising the cap at this point provides the flexibility to change licence supply on short notice in response to demand.

Key Information

Perpetual taxi licences

- 1995 is the last year that an ACT government issued perpetual taxi licences directly to individuals. After this time, access to these licences was solely through a secondary market.
- According to the CIE, an individual whom has acquired (at the average market price) and held a perpetual taxi licence in 2005 or earlier has achieved a positive annual investment return.


Taxi licence releases

Cleared as complete and accurate:	10/10/2018	
Cleared by:	Director	Ext: 50468
Information Officer name:	Adam Stankevicius	
Contact Officer name:	Sch 2 s2.2(a)	
Lead Directorate:	Chief Minister, Treasury and Economic Development	

- Currently, 328 ACT taxi licences are available for use by taxi operators (vehicle owners). Included in this number are 31 wheelchair accessible taxi (WAT) taxi licences.
- Currently, the regulated cap for ACT taxi licences is 358. Included in this number is a regulated cap if 31 WAT licences.
- Increasing the number of standard-taxi licences available to industry by 80 from 328 to 408 would increase the fleet by 24%. (We expect that operators would take up the 80 licences offered and put them to use.)

Background InformationTaxi licence releases

- Twenty taxi licences have been made available to service the market since the ACT Government announced its release strategy for (50) taxi licences in February 2017.
- They comprise: 10 standard taxis in March 2017; five wheelchair accessible taxis (WAT) in June 2017; and five standard taxis in September 2017. No releases were made in December 2017, as this is a recognised as a low season.
- The Government determined that a further release would be withheld pending consideration of the evaluation of its 2015 industry reforms.
- The licences are made available via the existing waiting list of pre-approved applicants. The waiting list stands at around 250 applicants for standard taxis.
- Licence holders are required to operate the leased government licences. This requirements helps to uphold the Government's policy goal of genuinely and responsively increasing service supply in the marketplace.

Cleared as complete and accurate: 10/10/2018
Cleared by: Director Ext: 50468
Information Officer name: Adam Stankevicius
Contact Officer name: Sch 2 s2.2(a) 
Lead Directorate: Chief Minister, Treasury and
Economic Development

TRIM Ref: