

TASMANIA

**TAXI AND HIRE VEHICLE INDUSTRIES
AMENDMENT BILL 2016**

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TAXI AND HIRE VEHICLE INDUSTRIES AMENDMENT BILL 2016

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
7 April 2016

*(Brought in by the Minister for Infrastructure, the Honourable
Marinus Theodoor Hidding)*

A BILL FOR

An Act to amend the *Taxi and Hire Vehicle Industries Act 2008*

Be it enacted by Her 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 Hire Vehicle Industries Amendment Act 2016*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

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3. Principal Act

In this Act, the *Taxi and Hire Vehicle Industries Act 2008** is referred to as the Principal Act.

4. Section 23 amended (Number of owner-operator taxi licences to be made available)

Section 23 of the Principal Act is amended as follows:

(a) by inserting the following subsections after subsection (1):

(1A) Subsection (1) does not, in respect of a year specified in a notice under subsection (1B), apply in relation to a taxi area specified in the notice.

(1B) The Minister may, by a notice, or notices, in the *Gazette*, declare that, in respect of the year 2016, or 2017 or both, subsection (1) does not apply in relation to a taxi area specified in the notice.

(1C) A notice under subsection (1B) is not a statutory rule for the purposes of the *Rules Publication Act 1953*.

(b) by omitting subsection (6) and substituting the following subsections:

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(6) If –

- (a) a licence in relation to a taxi area is under subsection (5), made available for sale in a year; and
- (b) the Minister has not issued a notice under subsection (1B) declaring that subsection (1) does not apply in relation to the taxi area for the following year; and
- (c) the licence is not sold before the date on which the Commission calls the following year's tender in respect of the taxi area –

the Commission is, on that date, to withdraw the licence from sale.

(7) If –

- (a) a licence in relation to a taxi area is under subsection (5), made available for sale in a year; and
- (b) the Minister has issued a notice under subsection (1B) declaring that subsection (1) does

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not apply in relation to the taxi area for the following year; and

- (c) the licence is not sold before 30 September in the following year –

the Commission is, on 30 September in that following year, to withdraw the licence from sale.

5. Section 91E amended (General small passenger vehicle offences)

Section 91E of the Principal Act is amended by inserting after subsection (2) the following subsection:

(2A) Subsection (1) does not apply in relation to a person using a small passenger vehicle if, under section 64(1) of the *Passenger Transport Services Act 2011* –

- (a) the person is, or is a member of a class of persons that is, exempted from the application of section 10 of that Act; or
- (b) the vehicle is, or is a member of a class of vehicles that is, exempted from the application of section 10 of that Act; or
- (c) the passenger transport service that the vehicle is being used to

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operate is a passenger service that is, or is a member of a class of passenger services that is, exempted from the application of section 10 of that Act.

6. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.