

Passenger Service Levy - Exemption or Rebate Policy

1. Purpose

The *Point to Point Transport (Taxis and Hire Vehicles) Act 2016* (the Act) requires all providers of a taxi service or booking service, who are liable to pay the passenger service levy (the levy), to register as taxpayers. Service providers seeking an exemption or rebate from the levy need to obtain confirmation from the Point to Point Transport Commissioner (the Commissioner).

This policy sets out the types of evidence that the Commissioner will accept in support of:

- eligibility for an exemption from paying the levy; and
- eligibility for rebate of the levy.

2. Mandatory requirements

2.1 Notification of reliance on an exemption

A taxpayer who is liable to pay the levy can notify the Commissioner that they are seeking to rely on an exemption from paying the levy if they:

- carry out 150 or fewer passenger service transaction in any period of 12 months; or
- provide passenger service transactions which are carried out, or commences, or ends, within remote or very remote areas of NSW.

This same process is also to be followed for service providers that are currently not operating or are yet to commence providing passenger services.

In order to obtain an exemption, the taxpayer must provide written advice of that intention to the Commissioner and set out reasons for eligibility: Schedule 3 clause 7(1) of the Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017 (the Regulation).

The Commissioner will accept the following evidence as is relevant to the reason(s) for the application for exemption:

- evidence of operating in a remote or very remote area of NSW.
- a statutory declaration detailing their business model such as 'providing transport for weddings on weekends,' 'providing transport for specifically themed functions' or 'not currently operating' which would be indicative of providing fewer than 150 passenger service transactions in a 12 month period; the number of drivers and vehicles associated with the service provider; and the number of passenger service transactions carried out in the preceding 12 month period.
- evidence which supports the reasons they have provided in their declaration such as copies of advertisements on social media or a printout from the provider's website which indicate the business is targeting specific services, or copies of their records of the actual journeys carried out.

Note: the purpose for requesting evidence in support of the service provider's declaration is to satisfy the Commissioner that the entity is exempt from payment of the levy.

2.2 Notification of reliance on a levy rebate

A taxpayer who is liable to pay the levy can notify the Commissioner that they are seeking to rely on a rebate of the levy if they:

- carry out more than 150 but fewer than 600 passenger service transactions in any period of 12 months.

Schedule 3 clause 4 of the Regulation provides that the amount of the rebate is calculated to enable the following fixed amounts to be paid annually:

- \$150, if the number of passenger service transactions is from 151 up to 400 trips per year
- \$400, if the number of passenger service transactions is from 401 up to 600 trips per year

If seeking to obtain a levy rebate, the taxpayer must provide written advice of that intention to the Commissioner and particularise reasons for eligibility: Schedule 3 clause 7(1) of the Regulation.

The Commissioner will accept the following evidence of eligibility for the relevant levy rebate:

- a statutory declaration detailing their business model such as 'a community transport service occasionally supplemented by other types of passenger services' which would be indicative of being a small service provider (as defined in Schedule 3 clause 4(2) of the Regulation; the number of drivers and vehicles associated with the service provider and the number of passenger service transactions carried out in the preceding 12 month period.
- evidence which supports the reasons they have provided in their declaration such as copies of flyers, advertisements on social media or a printout from the provider's website which indicate the business is targeting specific services, or copies of their records of the actual journeys carried out.

Note: the purpose for requesting evidence in support of the service provider's declaration is to satisfy the Commissioner that the entity is eligible for a rebate of the levy.

2.3 Request for additional evidence

If insufficient evidence has been provided by the service provider/ taxpayer at the time of lodgment of their request for confirmation of levy status, a communication will be sent to them requesting they provide additional evidence within 14 days.

If the service provider/taxpayer does not provide the additional evidence, their status for levy purposes cannot be confirmed and a communication will be sent to advise them of the next steps in the registration process; namely:

- proceeding to register as a taxpayer if their lack of liability to pay the passenger service levy cannot be confirmed
- updating their registration details by providing their bank account details if their entitlement to an exemption could not be confirmed

2.5 Reconfirmation of exemption or rebate eligibility

A taxpayer will be requested to reconfirm their eligibility for an exemption or rebate at the 12 month anniversary of the date on which the exemption or rebate was granted, and on each subsequent anniversary. This request can be made under Clause 7(1) of Schedule 3 of the Regulation which requires service providers to provide the Commissioner with information if seeking to rely on an

exemption or rebate.

Prior to an anniversary date, an email request will be sent through Salesforce to a service provider's levy contact advising them of the need to reconfirm their eligibility for an exemption or rebate, or to login to the Industry Portal to update their annual trip estimates.

A service provider is able to reply to the email confirming their ongoing eligibility for an exemption or rebate along with providing a supporting reason. A record of the reconfirmation for an exemption or rebate is to be recorded against the service provider's account in Salesforce.

If a service provider does not respond to confirm their ongoing eligibility for an exemption or rebate, follow up contact attempt/s will be made seeking a response to confirm eligibility or an update to annual trip estimates. If provided, confirmation of ongoing eligibility will be recorded against the service provider's account in Salesforce.

3. Accountabilities

Functions relating to confirmation of no liability to pay the levy or eligibility for an exemption or rebate are generally performed by staff in the Operations branch of the Commission under delegation from the Commissioner.

4. Breaches of this policy

TfNSW may commence applicable disciplinary action if a person to whom this Policy (and any related Procedure) applies breaches this Policy, including termination of employment and if fraudulent, criminal charges.

5. Document history

Date & Policy No	Approved by	Amendment Notes
01 February 2018 OP18006 v1.0	Point to Point Transport Commissioner	Approved
21 March 2018 OP18006 v2.0	Point to Point Transport Commissioner	Reviewed to include references to Request for additional evidence.
08 August 2018 OP18006 v3.0	Executive Director	Includes new section 2.5 on reconfirmation of exemption or rebate eligibility. Removal of confirmation of no liability to pay the levy process.
12 October 2018 OP18006 v.3.0	Point to Point Transport Commissioner	Approved for website publication