TASMANIA

TAXI AND LUXURY HIRE CAR INDUSTRIES (CONSEQUENTIAL AMENDMENTS) BILL 2008

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TAXI AND LUXURY HIRE CAR INDUSTRIES (CONSEQUENTIAL AMENDMENTS) BILL 2008

(Brought in by the Minister for Infrastructure, the Honourable Graeme Lindsay Sturges)

A BILL FOR

An Act to amend certain Acts and statutory rules consequential on the enactment of the Taxi and Luxury Hire Car Industries Act 2008

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the Taxi and Luxury Hire Car Industries (Consequential Amendments) Act 2008.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Consequential amendments

The legislation specified in Schedule 1 is amended as specified in that Schedule.
4. Effect of certain amendments

The amendment by this Act of a provision of any regulations, rules or by-laws made under any Act does not prevent that provision or any other provision of those regulations, rules or by-laws from being amended or rescinded by any subsequent regulations, rules or by-laws.
SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS

Section 3

Annulling Convictions Act 2003

1. Section 7(1) is amended by omitting “Taxi and Luxury Hire Car Industries Act 1995” from paragraph (b) of the definition of “traffic offence” and substituting “Taxi and Luxury Hire Car Industries Act 2008”.

Litter Act 2007

1. Section 3 is amended as follows:

(a) by omitting the definition of “luxury hire car” and substituting the following definition:

“luxury hire car” means a vehicle in respect of which a luxury hire car licence is in force under the Taxi and Luxury Hire Car Industries Act 2008;

(b) by omitting the definition of “taxi” and substituting the following definition:

“taxi” has the same meaning as in the Taxi and Luxury Hire Car Industries Act 2008;
Passenger Transport Act 1997

1. Section 3 is amended as follows:

   (a) by omitting the definition of “luxury hire car” and substituting the following definition:

   “luxury hire car” means a luxury hire car in respect of which a luxury hire car licence is in force under the Taxi and Luxury Hire Car Industries Act 2008;

   (b) by omitting the definition of “taxi” and substituting the following definitions:

   “taxi” has the same meaning as in the Taxi and Luxury Hire Car Industries Act 2008;

   “taxi licence” means a licence in force under Part 3 of the Taxi and Luxury Hire Car Industries Act 2008;

   “taxi licence number plate” means a licence number plate issued in respect of a taxi licence.


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3. Section 11(3) is amended as follows:

(a) by omitting from paragraph (a) “licensed and operated in accordance with the Taxi and Luxury Hire Car Industries Act 1995” and substituting “operated under the authority of a taxi licence in accordance with the Taxi and Luxury Hire Car Industries Act 2008”;

(b) by omitting from paragraph (ab) “licensed and operated as a luxury hire car in accordance with the Taxi and Luxury Hire Car Industries Act 1995” and substituting “operated under the authority of a luxury hire car licence in accordance with the Taxi and Luxury Hire Car Industries Act 2008”.

4. Section 15A(1) is amended as follows:

(a) by omitting from paragraph (b) “over.” and substituting “over; and”;

(b) by inserting the following paragraph after paragraph (b):

(c) if the vehicle has a taxi licence number plate affixed, the taxi licence number plate is covered.
5. Section 16 is amended as follows:

(a) by omitting subsection (1) and substituting the following subsection:

(1) In this section –

“taxi zone” has the same meaning as in the Taxi and Luxury Hire Car Industries Act 2008.

(b) by omitting from subsection (2) “public passenger vehicle that is not a taxi” and substituting “vehicle that is not a taxi”;

(c) by omitting from subsection (2)(a) “on a taxi rank” and substituting “in a taxi zone”;

(d) by inserting the following subsections after subsection (2):

(3) Without limiting the matters that may constitute describing a vehicle as a taxi, taxi-cab or cab, the following may be taken as describing a vehicle as a taxi, taxi-cab or cab:

(a) the fitting of a top-light sign bearing the word “taxi”, “cab” or similar;

(b) the fitting of a taximeter in the vehicle;
(c) the display of the words “taxi”, “cab” or similar on the exterior of the vehicle.

(4) It is a defence in proceedings under subsection (2)(b) for the defendant to show that the vehicle was approved for use as a taxi but was not operating as a taxi under the authority of a taxi licence at that time.

6. Clause 1(ab) of Schedule 2 is amended by omitting “would be classifiable as a luxury vehicle for the purposes of Part 4A of the Taxi and Luxury Hire Car Industries Reform Act 1999” and substituting “would be classified as a luxury hire car for the purposes of the Taxi and Luxury Hire Car Industries Act 2008”.

_Passenger Transport Regulations 2000_

1. Regulation 7 is amended by omitting paragraphs (c) and (d) and substituting the following paragraph:

(c) sections 12, 26, 43, 61, 71, 95 and 96 of the Taxi and Luxury Hire Car Industries Act 2008.
1. Regulation 352(1) is amended as follows:

(a) by omitting from paragraph (a) “Taxi and Luxury Hire Car Industries Act 1995” and substituting “Taxi and Luxury Hire Car Industries Act 2008”;

(b) by omitting from paragraph (b) “Taxi and Luxury Hire Car Industries Act 1995” and substituting “Taxi and Luxury Hire Car Industries Act 2008”.

2. Schedule 6 is amended by omitting clause 10 from Division 1 of Part 2 and substituting:

10. Taxi

A vehicle is declared to be a taxi for the Road Rules if it is operating as a taxi under the authority of a taxi licence in force under the Taxi and Luxury Hire Car Industries Act 2008.

Transport Act 1981

1. Section 6(1)(c) is amended by omitting “Taxi and Luxury Hire Car Industries Act 1995” and substituting “Taxi and Luxury Hire Car Industries Act 2008”.

Traffic (Road Rules) Regulations 1999

1. Regulation 352(1) is amended as follows:

(a) by omitting from paragraph (a) “Taxi and Luxury Hire Car Industries Act 1995” and substituting “Taxi and Luxury Hire Car Industries Act 2008”;

(b) by omitting from paragraph (b) “Taxi and Luxury Hire Car Industries Act 1995” and substituting “Taxi and Luxury Hire Car Industries Act 2008”.

2. Schedule 6 is amended by omitting clause 10 from Division 1 of Part 2 and substituting:

10. Taxi

A vehicle is declared to be a taxi for the Road Rules if it is operating as a taxi under the authority of a taxi licence in force under the Taxi and Luxury Hire Car Industries Act 2008.

Transport Act 1981

1. Section 6(1)(c) is amended by omitting “Taxi and Luxury Hire Car Industries Act 1995” and substituting “Taxi and Luxury Hire Car Industries Act 2008”.
2. Section 22(1)(a) is amended by omitting “Taxi and Luxury Hire Car Industries Act 1995” and substituting “Taxi and Luxury Hire Car Industries Act 2008”.

3. Section 28A is repealed.

Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2000

1. Regulation 3(1) is amended as follows:

(a) by inserting the following definition after the definition of “loss assessor”:

“luxury hire car” has the same meaning as in the Taxi and Luxury Hire Car Industries Act 2008;

(b) by inserting the following definition after the definition of “small passenger vehicle”:

“taxi” has the same meaning as in the Taxi and Luxury Hire Car Industries Act 2008;

2. Regulation 85(3)(a) is amended by omitting subparagraphs (ii) and (iii) and substituting the following subparagraphs:
(ii) a public passenger vehicle that is used or intended to be used as a taxi in accordance with the *Taxi and Luxury Hire Car Industries Act 2008*; or

(iii) a public passenger vehicle in respect of which a luxury hire car licence is in force under the *Taxi and Luxury Hire Car Industries Act 2008*; or

**Vehicle and Traffic Act 1999**

1. Section 49(7) is amended by omitting “*Taxi and Luxury Hire Car Industries Act 1995*” from paragraph (b) of the definition of “related Act” and substituting “*Taxi and Luxury Hire Car Industries Act 2008*”.

**Workers Rehabilitation and Compensation Act 1988**

1. Section 3(2) is amended by omitting “Subject to section 26A(1) of the *Taxi and Luxury Hire Car Industries Act 1995* and for” and substituting “For”.

2. Section 4DA is amended as follows:

   (a) by omitting from subsection (2) “where” and substituting “if”;

   (b) by omitting “*Taxi and Luxury Hire Car Industries Act 1995*” from the definition
of “licensee” in subsection (3) and substituting “Taxi and Luxury Hire Car Industries Act 2008”;

(c) by omitting the definition of “luxury hire car” from subsection (3) and substituting the following definition:

“luxury hire car” means a vehicle in respect of which a luxury hire car licence is in force under the Taxi and Luxury Hire Car Industries Act 2008.

3. Section 4DB is amended as follows:

(a) by omitting from subsection (1) “the taxi is, while driving the vehicle” and substituting “a taxi service provided under the authority of a taxi licence is, while driving the taxi”;

(b) by omitting from subsection (2) “where” and substituting “if”;

(c) by omitting subsection (3) and substituting the following subsection:

(3) In this section –

“responsible operator” means –

(a) in respect of a perpetual taxi
(i) if an assignment or leasing arrangement is in force under section 11 of that Act, the person who, by virtue of that section, is the responsible operator; or

(ii) if no such assignment or leasing arrangement is in force, the owner of the perpetual taxi licence; or
(b) in respect of an owner-operator taxi licence, wheelchair-accessible taxi licence or temporary taxi licence within the meaning of the Taxi and Luxury Hire Car Industries Act 2008, the holder of that licence;

“taxi” has the same meaning as in the Taxi and Luxury Hire Car Industries Act 2008;