

TAXI AND LUXURY HIRE CAR INDUSTRIES AMENDMENT BILL 2011

CLAUSE NOTES

In this document 'the Principal Act' refers to the *Taxi and Luxury Hire Car Industries Act 2008* and 'the Amendment Act' refers to the *Taxi and Luxury Hire Car Industries Amendment Act 2011*.

Clause 1 Short title and citation.

Clause 2 Commencement.

(a) Brings the Act into existence.

(b) Enables the Act to commence on the day the *Passenger Transport Services Act 2011* commences. This is necessary because many of the amendments in the Bill rely on the changes to the Passenger Transport legislation also having commenced.

Clause 3 Defines the Principal Act that is to be amended.

Clause 4 Amends the long title of the Principal Act in order to include restricted hire vehicles within the scope of that Act.

Clause 5 Amends the short title of the Act. Luxury hire cars and restricted hire vehicles are encompassed by the term 'hire vehicles'.

Clause 6 Amends several definitions within the Principal Act and adds new definitions.

(a) Omits the definition of "accredited operator" and inserts a definition of "accreditation" that refers to accreditation under the *Passenger Transport Services Act 2011* that is used to define the term "accredited operator" as below.

Amends the definition of "accredited operator".

(b) Removes the superseded Standard AS 2942 in order to replace it with the current Standard AS/NZS 10542.1:2009 as in (c).

(c) Inserts a definition of the term "AS/NZS 10542.1:2009", which is the standard that replaces the superseded Standard AS 2942.

(d) Inserts a definition of the term "general rhv service", which is defined in section 84C(4).

(e) Replaces the word "provide" in respect of a taxi service with the word "operate". This amendment has been made

throughout the Amendment Act to ensure consistency with the *Passenger Transport Services Act 2011*.

- (f) Inserts a definition of the term “in advance” in respect of the hiring of some kinds of motor vehicle to clarify the meaning of this term.
- (g) Amends the definition of the term “licence” to include a restricted hire vehicle licence.
- (h) Amends the definition of “luxury hire car”. The definition in the Principal Act includes the term “Public Passenger Vehicle”, which is a phrase used in the *Passenger Transport Act 1997* but which is not used in the *Passenger Transport Services Act 2011*. The amended definition specifies that in order to be a luxury hire car, a vehicle must be operating under the authority of a luxury hire car licence.
- (i) Amends the definition of “luxury hire car service”, consequent to the change to the definition of “luxury hire car” and the removal of the term public passenger service” as outlined in (k).
- (j) Inserts the definition of “passenger transport service” consistent with the *Passenger Transport Services Act 2011*.
- (k) Removes the definitions of “public passenger service” and “public passenger vehicle” as these terms become obsolete on the commencement of the *Passenger Transport Services Act 2011*.
- (l) Inserts a definition of the term “relevant accreditation” in order to specify the type of accreditation an applicant for a licence must hold in order to be issued with a licence.
- (m) Inserts definitions of the terms “restricted hire vehicle”, “restricted hire vehicle licence” and “restricted hire vehicle service” for the purposes of regulating restricted hire vehicles. Amends the definition of “small passenger vehicle” so that it is consistent with the definition in the *Passenger Transport Services Act 2011*.
- (n) Amends the definition of “substitute wheelchair accessible taxi”, as such a vehicle does not have to be a taxi in order for it to be a substitute WAT, but it must be a vehicle approved for that use.
- (o) Amends the definition of “taxi”. The definition in the Principal Act includes the term “Public Passenger Vehicle”, which is a phrase used in the *Passenger Transport Act 1997* but which is not used in the *Passenger Transport Services Act 2011*.
- (p) Removes the definition of the term “taxi driver” as this is a self-explanatory term and does not require specific explanation.
- (q) Amends the definition of “taxi service”, consequent to the change to the definition of “taxi” and the removal of the term public passenger service” as outlined in (o).

- (r) Inserts a definition of the term “tour” as referenced in Section 3A.

Clause 7 Inserts the meaning of the term “tour” for the purposes of Part 4 and Part 4A. This specifies the type of transport that can be provided by luxury hire cars and restricted hire cars that may not have to be booked in advance.

Due to the wide variety of tours available to the public, this definition includes provision for the Transport Commission to determine whether a passenger transport service is a tour for the purposes of the Act if its status is not clear.

Clause 8 Amends the Intent of the Principal Act to include restricted hire vehicles and to include the assurance that all vehicles regulated under the Act are appropriately licensed.

Clause 9 Inserts a new Section to clarify that nothing in the Act derogates from the requirements of the *Passenger Transport Services Act 2011*.

Clause 10 Amends Section 7 of the Principal Act to include reference to a restricted hire vehicle licence.

Clause 11 Replaces Division 1 of Part 3 of the Principal Act as follows:

9(1) Technical amendment to Section 9 of the Principal Act to clarify the effect of a taxi licence and to outline the four types of taxi licences.

9(2) Inserts Section 9A to define the nature of a taxi service and replace the definition contained in Section 3 of the Principal Act.

9(3) Inserts Section 9B to clarify the requirement that a taxi is only considered to be a taxi for the purposes of the Act if it has affixed to it the licence number plate issued in respect of the licence under the authority of which it is operating. This is necessary as on the commencement of the Principal Act, there was no longer a requirement for specific vehicles to be licensed as taxis.

During the review of the *Passenger Transport Act 1997* and the subsequent development of the restricted hire vehicle category of service, the definitions of “taxi” and “taxi service” and the effect of taxi licences were also reviewed to ensure that these were consistent with the proposed restricted hire vehicle provisions.

The amendments to Division 1, together with the revised definition of “taxi” in Section 3, give effect to these changes.

- Clause 12 Deletes the words “or assigned”, as it is understood that a lease and an assignment in respect of a taxi licence have the same meaning.
- Clause 13 Amends Section 11 of the Principal Act on the advice of the Office of Parliamentary Counsel. The effect of this Section is unchanged. That is, it identifies who is legally responsible for the taxi service operated under the authority of a perpetual taxi licence.
- Clause 14 Amends Section 13 of the Principal Act by clarifying that the annual administration fee is paid to the Transport Commission.
- Clause 15 Amends subsection 22(3) of the Principal Act on the advice of the Office of Parliamentary Counsel to better articulate the circumstances in which the Transport Commission may impose conditions on an owner-operator taxi licence at the time of issue. The effect of this Section is unchanged.
- Clause 16 Technical amendments to Section 24 of the Principal Act due to changes in terminology in respect of accreditation (refer 6(e)) and the operation of a taxi service (refer 6(l)).
- Clause 17 Amends Sections 27 and 28 of the Principal Act on the advice of the Office of Parliamentary Counsel.

An owner-operator taxi licence cannot be leased. The amendment to Section 27 clarifies that any agreement purporting to do so is unenforceable.

The amendment to Section 28 clarifies the power of the Transport Commission to impose conditions on an owner-operator taxi licence that has already been issued, and the process that the Commission must undertake to do so.

- Clause 18 Amends Section 29 of the Principal Act by clarifying that the annual administration fee is paid to the Transport Commission.
- Clause 19 Amends Section 31 of the Principal Act on the advice of the Office of Parliamentary Counsel to clarify the process for transferring (i.e. selling) an owner-operator taxi licence to another person.

The clause also includes technical amendments to changes in terminology in respect of accreditation (refer 6(e)).

Inserts subsection (d) to require that a person to whom an owner-operator taxi licence is to be transferred has no

outstanding fees due to the Transport Commission. This is consistent with the criteria for the issue of a new licence.

- Clause 20 Technical amendments to Section 34 of the Principal Act due to changes in terminology in respect of accreditation refer 6(e)).
- Clause 21 Technical amendments to Section 35 of the Principal Act due to changes in terminology in respect of accreditation refer 6(e)).
- Clause 22 Amends Section 36 of the Principal Act on the advice of the Office of Parliamentary Counsel to clarify the process that must be undertaken by the Transport Commission when it proposes to suspend or cancel an owner-operator taxi licence. The effect of this Section is unchanged.
- Clause 23 Amends subsection 40(2) of the Principal Act on the advice of the Office of Parliamentary Counsel to better articulate the circumstances in which the Transport Commission may impose conditions on a wheelchair-accessible taxi licence at the time of issue, and to require the Commission to specify the vehicle to be used in the licence.
- Clause 24 Technical amendments to Section 41 of the Principal Act due to changes in terminology in respect of accreditation (refer 6(e)) and clarification of the requirement for a vehicle to be approved for use as a wheelchair-accessible taxi before a new licence can be issued.
- Clause 25 Amends Sections 44 of the Principal Act on the advice of the Office of Parliamentary Counsel. A wheelchair-accessible taxi licence cannot be leased. The amendment clarifies that any agreement purporting to do so is unenforceable.
- Clause 26 Technical amendment to Section 45 of the Principal Act due to changes in terminology in respect of and the operation of a taxi service (refer 6(l)).
- Clause 27 Amends Section 46 of the Principal Act on the advice of the Office of Parliamentary Counsel to clarify the power of the Transport Commission to impose conditions on a wheelchair-accessible taxi licence that has already been issued, and the process that the Commission must undertake to do so.
- Clause 28 Amends Section 47 of the Principal Act by clarifying that the annual administration fee is paid to the Transport Commission.
- Clause 29 Amends Section 49 of the Principal Act on the advice of the Office of Parliamentary Counsel to clarify the process for transferring (i.e. selling) a wheelchair-accessible taxi licence to another person. The effect of this Section is unchanged.

The clause also includes technical amendments to changes in terminology in respect of accreditation (refer 6(e)).

Inserts subsection (c) to require that a person to whom a wheelchair-accessible taxi licence is to be transferred has no outstanding fees due to the Transport Commission. This is consistent with the criteria for the issue of a new licence.

Clause 30 Amends Section 50 of the Principal Act on the advice of the Office of Parliamentary Counsel to clarify the process for transferring a wheelchair-accessible taxi licence to another vehicle.

Clause 31 Amends Section 51 of the Principal Act to enable no fee to be prescribed for the transfer of a wheelchair-accessible taxi licence to a substitute wheelchair-accessible taxi.

Clause 32 Technical amendments to Section 54 of the Principal Act due to changes in terminology in respect of accreditation (refer 6(e)).

Clause 33 Amends Section 55 of the Principal Act on the advice of the Office of Parliamentary Counsel to clarify the process that must be undertaken by the Transport Commission when it proposes to suspend or cancel a wheelchair-accessible taxi licence. The effect of this Section is unchanged.

Clause 34 Technical amendments to Section 59 of the Principal Act due to changes in terminology in respect of accreditation (refer 6(e)).

This amendment also includes a requirement for an applicant for a temporary taxi licence to not have any outstanding fees due to the Transport Commission, which is a criterion applied to applicants for all other licence types issued under the Act.

Clarification of the requirement for a vehicle to be operated to provide an accessible taxi service on a temporary taxi licence to be approved for this use.

Clause 35 Technical amendment to Section 62 of the Principal Act.

Clause 36 Amends Section 67 Principal Act to clarify the effect of a luxury hire car licence.

During the review of the *Passenger Transport Act 1997* and the subsequent development of the restricted hire vehicle category of service, the definitions of “luxury hire car” and “luxury hire car service” and the effect of luxury hire car licences were also reviewed to ensure that these were consistent with the proposed restricted hire vehicle provisions. The amendment to Section 67

and the insertion of Section 67A (refer Clause 38), together with the revised definition of “luxury hire car” in Section 3 give effect to these changes.

- Clause 37 Inserts Section 67A to define the nature of a luxury hire car service and replace the definition contained in Section 3 of the Principal Act.
- Clause 38 Amends Section 68 of the Principal Act on the advice of the Office of Parliamentary Counsel to better articulate the circumstances in which the Transport Commission may impose conditions on a luxury hire licence at the time of issue, and to require the Commission to specify the vehicle to be used in the licence.
- Clause 39 Amends Section 69 of the Principal Act as follows
- (a) Inserts subsection 69(1A) into the Principal Act to clarify the policy that the licence fee for the issue of a new luxury hire car licence is a fixed dollar amount.
 - (b) Technical amendment to Section 69 of the Principal Act due to changes in terminology in respect of accreditation (refer 6(e)).
 - (c) Technical amendment to Section 69 of the Principal Act due to changes in terminology in respect of the “operation” of a service (refer 6(l)).
 - (a) Clarification of the requirement for a vehicle to be approved for use as a luxury hire car before a new licence can be issued.
- Clause 40 Amends Section 72 of the Principal Act on the advice of the Office of Parliamentary Counsel. A luxury hire car licence cannot be leased. The amendment clarifies that any agreement purporting to do so is unenforceable.
- Clause 41 Amends Section 74 of the Principal Act on the advice of the Office of Parliamentary Counsel to clarify the power of the Transport Commission to impose conditions on a luxury hire car licence that has already been issued, and the process that the Commission must undertake to do so.
- Clause 42 Amends Section 75 of the Principal Act by clarifying that the annual administration fee is paid to the Transport Commission.
- Clause 43 Amends Section 77 of the Principal Act on the advice of the Office of Parliamentary Counsel to clarify the process for

transferring (i.e. selling) a luxury hire car licence to another person. The effect of this Section is unchanged.

The clause also includes technical amendments to changes in terminology in respect of accreditation (refer 6(e)).

Inserts subsection (c) to require that a person to whom a luxury hire car licence is to be transferred has no outstanding fees due to the Transport Commission. This is consistent with the criteria for the issue of a new licence.

- Clause 44 Amends Section 78 of the Principal Act on the advice of the Office of Parliamentary Counsel to clarify the process for transferring a luxury hire car licence to another vehicle.
- Clause 45 Technical amendments to Section 81 of the Principal Act due to changes in terminology in respect of accreditation (refer 6(e)).
- Clause 46 Amends Section 82 of the Principal Act on the advice of the Office of Parliamentary Counsel to clarify the process that must be undertaken by the Transport Commission when it proposes to suspend or cancel a luxury hire car licence. The effect of this Section is unchanged.
- Clause 47 Repeals Section 84 of the Principal Act. These offences have been reviewed, modified and moved to Part 5 of the Principal Act.
- Clause 48 Inserts Part 4A (Sections 84A to 84Q) to provide for the regulation of restricted hire vehicles. Restricted hire vehicle services are known as “limited passenger services” under the *Passenger Transport Act 1997*. Regulation of these vehicles is inserted into the Principal Act so that all passenger transport services provided by small passenger vehicles are regulated under the same instrument.
 - 84A Explains the effect of a restricted hire vehicle licence and states that a restricted hire vehicle licence does not authorise the vehicle operating under that licence to stand for hire in a public street unless authorised by the Transport Commission.
 - 84B Describes what a restricted hire vehicle (rhv) service is. The main features are that: it is provided by a small passenger vehicle (up to nine seats); a service operator hires out the vehicle together with a driver; the hiring is booked in advance, unless otherwise authorised by the Transport Commission; and the hiring is not undertake under the authority of a taxi licence or a luxury hire car licence.

84C Specifies two categories of rhv services.

A general rhv service is one which any form of transport, which is booked in advance unless otherwise authorised, may be provided in a vehicle approved by the Transport Commission. The types of vehicles able to provide a general rhv service are specified in Section 84I.

A specific rhv services is one in which transport for specific purposes may be provided. These include weddings, formals, balls, funerals and tours. Any vehicle may be used to provide a specific rhv service, subject to it meeting relevant safety and vehicle inspection requirements, which are provided for in the accreditation program (under the *Passenger Transport Services Act 2011*) and the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010*).

84D (1) Provides for the Commission to issue restricted hire vehicle licences.

(2)(a) The Commission may impose conditions on an rhv licence at the time of issue. This is consistent with the issue process for other types of licence.

(2)(b) If the rhv licence is for a general rhv service, the Commission is to specify in the licence the vehicle that can be used to provide this service under the licence.

84E (1) Provides for licences to be issued on application and payment of the application fee and the licence fee.

(2) Prevents the Commission from issuing a restricted hire vehicle licence unless the applicant is accredited to operate a rhv service and has no outstanding fees due to the Commission.

(3) Requires the Commission to refuse a licence application unless satisfied that the applicant would actually be the operator of the rhv service.

84F Only the holder of a restricted hire vehicle licence can be the responsible operator of that licence. This is consistent with the prohibition on leasing of this type of licence and the requirement for the responsible operators of all other licences (other than perpetual taxi licences) to be the responsible operator of the licence.

- 84G Consistent with the provisions for taxi and luxury hire car licences in sections 26, 43, 61 and 71 of the Principal Act, a person must not claim to be the operator of a restricted hire vehicle service if they do not hold a restricted hire vehicle licence.
- 84H (1) Consistent with the provisions for taxi and luxury hire car licences in sections 27, 44 and 72 of the Principal Act, a restricted hire vehicle licence is not capable of being leased.
- (2) Requires the Transport Commission to cancel a restricted hire vehicle licence if the Transport Commission is satisfied that the holder of the licence has entered into an agreement with another person purporting to permit that person to operate the licence.
- (3) Establishes an offence for entering into such an agreement as outlined in section 84H(2).
- 84I (1) Provides for the Transport Commission to approve a small passenger vehicle (that is, with up to nine seats) for use as a restricted hire vehicle to provide general rhv services. The vehicle must be a suitable vehicle and must meet any other prescribed requirements.
- (2) An application for approval of a vehicle for use as a rhv for general rhv services must be made on a form approved by the Transport Commission. This is consistent with the requirement for vehicles used as luxury hire cars and wheelchair-accessible taxis to be approved for that use.
- (3) Confirms that a vehicle used to provide specific rhv services (weddings, formals, tours etc) does not have to be approved by the Transport Commission.
- (4) Specifies the types of vehicles that may be used to provide general rhv services. These are generally distinctive vehicles that would not normally be used for everyday transport. Subclause 84I(4)(e) provides for other vehicles not specified in clause 84I(4) to be prescribed in regulations.
- 84J (1) Allows the Transport Commission to impose conditions on restricted hire vehicle licence after it is issued and to vary or revoke any conditions imposed.
- (2) Sets out the process the Transport Commission must follow in order to impose vary or revoke conditions on a

restricted hire vehicle licence after it has been issued. The Commission must give the holder of the licence notice in writing and an opportunity to make representations regarding the proposed conditions, and take such representations into account.

(3) Provides for the Transport Commission to recall the licence and issue the licence holder with a free replacement licence that includes the new or varied conditions.

(4) Requires the holder of a restricted hire vehicle licence to comply with the conditions of that licence.

84K There is no provision for a restricted hire vehicle licence to be transferred to another person. This provision, in conjunction with the restrictions on leasing the licences and the unlimited availability of new licences at a low cost, is intended to ensure that these licences do not become valuable assets, and are simply an authority to operate a rhv service.

84L Provides for a restricted hire vehicle licence under which general rhv services are operated to be transferred to another vehicle and outlines the process that must be followed.

(2) The holder must apply to the Transport Commission on a form approved by the Commission and pay the prescribed fee.

(3) The Transport Commission may approve the transfer if the vehicle is a small passenger vehicle and is sufficiently similar in type to the vehicle that it is replacing.

(4) The transfer of a vehicle onto a licence may be refused if the licence is suspended, or is subject to a notice of intention to suspend or cancel.

84M A replacement restricted hire vehicle licence can be issued if the Transport Commission is satisfied that the original has been lost, destroyed or damaged. A fee applies.

84N A restricted hire vehicle licence can be surrendered to the Transport Commission. The licence and any licence number plate issued in respect of the licence must be returned to the Commission. Under section 87, the

licence holder is not entitled to any compensation in these circumstances.

84O If the accreditation of the holder of a restricted hire vehicle licence is cancelled in accordance with the Passenger Transport Services Act 2011, any restricted hire vehicle licence held by that person is also cancelled.

84P (1) Provides for the Commission to suspend or cancel a restricted hire vehicle licence in prescribed circumstances. This includes if the licence is found to be leased. The same provisions apply for owner-operator taxi licences (section 36), wheelchair-accessible taxi licences (section 55) and luxury hire car licences (section 82)

(2) Requires the Commission to notify the licence holder of its intention to suspend or cancel the licence and provide an opportunity for the licence holder to make representations to the Commission in regard to the proposed action. It requires the Commission to take any such representations into account. Sections 36(2), 55(2) and 82(2) of the Principal Act are amended by clauses 22, 34 and 48 to reflect the drafting in this clause.

(3) and (4) Allows the Transport Commission to suspend or cancel a licence without providing the licence holder an opportunity to respond in cases where continued operation of the licence would represent an immediate and serious danger to public safety.

(5) Clarifies that a suspended restricted hire vehicle licence is of no effect during the period of its suspension.

(6) It is an offence for a holder of a licence that has been suspended to operate a restricted hire vehicle service or allow another person to operate a restricted hire vehicle service using that licence.

84Q If the Commission requires a licence holder to return a licence to the Commission, he or she must comply with that request.

Clause 49 Amends Section 85(2)(g) of the Principal Act to provide for the Transport Commission to record in the register of licences the details of a vehicle operating under the authority of a restricted hire vehicle licence.

Clause 50 Inserts sections 91A to 91E that establish offences for illegal operation of vehicles providing transport services. Some of

these offences were included in the Passenger Transport Act 1997 and some were in the Principal Act. Clause 51 consolidates all such offences as follows:

91A Provides that taxis are the only small passenger vehicles that may be hired out by means of a passenger hailing the vehicle from the street, unless the Transport Commission authorises a small passenger vehicle that is not a taxi to obtain a hiring in this way.

91B Prohibits any motor vehicle from being configured in a manner that might lead a potential hirer to mistake the vehicle for a taxi. This includes fitting a taximeter in the vehicle, describing the vehicle as a taxi, fitting the vehicle with a 'taxi' top-light sign or displaying the word 'taxi' or similar on or near the vehicle. A 'top light sign' could be a taxi 'roof sign' as defined in the *Taxi Industry Regulations 2008*, or it could be a similar type of sign that does not meet the definition of 'roof sign'.

There are defence provisions at clause 91B(3) to ensure that a vehicle that is used as a substitute taxi, or is in the process of being configured for use as a taxi in the future, is not captured by this offence.

91C Prohibits a person soliciting trade for a motor vehicle on a public street. The term 'solicit' in this instance is intended to mean actively seeking trade for the vehicle. It would not include placing a sign next to a vehicle that is available for hire for the purposes of conducting a tour (as defined), unless that sign was accompanied by active solicitation for business.

91D (1) Prohibits a person from standing or parking a taxi on a public street unless the taxi is standing in a taxi zone, is in the process of picking up or dropping off passengers or is unavailable for hire, unless the Transport Commission has authorised it to do so. This is intended to ensure that taxis do not stand for hire in a public street other than at a taxi rank, to prevent unofficial 'ranks' being formed in other places on the street, which can cause traffic flow problems.

(2) Prohibits a person from standing or parking a small passenger vehicle (other than a taxi) that is available for hire on a public street unless the vehicle is in the process of picking up or dropping off passengers, or indicates that it is not, in fact, available for hire, unless the Transport Commission has authorised it to do so. This prevents small passenger vehicles for "plying for hire" in a public street, as the intention of both luxury hire car and restricted hire vehicle licences is that for the majority of services, these vehicles are hired and booked in advance of the actual hiring.

In situations where the vehicle is available for a tour – this will generally be in precincts where tourists are found in large numbers – 91D(d) provides for the vehicle to lawfully stand for hire in a public street. The Commission may authorise this practice in other circumstances as well.

91E (1) Prohibits a person from using a small passenger vehicle (up to nine seats) to carry a passenger who is paying for the hiring of the vehicle, unless the vehicle is a taxi, a luxury hire car or a restricted hire car operating under the authority of a relevant licence.

(2) This clause does not apply to services that are not considered to be passenger transport services for the purposes of the *Passenger Transport Services Act 2011* – that is, services such as community transport and car pooling arrangements.

(3) Clarifies the requirements for using vehicles that are also used as taxis to provide restricted hire vehicle services. In particular, any signs that the vehicle is used as a taxi must be removed or obscured, and the vehicle must have a licence number plate issued in respect of a restricted hire vehicle affixed to it. That is, it must be operating as a restricted hire vehicle and not a taxi.

- Clause 51 Amends section 93(3)(d) of the Principal Act by replacing the superseded Standard AS 2942 with the current Standard AS/NZS 10542.1:2009.
- Clause 52 Amends section 95 of the Principal Act by reducing the penalty for providing false and misleading information to the Transport Commission from 100 to 30 penalty units.
- Clause 53 Amends section 96 of the Principal Act to create offences in respect of operating or purporting to operate a taxi service, a luxury hire car service or a restricted hire car service unless the person holds (owns or leases) a relevant licence and is the responsible operator of that licence. It extends the existing provision that applies only to taxi services in order to establish a consistent offence for all three types of service.
- Clause 54 Amends section 97 of the Principal Act by including the holder of a restricted hire car licence as a person from whom the Transport Commission may require written information.
- Clause 55 Inserts section 98A that provides for the Transport Commission to waive or refund fees payable by holders of restricted hire car licences. This authority is intended to be applied at the commencement of the restricted hire vehicle regime. As a

transitional measure, limited passenger service operators being re-classified as restricted hire vehicle service operators will be exempted from paying the initial licence fee that would otherwise apply to new operators of this service type.

Clause 56 Amends section 99 of the Principal Act to reflect amended words already defined in respect of accreditation as per clause 6(a) and to enable the Transport Commission to produce certification, for use in court proceedings, that a vehicle was approved for use as a restricted hire car.

Clause 57 Amends Clause 1 of Schedule 1 of the Principal Act in respect of wheelchair-accessible taxis.

(a) Amends paragraph (a) of subclause (1) to clarify that a wheelchair-accessible taxi may have up to 12 seats. Previously a taxi was required to be a small passenger vehicle, which under the *Passenger Transport Act 1997* was defined as a vehicle with up to 12 seats. Under the *Passenger Transport Services Act 2011*, a small passenger vehicle is a vehicle with up to nine seats. However, some taxis, especially wheelchair-accessible taxis, have more than nine seats. Therefore, it is necessary to specify the actual maximum number of seats permitted in these vehicles. Consequential amendments to the *Taxi Industry Regulations 2008* will ensure that standard taxis may also continue to have up to 12 seats.

(b) Replaces the superseded Standard AS 2942 in subclause (1)(d) with the current Standard AS/NZS 10542.1:2009. Any vehicles approved for use as wheelchair-accessible taxis prior to the commencement of the Act will continue to be approved in respect of AS 2942. There is no retrospectivity in approvals of these vehicles.

(c) Inserts a definition of the term “seat” for the purpose of Schedule 1 to include a position within which an occupied wheelchair may be secured. This definition differs from the definition of “seat” in the *Passenger Transport Services Act 2011* as it considers the actual number of seats in the vehicle at the time it is approved, not the number of seats at the time of manufacture of the vehicle. This is necessary to ensure that vehicles commonly used as wheelchair-accessible taxis that are manufactured with more than 12 seats can continue to be used for this purpose once the number of seats has been modified to accommodate a wheelchair position.

Clause 58 Amends Clause 1(m) of Schedule 2 of the Principal Act by correcting the name of the Tasman taxi area, as defined in clause 21 of Schedule 4.

- Clause 59 Amends Clause 1 of Schedule 5 of the Principal Act by providing additional regulation making powers in respect of restricted hire vehicles and restricted hire vehicle licences. Schedule 5 provides the matters to which regulations may apply and derives its power from Section 101 of the Principal Act.
- Clause 60 Repeals the Amendment Act in accordance with Government policy.