

PASSENGER TRANSPORT ACT 1994

PRESCRIBED SCHEME—SECTION 52AB

Ministerial Notice

PART 1—PRELIMINARY

1. Establishment of scheme

- (1) This instrument constitutes the prescribed scheme to implement the South Australian Government's cancellation of taxi licences under Section 52AB of the *Passenger Transport Act 1994*.
- (2) A payment to a person under this scheme is made as compensation for the cost of a perpetual taxi licence on account of the cancellation of the licence by the Minister under Section 52AB of the *Passenger Transport Act 1994*.

2. Commencement

This scheme commences on the day on which it is published in the Gazette.

3. Interpretation

- (1) In this scheme, unless the contrary intention appears—

access taxi has the same meaning as in the *Passenger Transport Regulations 2024*;

Act means the *Passenger Transport Act 1994*;

Chief Executive means the Chief Executive of the Department and includes, in respect of a particular Clause that refers to the Chief Executive, a member of the Department authorised by the Chief Executive to act under that Clause for the purposes of this scheme;

close family member—see Subclause (3);

Department means the administrative unit of the Public Service that, under the Minister, is responsible for the administration of the Act;

domestic partner means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared under that Act or not;

Family Law agreement means an agreement approved or registered under the *Family Law Act 1975* of the Commonwealth that relates to the financial affairs of 2 persons who have been the parties to a marriage or de facto relationship;

Family Law instrument means an instrument that gives effect to, or is consequential on, a Family Law agreement or a Family Law order;

Family Law order means an order of a court under the *Family Law Act 1975* of the Commonwealth that relates to the financial affairs of 2 persons who have been the parties to a marriage or de facto relationship;

legally qualified representative means—

- (a) a legal guardian; or
- (b) the donee of a power of attorney; or
- (c) the executor or administrator of the estate of a deceased person;

perpetual taxi licence means a licence for a taxi under Part 6 of the Act in force immediately before the scheme commencement day, other than—

- (a) a licence for—
 - (i) an access taxi or a standby access taxi; or
 - (ii) a standby taxi; or
- (b) a licence issued as a temporary licence;

person includes a company;

prescribed compensation amount means an amount payable under Clause 7(1);

prescribed qualifying day means 12 April 2016;

prescribed taxi licence means a perpetual taxi licence that was in force immediately before the prescribed qualifying day;

proprietary company means a proprietary company under the *Corporations Act 2001* of the Commonwealth;

qualifying licence holder means a person who qualifies under Clause 4 in relation to a prescribed taxi licence;

scheme commencement day means the day on which this scheme is published in the Gazette;

spouse—a person is the spouse of another person if they are legally married;

standby taxi has the same meaning as in the *Passenger Transport Regulations 2024*; taxi means a vehicle for which a licence is required to be held under Part 6 of the Act; taxi database means the information—

- (a) created, received or held by the Department for the purposes of the operation and administration of Part 6 of the Act; or
- (b) created, received or held by the Department in connection with the operation of this scheme;

temporary taxi licence means a temporary licence under the Act;

terminal medical condition means a medical condition that has been diagnosed as being expected to cause death within 24 months;

this scheme means the scheme constituted by this instrument.

- (2) In this scheme, a reference to a person being a resident of the State means—
 - (a) in the case of a natural person—that the person’s principal place of residence is in South Australia at the relevant time; and
 - (b) in the case of a company—that the place where the company is taken to be registered under the *Corporations Act 2001* of the Commonwealth is South Australia.
- (3) For the purposes of this scheme, a person is a close **family member** of another person if the person is a spouse, domestic partner, parent or child of the other person.
- (4) For the purposes of this scheme, a reference to an application being made by a licence holder includes an application made on behalf of that licence holder or their estate by a legally qualified representative (and the Chief Executive may require the verification of an entitlement to act on behalf of a licence holder in such manner as the Chief Executive thinks fit).
- (5) Words and expressions used in the Act and in this scheme have the same respective meanings in this scheme as they have in the Act.

4. Qualifying criteria—prescribed taxi licences

- (1) A person qualifies under this Clause in relation to a prescribed taxi licence if the person—
 - (i) was the holder of the licence immediately before the prescribed qualifying day; and
 - (ii) is the holder of the licence on the scheme commencement day; and
 - (iii) has held the licence continuously between the prescribed qualifying day and the scheme commencement day.
- (2) A person also qualifies under this Clause in relation to a prescribed taxi licence if—
 - (a) —
 - (i) the licence was held by a proprietary company immediately before the prescribed qualifying day; and
 - (ii) the licence was transferred by the company to the person on or after the prescribed qualifying day and before 30 August 2024; and
 - (iii) the person was a shareholder or director of the company at the time of the transfer; and
 - (iv) the licence is held by the person on the scheme commencement day; or
 - (b) —
 - (i) the licence was held by a person immediately before the prescribed qualifying day; and
 - (ii) the licence was transferred by the person to a proprietary company on or after the prescribed qualifying day and before 30 August 2024; and
 - (iii) the person was a shareholder or director of the company at the time of the transfer; and
 - (iv) the licence is held by the company on the scheme commencement day; or
 - (c) —
 - (i) the licence was held by a person immediately before the prescribed qualifying day; and
 - (ii) the licence was transferred by the person to a close family member on or after the prescribed qualifying day and before 30 August 2024; and
 - (iii) the licence is held by that close family member on the scheme commencement day; or
 - (d) —
 - (i) the licence was held by a person immediately before the prescribed qualifying day; and
 - (ii) the person died on or after the prescribed qualifying day while still holding the licence; and

- (iii) the licence, on the scheme commencement day, is held—
 - (A) as part of the estate of the person who has died; or
 - (B) by a beneficiary of the estate of the person who has died; or
 - (e) —
 - (i) the licence was held by a person immediately before the prescribed qualifying day; and
 - (ii) the licence was transferred by the person to another person under a Family Law agreement, a Family Law order or a Family Law instrument; and
 - (iii) the licence is held by that other person on the scheme commencement day.
- (3) For the purposes of this Clause, a person may hold a licence on their own or jointly with one or more other persons.

5. Relevant date

For the purposes of Section 52AB(2) of the Act, 4 December 2025 is specified.

PART 2—PERPETUAL TAXI LICENCES—BASE COMPENSATION AMOUNT

6. Base compensation amount

- (1) Subject to this Clause, an amount of \$10,000 (the base compensation amount) is payable in relation to each perpetual taxi licence in connection with its cancellation by the Minister under Section 52AB(2) of the Act.
- (2) In the case of a perpetual taxi licence held by one person only, the base compensation amount is payable to that person.
- (3) In the case of a perpetual taxi licence held by two or more persons, the base compensation amount is payable to the person specified in the taxi database as the registered operator in relation to that licence at the time of payment.
- (4) The base compensation amount will be paid under this scheme on a date determined by the Chief Executive.

PART 3—PRESCRIBED TAXI LICENCES

7. Prescribed compensation amount

- (1) Subject to the other provisions of this scheme and, in particular Clause 8, an additional amount of \$190,000 (the prescribed compensation amount) is payable in relation to each prescribed taxi licence in connection with its cancellation by the Minister under Section 52AB(2) of the Act if—
 - (a) the licence is held by a qualifying licence holder in relation to the licence on the scheme commencement day; and
 - (b) the qualifying licence holder or, if there is more than one qualifying licence holder in relation to a particular licence, at least one of those qualifying licence holders, was a resident of the State immediately before the scheme commencement day; and
 - (c) an application for the payment of the prescribed compensation amount is made—
 - (i) by the qualifying licence holder in relation to the licence; or
 - (ii) if there is more than one qualifying licence holder in relation to the licence—jointly by all of them; and
 - (d) the application is made between 4 December 2025 and 16 March 2026 (both dates inclusive); and
 - (e) the application is made using the form published on the Department’s website by the Chief Executive for the purposes of this scheme and by providing that form to the Chief Executive in accordance with the requirements set out in the form or published on the website in conjunction with the form; and
 - (f) the application is approved by the Chief Executive and the qualifying licence holder is informed in writing by the Chief Executive that the Chief Executive has determined to make a payment under Clause 8.
- (2) Subclause (1) is subject to the following qualifications:
 - (a) if, as at the scheme commencement day, a qualifying licence holder holds two or more prescribed taxi licences with no other person or company having an interest in any of those licences, the qualifying licence holder is only entitled to \$190,000 in relation to one of those licences (and there is no entitlement for the other licence or licences); and
 - (b) —
 - (i) if, as at the scheme commencement day, two or more qualifying licence holders jointly hold one prescribed taxi licence, they are jointly entitled to \$190,000 in relation to that licence; and
 - (ii) if, as at the scheme commencement day, two or more qualifying licence holders jointly hold two or more prescribed taxi licences, they are only entitled to \$190,000 jointly in relation to one of those licences (and there is no entitlement for the other licence or licences),
 with the effect that each unique combination of joint holdings by two or more qualifying licence holders in one or more prescribed taxi licences will only give rise to one entitlement to \$190,000 under this scheme; and
 - (c) if—
 - (i) immediately before the prescribed qualifying day a person was the holder of two or more prescribed licences; and
 - (ii) the person transferred one or more of those licences to another person or persons on or after the prescribed qualifying day and before the scheme commencement day; and
 - (iii) that other person or those other persons are qualifying licence holders, the total amount payable in relation to those licences will be \$190,000.
- (3) In a case involving a deceased estate, Subclause (2) applies as if the person who has died still has an entitlement as a qualifying licence holder.
- (4) If—
 - (a) a prescribed taxi licence was held by a person immediately before the prescribed qualifying day (the primary licence holder); and
 - (b) the primary licence holder died on or after the prescribed qualifying day while still holding the licence; and
 - (c) the primary licence holder was a resident of the State at the time of their death; and

- (d) the person's spouse or domestic partner (the secondary licence holder), as at the scheme commencement day—
- (i) holds, or will be entitled to hold, the licence as a beneficiary of the estate of the person who has died; and
 - (ii) holds another prescribed taxi licence in relation to which the person is a qualifying licence holder by virtue of holding the prescribed taxi licence immediately before the prescribed qualifying day; and
- (e) the secondary licence holder was a resident of the State immediately before the scheme commencement day, the secondary licence holder is (subject to Clause 8) entitled to receive a prescribed compensation amount in relation to two prescribed taxi licences (and Subclause (2)(a) will not apply in relation to this case but will apply in relation to any licences in excess of two such licences).
- (5) Despite Subclause (1)(d), the Chief Executive may allow a person to make an application—
- (a) after 16 March 2026 and before 15 April 2026 if the Chief Executive is satisfied that there is a valid and exceptional reason why the person did not make the application by 16 March 2026; or
 - (b) after 16 March 2026 if the Chief Executive is satisfied that the application is being made by an executor or administrator on behalf of the estate of a qualifying licence holder who died before making an application under this Clause.
- (6) Despite any other provision, the Chief Executive may exempt a person from the requirement to be a resident of the State immediately before the scheme commencement day if the Chief Executive is satisfied, on application under this Subclause, that the person—
- (a) was a resident of the State at the time that they became a holder of the relevant licence; and
 - (b) subsequently became a resident of a place outside the State for—
 - (i) employment; or
 - (ii) family reasons; or
 - (iii) health or medical reasons; or
 - (iv) another compelling reason.

8. Order of payments

- (1) An amount under Clause 7 does not crystallise, and therefore does not become due and payable, until the Chief Executive has determined that it is appropriate to make a payment under this Clause.
- (2) For the purposes of Subclause (1), the Chief Executive may from time to time determine that it is appropriate to make a certain number of payments in a particular financial year.
- (3) The first set of payments of amounts under Clause 7 must be made by the end of the 2026/2027 financial year.
- (4) Subject to Subclause (6), the order of payments to be made during the duration of this scheme will be determined according to the licence number order of the licences in relation to which payments are to be made under this scheme, starting with the lowest number (using the licence numbers specified in the taxi database).
- (5) The number of payments in any financial year will be determined by the Chief Executive, taking into account the amount of money that has become available for the implementation of this scheme under Schedule 2 of the Act or by an appropriation made for the purposes of this scheme.
- (6) If:
 - (a) the Chief Executive receives an application under this Subclause from a person who is entitled to receive a payment under this scheme (but is yet to receive that payment); and
 - (b) the application is made on the basis that the person is suffering from a terminal medical condition; and
 - (c) the application:
 - (i) is made using a form determined by the Chief Executive (which may be combined with the form used under Clause 7); and
 - (ii) is supported by a certificate from a registered medical practitioner who is a specialist practising in an area related to the terminal medical condition confirming that the medical condition is expected to cause death within 24 months of the date of the certificate,
 then the Chief Executive must ensure that the person receives the payment as soon as funding is reasonably available to make the payment under this scheme.
- (7) A payment under this Clause may be made at any time during a financial year, as determined by the Chief Executive.

9. Indexing

The amount of \$190,000 (the current payment amount) is to be adjusted for indexation in each financial year, beginning with the 2027/2028 financial year, according to the following formula:

$$\text{Indexed Balance} = \text{Balance} \times \frac{\text{Index}_{t+1}}{\text{Index}_t}$$

where:

Indexed Balance is the indexed balance to be considered the current payment amount

Balance is the current payment amount

Index_{t+1} is the current June quarter index immediately preceding the date of the payment

Index_t is the 2026 June quarter index

The relevant indexes are Australian Bureau of Statistics catalogue reference Table 2b Quarterly Index:

All Sectors Australia 6401.0 Series ID A2325821J.

PART 4—RELATED MATTERS

10 Payment arrangements

- (1) A payment under this scheme will be made by the Chief Executive.
- (2) For the purposes of making a payment under this scheme, information held on the taxi database or provided by an applicant under this scheme may be used by the Chief Executive to determine—
 - (a) to whom the payment should be made (after taking into account any specific provision made by this scheme or any other matter considered relevant by the Chief Executive); and
 - (b) the place or account to which a payment will be sent or made; and
 - (c) any other related or relevant matter.
- (3) A payment under this scheme may be made by cheque, electronic funds transfer, or any other method determined to be appropriate by the Chief Executive.

11. Related provisions

- (1) A person's entitlement under this scheme (and therefore any payment) will be determined and fixed according to the circumstances as they exist on the scheme commencement day (subject to any express provision made by this scheme).
- (2) The Chief Executive may make a payment—
 - (a) to the executor or administrator of a person who has been entitled to a payment under this scheme if they die while the scheme is in operation; or
 - (b) to the beneficiary of the estate of a person who has been entitled to a payment under this scheme if they die while the scheme is in operation.
- (3) A payment under Subclause (2)(b) may be divided between two or more beneficiaries if the Chief Executive is satisfied that this reflects the division of the assets of the will or the administration of the estate of the person who has died.
- (4) The Chief Executive may make a payment to the liquidator, creditor, shareholder or member of a company that has been entitled to a payment under this scheme if the company is placed into liquidation, wound up or dissolved while the scheme is in operation, after taking into account such matters the Chief Executive thinks fit.
- (5) An amount payable under this scheme is inclusive of GST (if any).
- (6) In Subclause (5), GST means tax payable under—
 - (a) *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth; and
 - (b) the related legislation of the Commonwealth dealing with the imposition of a tax on the supply of goods and services.

12. Additional information and statutory declarations

- (1) A person who may be entitled to a payment under this scheme, or who is seeking a payment under this scheme, may be required by the Chief Executive to provide information specified by the Chief Executive and the Chief Executive may, until that information is provided in accordance with that requirement, withhold making the payment.
- (2) The Chief Executive may require that any information provided for the purposes of this scheme is verified by statutory declaration.

This scheme is determined by the Minister for Infrastructure and Transport, being the Minister to whom the administration of the *Passenger Transport Act 1994* is committed, to be the prescribed scheme under Section 52AB of that Act.

Dated: 3 December 2025

HON. EMILY BOURKE MLC
Minister for Infrastructure and Transport