

TASMANIA

**TAXI AND LUXURY HIRE CAR INDUSTRIES
BILL 2008**

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement
3. Interpretation
4. Intent of Act
5. Administration and enforcement
6. Act to bind Crown

PART 2 – ADMINISTRATION

7. Commission subject to control of Minister
8. General administration fund

PART 3 – TAXI LICENCES

Division 1 – Effect of taxi licences

9. Effect of taxi licence

Division 2 – Perpetual taxi licences

10. Effect of perpetual taxi licence
11. Responsible operator of perpetual taxi licence
12. Misrepresentation of person as owner of perpetual taxi licence
13. Annual administration fee

14. Failure to pay annual administration fee
15. Transfer of ownership of perpetual taxi licence
16. Replacement licence
17. Surrender of perpetual taxi licence
18. New owner-operator taxi licence to be made available in place of surrendered perpetual taxi licence
19. Requirement for evidence of operation of perpetual taxi licence
20. New owner-operator taxi licence to be made available in place of inactive perpetual taxi licence

Division 3 – Owner-operator taxi licences

21. Effect of owner-operator taxi licence
22. Issue of owner-operator taxi licences
23. Number of owner-operator taxi licences to be made available
24. Application for owner-operator taxi licence
25. Responsible operator of owner-operator taxi licence
26. Misrepresentation of person as holder of owner-operator taxi licence
27. Prohibition on leasing owner-operator taxi licence
28. Owner-operator taxi licence conditions
29. Annual administration fee
30. Failure to pay annual administration fee
31. Transfer of owner-operator taxi licence to another person
32. Replacement licence
33. Surrender of owner-operator taxi licence
34. Inactive owner-operator taxi licence
35. Cancellation of accreditation
36. Suspension or cancellation of owner-operator taxi licence
37. New owner-operator taxi licence to be made available in place of surrendered or cancelled owner-operator taxi licence
38. Delivering-up of owner-operator taxi licence

Division 4 – Wheelchair-accessible taxi licences

39. Effect of wheelchair-accessible taxi licence

40. Issue of wheelchair-accessible taxi licences
41. Application for wheelchair-accessible taxi licence
42. Responsible operator of wheelchair-accessible taxi licence
43. Misrepresentation of person as holder of wheelchair-accessible taxi licence
44. Prohibition on leasing wheelchair-accessible taxi licence
45. Vehicle to be used under authority of wheelchair-accessible taxi licence
46. Wheelchair-accessible taxi licence conditions
47. Annual administration fee
48. Failure to pay annual administration fee
49. Transfer of wheelchair-accessible taxi licence to another person
50. Transfer of wheelchair-accessible taxi licence to another vehicle
51. Substitute wheelchair-accessible taxis
52. Replacement licence
53. Surrender of wheelchair-accessible taxi licence
54. Cancellation of accreditation
55. Suspension or cancellation of wheelchair-accessible taxi licence
56. Delivering-up of wheelchair-accessible taxi licence

Division 5 – Temporary taxi licences

57. Temporary taxi licence
58. Issue of temporary taxi licences
59. Application for temporary taxi licence
60. Duration of temporary taxi licence
61. Misrepresentation of person as holder of temporary taxi licence
62. Temporary taxi licence conditions
63. Replacement licence
64. Surrender of temporary taxi licence
65. Cancellation of temporary taxi licence
66. Delivering-up of temporary taxi licence

PART 4 – LUXURY HIRE CAR LICENCES

67. Effect of luxury hire car licence
68. Issue of luxury hire car licences
69. Application for luxury hire car licence
70. Responsible operator of luxury hire car licence
71. Misrepresentation of person as holder of luxury hire car licence
72. Prohibition on leasing luxury hire car licence
73. Approval of luxury hire cars
74. Luxury hire car licence conditions
75. Annual administration fee
76. Failure to pay annual administration fee
77. Transfer of luxury hire car licence to another person
78. Transfer of luxury hire car licence to another vehicle
79. Replacement licence
80. Surrender of luxury hire car licence
81. Cancellation of accreditation
82. Suspension or cancellation of luxury hire car licence
83. Delivering-up of luxury hire car licence
84. Small passenger vehicle offences

PART 5 – MISCELLANEOUS AND SUPPLEMENTAL

85. Register of licences
86. Effect of licence lapsing or being suspended
87. Surrender of licence
88. Cancelled licence
89. Licence number plates
90. Return of licence number plate to Commission
91. Use of taxis
92. Age of vehicle
93. Use of accessible vehicle with standard taxi licence
94. Security cameras

95. False or misleading statements
96. Person other than responsible operator must not provide taxi service
97. Supply of information to Commission by licence holders, &c.
98. Taxi dispatch services
99. Evidentiary certificates
100. Service of notices and other documents
101. Regulations
102. Administration of Act
103. Savings and transitional provisions
104. Legislation repealed
105. Legislation rescinded

SCHEDULE 1 – CRITERIA FOR WHEELCHAIR-ACCESSIBLE TAXIS, REMOTE AREA WHEELCHAIR-ACCESSIBLE TAXIS AND SUBSTITUTE WHEELCHAIR-ACCESSIBLE TAXIS

SCHEDULE 2 – REMOTE TAXI AREAS

SCHEDULE 3 – RESERVE PRICES FOR OWNER-OPERATOR TAXI LICENCES

SCHEDULE 4 – TAXI AREAS

SCHEDULE 5 – MATTERS IN RESPECT OF WHICH REGULATIONS MAY BE MADE

SCHEDULE 6 – LEGISLATION REPEALED

SCHEDULE 7 – LEGISLATION RESCINDED

**TAXI AND LUXURY HIRE CAR INDUSTRIES
BILL 2008**

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

A BILL FOR

**An Act to provide for the administration of the taxi and
luxury hire car industries and for related purposes**

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:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Taxi and Luxury
Hire Car Industries Act 2008*.

2. Commencement

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

3. Interpretation

In this Act, unless the contrary intention
appears –

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 3

Part 1 – Preliminary

“accredited operator” means a person who holds accreditation in accordance with Part 2A of the *Passenger Transport Act 1997*;

“AS” means a standard published by Standards Australia as amended or substituted from time to time;

“AS 2942” means AS 2942-1994 “Wheelchair Occupant Restraint Assemblies for Motor Vehicles” issued and published by Standards Australia as amended or substituted from time to time;

“AS 3856” means AS 3856 Parts 1 and 2 “Hoists and Ramps for People with Disabilities – Vehicle Mounted” issued and published by Standards Australia as amended or substituted from time to time;

“authorised officer” means a person authorised by the Commission under section 9(2) of the *Traffic Act 1925* to exercise the power or perform the function in reference to which the expression is used;

“Commission” means the Transport Commission incorporated under the *Transport Act 1981*;

“compliance plate” means an identification plate approved to be placed on a vehicle, or taken to have been placed on a vehicle, under the *Motor Vehicles*

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

Part 1 – Preliminary

s. 3

Standards Act 1989 of the
Commonwealth;

“fund” means the fund established under
section 8;

“human rights legislation” means the
following Acts of the Commonwealth:

- (a) *Racial Discrimination Act 1975*;
- (b) *Sex Discrimination Act 1984*;
- (c) *Disability Discrimination Act 1992*;

“inactive”, in relation to a taxi licence, means
not being used to provide a taxi service;

“inspection report” means a report issued in
respect of a vehicle by –

- (a) an authorised officer; or
- (b) a person who has an agreement
with the Crown to carry out
inspections of vehicles; or
- (c) some other person approved by
the Registrar –

that certifies that the vehicle is
roadworthy;

“licence” means a perpetual taxi licence, a
wheelchair-accessible taxi licence, an
owner-operator taxi licence, a temporary
taxi licence or a luxury hire car licence;

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 3

Part 1 – Preliminary

“licence number plate” means a plate issued by the Commission in respect of a licence in force under this Act;

“limited passenger service” has the same meaning as in the *Passenger Transport Act 1997*;

“luxury hire car” means a public passenger vehicle that –

- (a) is registered as a public passenger vehicle in accordance with section 7(1)(b) of the *Passenger Transport Act 1997*; and
- (b) is approved for use as a luxury hire car by the Commission;

“luxury hire car licence” means a luxury hire car licence referred to in Part 4;

“luxury hire car service” means a public passenger service provided by a luxury hire car under the authority of a luxury hire car licence;

“motor vehicle” has the same meaning as in the *Vehicle and Traffic Act 1999*;

“owner”, in relation to a perpetual taxi licence, means the person recorded on the register of licences as the owner of that licence;

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

Part 1 – Preliminary

s. 3

“owner-operator taxi licence” means an owner-operator taxi licence referred to in Part 3;

“perpetual taxi licence” means a perpetual taxi licence referred to in Part 3;

“public passenger service” has the same meaning as in the *Passenger Transport Act 1997*;

“public passenger vehicle” has the same meaning as in the *Passenger Transport Act 1997*;

“public street” has the same meaning as in the *Traffic Act 1925*;

“registered” means registered under the *Vehicle and Traffic Act 1999*;

“registered operator” means a registered operator within the meaning of the *Vehicle and Traffic Act 1999*;

“register of licences” means the register required to be kept by the Commission under section 85;

“Register of Motor Vehicles” means the register of motor vehicles and trailers kept by the Registrar in accordance with regulations made under the *Vehicle and Traffic Act 1999*;

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 3

Part 1 – Preliminary

“Registrar” means the Registrar of Motor Vehicles appointed under section 5 of the *Vehicle and Traffic Act 1999*;

“regulations” means regulations made and in force under this Act;

“remote area wheelchair-accessible taxi” means a taxi that is approved for use as a remote area wheelchair-accessible taxi by the Commission in accordance with Schedule 1;

“remote taxi area” means any of the taxi areas specified in Schedule 2;

“repealed Act” means the *Taxi and Luxury Hire Car Industries Act 1995*;

“reserve price”, in relation to a taxi area, means the reserve price for an owner-operator taxi licence in that area as specified in Schedule 3;

“responsible operator”, in relation to a taxi licence, means the person recorded on the register of licences as the responsible operator of the taxi service authorised by that licence;

“small passenger vehicle” means a motor vehicle with a seating capacity of less than 13 adults, including the driver, that is designed and constructed primarily for the carriage of passengers;

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

Part 1 – Preliminary

s. 3

“substitute wheelchair-accessible taxi”
means a taxi that is approved for use as a substitute wheelchair-accessible taxi by the Commission in accordance with Schedule 1;

“taxi” means a public passenger vehicle that –

- (a) is registered as a public passenger vehicle in accordance with section 7(1)(b) of the *Passenger Transport Act 1997*; and
- (b) is operating under the authority of a taxi licence;

“taxi area” means an area specified in Schedule 4 in which, to which and from which a taxi service may operate;

“taxi dispatch service” means a service –

- (a) that provides radio base, computer or telephone services for taxis or makes arrangements for the provision of those services to taxis; or
- (b) that provides controlling, co-ordinating, administrative or other services to an operator of a taxi service for the purpose of arranging for a person who requests a taxi service to be provided with one;

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 3

Part 1 – Preliminary

“taxi driver” means a person who is engaged or employed by a responsible operator to drive a taxi;

“taxi licence” means a perpetual taxi licence, an owner-operator taxi licence, a wheelchair-accessible taxi licence or a temporary taxi licence;

“taxi service” means a public passenger service, other than a limited passenger service, provided by a taxi;

“taxi zone” means a length of road to which a taxi zone sign applies;

“taxi zone sign” means a sign that identifies a length of road for use as a taxi zone for the purposes of the *Traffic (Road Rules) Regulations 1999*;

“temporary taxi licence” means a temporary taxi licence referred to in Division 5 of Part 3;

“wheelchair-accessible taxi” means a taxi that is approved for use as a wheelchair-accessible taxi by the Commission in accordance with Schedule 1;

“wheelchair-accessible taxi licence” means a wheelchair-accessible taxi licence referred to in Part 3.

4. Intent of Act

- (1) The intent of this Act is, in respect of taxi services, to ensure the provision of a safe, demand-responsive, taxi transport system in Tasmania that adequately meets the needs of consumers.
- (2) The intent of this Act is, in respect of luxury hire car services, to ensure the provision of a safe, personal hire car transport system.

5. Administration and enforcement

This Act is to be administered by the same persons and in the same manner as section 9 of the *Traffic Act 1925* provides for that Act to be administered, and that section applies to the administration of this Act in all respects as if a reference in that section to the *Traffic Act 1925* were a reference to this Act.

6. Act to bind Crown

This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

PART 2 – ADMINISTRATION

7. Commission subject to control of Minister

- (1) In the exercise of the powers conferred, and the performance of functions imposed, on the Commission by or under this Act, the Commission is subject to the control of the Minister.
- (2) The Minister may, in order to exercise the control referred to in subsection (1), from time to time give a direction to the Commission and the Commission must, subject to this section, exercise the powers conferred, and perform the functions imposed, on it by or under this Act in accordance with any such direction.
- (3) The Commission is not bound by a direction given under subsection (2) unless the direction is in writing and signed by the Minister.
- (4) The power conferred on the Minister by subsection (2) is not to be exercised so as –
 - (a) to require the Commission to do anything that it is not empowered to do by this Act; or
 - (b) to prevent the Commission from performing any function that it is expressly required by this Act to perform, whether conditionally or unconditionally; or

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

Part 2 – Administration

s. 8

- (c) to interfere with the formation by the Commission of any opinion or belief in relation to any matter that has to be determined as a prerequisite to the performance or exercise by the Commission of any of its functions or powers under this Act.
- (5) Where the Minister gives a direction under subsection (2) and the direction is not complied with, the Minister may cause a copy of the direction to be laid on the table of each House of Parliament within the first 15 sitting-days of the House after the direction is given.
- (6) Subsection (2) does not authorise the Minister to give a direction with respect to the issue, transfer, suspension, cancellation or lapsing of a taxi licence or a luxury hire car licence.

8. General administration fund

- (1) A fund is to be established consisting of the annual administration fees payable for perpetual taxi licences, owner-operator taxi licences, wheelchair-accessible taxi licences and luxury hire car licences.
- (2) The fund is to be applied for the general administration of this Act.
- (3) The fund is to be established as an account in the Special Deposits and Trust Fund.

PART 3 – TAXI LICENCES

Division 1 – Effect of taxi licences

9. Effect of taxi licence

A taxi licence authorises the provision of a taxi service.

Division 2 – Perpetual taxi licences

10. Effect of perpetual taxi licence

(1) A perpetual taxi licence authorises the taxi to which the licence number plate issued in respect of that licence is affixed to be hired on demand within, to or from the taxi area to which the licence relates –

- (a) from a taxi zone; or
- (b) by being hailed; or
- (c) by being booked or ordered.

(2) A perpetual taxi licence is the personal property of the owner of the licence and is capable of being leased or assigned.

11. Responsible operator of perpetual taxi licence

(1) If the owner of a perpetual taxi licence leases or assigns that licence to another person, that other person is the responsible operator if he or she is

accredited to operate a taxi service in accordance with Part 2A of the *Passenger Transport Act 1997*.

- (2) If the owner of a perpetual taxi licence leases or assigns that licence to another person, the Commission is not to record that other person as the responsible operator unless that other person is accredited to operate a taxi service in accordance with Part 2A of the *Passenger Transport Act 1997*.
- (3) If the person to whom the perpetual taxi licence is leased or assigned is not accredited to operate a taxi service in accordance with Part 2A of the *Passenger Transport Act 1997*, the owner of the licence is taken to be the responsible operator and must not operate the taxi service authorised by the licence unless he or she is accredited in accordance with Part 2A of that Act.
- (4) If a perpetual taxi licence is not leased or assigned to another person, the owner of the perpetual taxi licence is the responsible operator of that licence.

12. Misrepresentation of person as owner of perpetual taxi licence

A person who does not own a perpetual taxi licence must not hold himself or herself out to be the owner of a perpetual taxi licence.

Penalty: Fine not exceeding 100 penalty units.

13. Annual administration fee

The owner of a perpetual taxi licence must pay the prescribed annual administration fee in respect of that licence by the date specified by the Commission.

14. Failure to pay annual administration fee

- (1) If the owner of a perpetual taxi licence fails to pay the annual administration fee in respect of that licence by the date specified by the Commission –
 - (a) the licence lapses and the owner of the licence or, if the licence is leased or assigned, the lessee or assignee of the licence has no authority to operate the taxi service provided under the authority of the licence; and
 - (b) an authorised officer may seize any licence number plate issued in respect of that licence.
- (2) If an authorised officer seizes the licence number plate issued in respect of that licence, that licence number plate is void and the Commission is to cancel that licence number plate.
- (3) If a perpetual taxi licence has lapsed under subsection (1) for a period of 28 days, any licence number plate issued in respect of that

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

Part 3 – Taxi Licences

s. 14

licence is void and the Commission is to cancel that licence number plate.

- (4) The responsible operator of a perpetual taxi licence which has lapsed under subsection (1) must not operate a taxi service under the purported authority of that licence or cause or permit another person to operate a taxi service under the purported authority of that licence.

Penalty: Fine not exceeding 50 penalty units.

- (5) The owner of a perpetual taxi licence which has lapsed under subsection (1) must not operate a taxi service under the purported authority of that licence or cause or permit another person to operate a taxi service under the purported authority of that licence.

Penalty: Fine not exceeding 50 penalty units.

- (6) If the owner of a perpetual taxi licence which has lapsed under subsection (1) pays the annual administration fee in relation to the lapsed licence, the Commission is to reinstate the authority to operate the taxi service provided under the authority of the lapsed licence as soon as practicable.

- (7) If –

- (a) an authorised officer has seized the licence number plate issued in respect of the lapsed licence; or

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 15

Part 3 – Taxi Licences

- (b) the Commission has cancelled the licence number plate issued in respect of the lapsed licence –

and the owner of the licence subsequently pays the annual administration fee in respect of that licence, the Commission, as soon as practicable after payment of the prescribed fee, is to issue a replacement licence number plate to the owner of the licence.

- (8) It is a defence in proceedings under subsection (4) for the responsible operator to show that he or she did not know or could not reasonably have known that the licence had lapsed under subsection (1).
- (9) If the owner of a perpetual taxi licence has not paid an annual administration fee in respect of that licence imposed in accordance with regulations made under the repealed Act before the commencement of this section, the Commission, by notice in writing given to the owner of that licence, is to require payment of that fee by the date specified in the notice.
- (10) If the owner of a perpetual taxi licence does not pay the fee to the Commission by the date specified in the notice, this section applies to the licence as if it had lapsed under subsection (1).

15. Transfer of ownership of perpetual taxi licence

- (1) A notification of the transfer of a perpetual taxi licence is to be made to the Commission by the

owner in a form approved by the Commission and is to be accompanied by the prescribed fee.

- (2) If a perpetual taxi licence that has lapsed is transferred to another person, the fees due in respect of that licence are payable by that other person.

16. Replacement licence

The Commission may, on payment of the prescribed fee, issue the owner of a perpetual taxi licence with a replacement of the licence if the Commission is satisfied that it has been lost, destroyed or damaged.

17. Surrender of perpetual taxi licence

The owner of a perpetual taxi licence may surrender the licence to the Commission by causing the licence and any licence number plate issued in respect of that licence to be delivered to the Commission during business hours.

18. New owner-operator taxi licence to be made available in place of surrendered perpetual taxi licence

- (1) If a perpetual taxi licence is surrendered to the Commission under section 17, the Commission, as soon as practicable, is to make available for issue an owner-operator taxi licence, in the taxi

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 19

Part 3 – Taxi Licences

area to which the surrendered licence relates, in place of the surrendered licence.

- (2) An owner-operator taxi licence made available under subsection (1) is to be offered for sale by tender.
- (3) The Commission must not accept a tender for an owner-operator taxi licence made available under subsection (1) that is less than the reserve price for that licence.

19. Requirement for evidence of operation of perpetual taxi licence

If the Commission is of the opinion that –

- (a) a perpetual taxi licence is inactive; and
- (b) the result of the licence being inactive is a restriction of competition in the taxi area to which the licence relates –

the Commission may, by notice in writing given to the owner of the licence, require the owner of the licence to provide to the Commission no later than the date specified in the notice such evidence as the Commission may require in order to be satisfied that a taxi service is being operated under the authority of that licence.

20. New owner-operator taxi licence to be made available in place of inactive perpetual taxi licence

(1) If –

- (a) the owner of the perpetual taxi licence referred to in section 19 does not provide the evidence referred to in that section; or
- (b) the evidence provided does not satisfy the Commission that a taxi service is being operated under the authority of the licence –

the Commission, by notice in writing given to the owner of the perpetual taxi licence, is to declare that the perpetual taxi licence is inactive.

- (2) If the Commission declares a perpetual taxi licence inactive, the Commission, as soon as practicable, is to make available for issue an owner-operator taxi licence, in the taxi area to which the inactive perpetual taxi licence relates, in place of the inactive licence.
- (3) An owner-operator taxi licence made available under subsection (2) is to be offered for sale by tender.
- (4) The Commission must not accept a tender for an owner-operator taxi licence made available under subsection (2) that is less than the reserve price for that licence.
- (5) The owner of an inactive perpetual taxi licence is not entitled to submit a tender for the owner-

operator taxi licence made available under subsection (2).

Division 3 – Owner-operator taxi licences

21. Effect of owner-operator taxi licence

An owner-operator taxi licence authorises the taxi to which the licence number plate issued in respect of that licence is affixed to be hired on demand within, to or from the taxi area to which the licence relates –

- (a) from a taxi zone; or
- (b) by being hailed; or
- (c) by being booked or ordered.

22. Issue of owner-operator taxi licences

- (1) The Commission must, in accordance with section 23, issue owner-operator taxi licences for each taxi area.
- (2) The Commission may only issue an owner-operator taxi licence to a natural person.
- (3) An owner-operator taxi licence issued by the Commission is subject to such conditions as the Commission may determine.

23. Number of owner-operator taxi licences to be made available

- (1) Before 30 September in each year, the Commission must make available for issue in each taxi area an additional number of owner-operator taxi licences equivalent to –
 - (a) 5% of the total number of perpetual taxi licences and owner-operator taxi licences in that area, rounded to the nearest whole number; or
 - (b) one owner-operator taxi licence –whichever is the greater.
- (2) An owner-operator taxi licence made available under subsection (1) is to be offered for sale by tender.
- (3) The Commission must not accept a tender for an owner-operator taxi licence in a particular taxi area that is less than the reserve price for that taxi area.
- (4) If, in any taxi area –
 - (a) the average tender price for those licences sold in accordance with this section exceeds the reserve price for that licence by more than 100%; and
 - (b) all available licences for that taxi area are sold –

the Commission must make available a further number of owner-operator taxi licences,

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 24

Part 3 – Taxi Licences

calculated in accordance with subsection (1), for sale by further tender as soon as practicable.

- (5) If a licence made available under this section is not sold by tender, the Commission is to make that licence available for sale at the reserve price as soon as practicable after the conclusion of the tender.
- (6) If a licence made available for sale under subsection (5) is not sold before the date on which the Commission calls the following year's tender, the Commission is to withdraw that licence from sale.

24. Application for owner-operator taxi licence

- (1) An application for an owner-operator taxi licence is to be made by an individual in a form approved by the Commission and is to be accompanied by the prescribed fee.
- (2) The Commission is not to issue an owner-operator taxi licence to a person unless it is satisfied that –
 - (a) the person is a natural person; and
 - (b) the person is accredited to operate a taxi service in accordance with Part 2A of the *Passenger Transport Act 1997*; and
 - (c) the person is the registered operator of a taxi that is not being used to provide a taxi service under the authority of another taxi licence; and

(d) the person has no outstanding fees due to the Commission.

(3) The Commission is to refuse an application for an owner-operator taxi licence if the Commission is not satisfied that the applicant would be the operator of the taxi service to be provided under the authority of that licence.

25. Responsible operator of owner-operator taxi licence

The holder of an owner-operator taxi licence is the responsible operator of that licence.

26. Misrepresentation of person as holder of owner-operator taxi licence

A person who does not hold an owner-operator taxi licence must not hold himself or herself out to be the holder of an owner-operator taxi licence.

Penalty: Fine not exceeding 100 penalty units.

27. Prohibition on leasing owner-operator taxi licence

(1) The holder of an owner-operator taxi licence must not lease or assign that licence to another person or enter into an agreement, written or otherwise, with another person permitting that person to operate a taxi service under the authority of that licence.

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 28

Part 3 – Taxi Licences

Penalty: Fine not exceeding 100 penalty units.

- (2) If the Commission is satisfied that the holder of an owner-operator taxi licence has leased or assigned that licence to another person or entered into an agreement with another person permitting that person to operate a taxi service under the authority of that licence, the Commission is to cancel that licence in accordance with section 36.
- (3) A person must not enter into a lease or other agreement, written or otherwise, with the holder of an owner-operator taxi licence permitting or authorising that person to operate a taxi service under the authority of that licence.

Penalty: Fine not exceeding 100 penalty units.

28. Owner-operator taxi licence conditions

- (1) The Commission may impose such conditions as it may determine on an owner-operator taxi licence and may vary or revoke any conditions imposed on an owner-operator taxi licence.
- (2) The Commission is to –
 - (a) give the holder of the owner-operator taxi licence notice in writing of its intention to impose, vary or revoke licence conditions; and
 - (b) give the holder of the licence a reasonable opportunity to make representations to the Commission

regarding the proposed conditions or variation or revocation of the conditions; and

(c) take any such representations into account in exercising its power under this section.

(3) The holder of an owner-operator taxi licence must not contravene or fail to comply with the conditions of the licence.

Penalty: Fine not exceeding 50 penalty units.

(4) If the Commission imposes any conditions on an owner-operator taxi licence or varies or revokes any conditions imposed on an owner-operator taxi licence –

(a) the holder of the licence, at the request of the Commission, is to give the licence to the Commission; and

(b) the Commission is to issue a replacement licence to the holder of the licence at no charge to the holder of the licence.

29. Annual administration fee

The holder of an owner-operator taxi licence must pay the prescribed annual administration fee in respect of that licence by the date specified by the Commission.

30. Failure to pay annual administration fee

- (1) If the holder of an owner-operator taxi licence fails to pay the annual administration fee in respect of that licence by the date specified by the Commission –
 - (a) the licence lapses and the holder of the licence has no authority to operate the taxi service provided under the authority of the licence; and
 - (b) an authorised officer may seize any licence number plate issued in respect of the licence.
- (2) If an authorised officer seizes the licence number plate issued in respect of that licence, that licence number plate is void and the Commission is to cancel that licence number plate.
- (3) If an owner-operator taxi licence has lapsed under subsection (1) for a period of 28 days, any licence number plate issued in respect of that licence is void and the Commission is to cancel the licence number plate.
- (4) The holder of an owner-operator taxi licence which has lapsed under subsection (1) must not operate a taxi service under the purported authority of that licence or cause or permit another person to operate a taxi service under the purported authority of that licence.

Penalty: Fine not exceeding 50 penalty units.

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

Part 3 – Taxi Licences

s. 31

-
- (5) If the holder of an owner-operator taxi licence which has lapsed under subsection (1) pays the annual administration fee in relation to the lapsed licence, the Commission is to reinstate the authority to operate the taxi service provided under the authority of the lapsed licence as soon as practicable.
- (6) If –
- (a) an authorised officer has seized the licence number plate issued in respect of the lapsed licence; or
 - (b) the Commission has cancelled the licence number plate issued in respect of the lapsed licence –

and the holder of the licence subsequently pays the annual administration fee in respect of that licence, the Commission, as soon as practicable after payment of the prescribed fee, is to issue a replacement licence number plate to the holder of the licence.

31. Transfer of owner-operator taxi licence to another person

- (1) If the holder of an owner-operator taxi licence wishes to transfer the licence to another person the holder must, in a form approved by the Commission and on payment of the prescribed fee, apply to the Commission for approval for that transfer before transferring the licence.

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 31

Part 3 – Taxi Licences

- (2) The Commission may approve the transfer of an owner-operator taxi licence if it is satisfied that the person to whom the licence is proposed to be transferred –
- (a) is a natural person; and
 - (b) is accredited to operate a taxi service in accordance with Part 2A of the *Passenger Transport Act 1997*; and
 - (c) is the registered operator of a taxi that is not being used to provide a taxi service under the authority of another taxi licence.
- (3) The Commission is to refuse the transfer of an owner-operator taxi licence if the Commission reasonably believes that the person to whom the licence is proposed to be transferred would not be the operator of the taxi service to which that licence relates.
- (4) The Commission may refuse the transfer of an owner-operator taxi licence –
- (a) if the licence has lapsed as mentioned in section 30; or
 - (b) if the licence is suspended under section 36; or
 - (c) if the licence is subject to a notice of intention to suspend or cancel under section 36.

- (5) The transfer of the owner-operator taxi licence is of no effect until the transfer has been approved by the Commission and has been recorded on the register of licences.

32. Replacement licence

The Commission may, on payment of the prescribed fee, issue the holder of an owner-operator taxi licence with a replacement of the licence if the Commission is satisfied that it has been lost, destroyed or damaged.

33. Surrender of owner-operator taxi licence

The holder of an owner-operator taxi licence may surrender the licence to the Commission by causing the licence and any licence number plate issued in respect of that licence to be delivered to the Commission during business hours.

34. Inactive owner-operator taxi licence

- (1) If the Commission is of the opinion that –
- (a) an owner-operator taxi licence is inactive; and
 - (b) the result of the licence being inactive is a restriction on competition in the taxi area to which the licence relates –

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 34

Part 3 – Taxi Licences

the Commission may, by notice in writing given to the holder of the licence, require the holder of the licence to provide to the Commission no later than the date specified in the notice such evidence as the Commission may require that a taxi service is being operated under the authority of that licence.

(2) If –

- (a) the holder of the owner-operator taxi licence referred to in subsection (1) does not provide the evidence referred to in that subsection; or
- (b) the evidence provided does not satisfy the Commission that a taxi service is being operated under the authority of the licence –

the Commission, by notice in writing given to the holder of the licence, is to declare that licence inactive.

- (3) If the Commission declares an owner-operator taxi licence inactive, the Commission, by notice in writing given to the holder of the licence, is to require the holder of the licence to either –
- (a) transfer the licence to another accredited operator of a taxi service; or
 - (b) surrender the licence to the Commission.
- (4) On receipt of a notice under subsection (3), the holder of the owner-operator taxi licence must, not later than the date specified in the notice –

- (a) transfer the licence to another accredited operator of a taxi service; or
 - (b) surrender the licence to the Commission.
- (5) If the holder of an owner-operator taxi licence does not comply with a requirement of the Commission under subsection (3), the Commission may cancel the licence in accordance with section 36.

35. Cancellation of accreditation

- (1) If the Commission cancels the accreditation of the holder of an owner-operator taxi licence in accordance with Part 2A of the *Passenger Transport Act 1997*, the Commission, by notice in writing given to the holder of the licence, is to require the holder of the licence to either –
- (a) transfer that licence to another accredited operator of a taxi service within the period specified in the notice; or
 - (b) surrender that licence to the Commission within the period specified in the notice.
- (2) On receipt of a notice under subsection (1), the holder of the owner-operator taxi licence, not later than the date specified in the notice, must –
- (a) transfer the licence to another accredited operator of a taxi service; or
 - (b) surrender the licence to the Commission.

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 36

Part 3 – Taxi Licences

- (3) If the holder of the owner-operator taxi licence does not comply with a requirement of the Commission given under subsection (1), the Commission may cancel the licence without notice.

36. Suspension or cancellation of owner-operator taxi licence

- (1) The Commission, in prescribed circumstances, may suspend or cancel an owner-operator taxi licence.
- (2) If the Commission proposes to exercise its powers under subsection (1), it is to –
 - (a) give the holder of the owner-operator taxi licence notice in writing of its intention to suspend or cancel the licence; and
 - (b) give the holder of the licence a reasonable opportunity to make representations to the Commission regarding the proposed suspension or cancellation; and
 - (c) take any such representations into account in exercising its power under this section.
- (3) If the Commission is satisfied on reasonable grounds that there is an immediate and serious danger to public safety, the Commission may

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

Part 3 – Taxi Licences

s. 37

suspend or cancel an owner-operator taxi licence.

- (4) Subsection (2) does not apply if the Commission exercises its powers under subsection (3).
- (5) An owner-operator taxi licence is of no effect during any period of its suspension.
- (6) The holder of an owner-operator taxi licence that has been suspended under subsection (1) or (3) must not operate a taxi service under the purported authority of that licence or cause or permit another person to operate a taxi service under the purported authority of that licence.

Penalty: Fine not exceeding 100 penalty units.

37. New owner-operator taxi licence to be made available in place of surrendered or cancelled owner-operator taxi licence

- (1) If an owner-operator taxi licence is surrendered to the Commission under section 33, 34 or 35 or cancelled under section 35 or 36, the Commission, as soon as practicable, is to make available for issue an owner-operator taxi licence in the taxi area to which the surrendered or cancelled licence relates in the place of the surrendered or cancelled licence.
- (2) An owner-operator taxi licence made available under subsection (1) is to be offered for sale by tender.

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 38

Part 3 – Taxi Licences

- (3) The Commission must not accept a tender for an owner-operator taxi licence made available under subsection (1) that is less than the reserve price for that licence.
- (4) A person who has surrendered his or her owner-operator taxi licence to the Commission under section 34 or 35 or whose owner-operator taxi licence has been cancelled by the Commission under section 35 or 36 is not entitled to submit a tender for the owner-operator taxi licence made available under subsection (1).

38. Delivering-up of owner-operator taxi licence

The holder of an owner-operator taxi licence must, if given notice by the Commission to do so, deliver up that licence to the Commission at such time and place as is specified in the notice.

Penalty: Fine not exceeding 20 penalty units.

Division 4 – Wheelchair-accessible taxi licences

39. Effect of wheelchair-accessible taxi licence

A wheelchair-accessible taxi licence authorises the vehicle specified in that licence to be hired on demand within, to or from the taxi area to which the licence relates –

- (a) from a taxi zone; or
- (b) by being hailed; or

- (c) by being booked or ordered.

40. Issue of wheelchair-accessible taxi licences

- (1) The Commission may issue a wheelchair-accessible taxi licence.
- (2) A wheelchair-accessible taxi licence issued by the Commission is subject to such conditions as the Commission may determine.

41. Application for wheelchair-accessible taxi licence

- (1) An application for a wheelchair-accessible taxi licence is to be made in a form approved by the Commission and is to be accompanied by the prescribed fee.
- (2) The Commission is not to issue a wheelchair-accessible taxi licence to a person unless it is satisfied that –
 - (a) the person is accredited to operate a taxi service in accordance with Part 2A of the *Passenger Transport Act 1997*; and
 - (b) the person is the registered operator of the vehicle to which the licence, if issued, will relate; and
 - (c) the person has no outstanding fees due to the Commission.

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 42

Part 3 – Taxi Licences

- (3) The Commission is not to issue a wheelchair-accessible taxi licence in respect of a vehicle unless the vehicle –
- (a) is –
 - (i) in the case of a remote taxi area, a remote area wheelchair-accessible taxi or a wheelchair-accessible taxi; or
 - (ii) in any other taxi area, a wheelchair-accessible taxi; and
 - (b) is –
 - (i) in the case of a remote taxi area, not more than 7 years old; or
 - (ii) in any other taxi area, not more than 12 months old and has an odometer reading of less than 1 000km.
- (4) The Commission is to refuse an application for a wheelchair-accessible taxi licence if the Commission is not satisfied that the applicant would be the operator of the taxi service to be provided under the authority of the licence.

42. Responsible operator of wheelchair-accessible taxi licence

The holder of a wheelchair-accessible taxi licence is the responsible operator of that licence.

43. Misrepresentation of person as holder of wheelchair-accessible taxi licence

A person who does not hold a wheelchair-accessible taxi licence must not hold himself or herself out to be the holder of a wheelchair-accessible taxi licence or the operator of a wheelchair-accessible taxi service.

Penalty: Fine not exceeding 100 penalty units.

44. Prohibition on leasing wheelchair-accessible taxi licence

- (1) The holder of a wheelchair-accessible taxi licence must not lease or assign that licence to another person or enter into an agreement, written or otherwise, with another person permitting that person to operate a taxi service under the authority of that licence.

Penalty: Fine not exceeding 100 penalty units.

- (2) If the Commission is satisfied that the holder of a wheelchair-accessible taxi licence has leased or assigned that licence to another person or entered into an agreement with another person permitting that person to operate a taxi service under the authority of that licence, the Commission is to cancel that licence in accordance with section 55.
- (3) A person must not enter into a lease or other agreement, written or otherwise, with the holder of a wheelchair-accessible taxi licence

permitting or authorising that person to operate a taxi service under the authority of that licence.

Penalty: Fine not exceeding 100 penalty units.

45. Vehicle to be used under authority of wheelchair-accessible taxi licence

The holder of a wheelchair-accessible taxi licence must not provide a taxi service under the authority of that licence using a vehicle other than the vehicle specified in that licence unless the Commission has authorised the use of that vehicle under section 51.

Penalty: Fine not exceeding 20 penalty units.

46. Wheelchair-accessible taxi licence conditions

- (1) The Commission may impose such conditions as it may determine on a wheelchair-accessible taxi licence and may vary or revoke any conditions imposed on a wheelchair-accessible taxi licence.
- (2) The Commission is to –
 - (a) give the holder of the wheelchair-accessible taxi licence notice in writing of its intention to impose, vary or revoke licence conditions; and
 - (b) give the holder of the licence a reasonable opportunity to make representations to the Commission

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

Part 3 – Taxi Licences

s. 47

regarding the proposed conditions or variation or revocation of the conditions; and

(c) take any such representations into account in exercising its power under this section.

(3) The holder of a wheelchair-accessible taxi licence must not contravene or fail to comply with the conditions of the licence.

Penalty: Fine not exceeding 50 penalty units.

(4) If the Commission imposes any conditions on a wheelchair-accessible taxi licence or varies or revokes any conditions imposed on a wheelchair-accessible taxi licence –

(a) the holder of the licence, at the request of the Commission, is to give the licence to the Commission; and

(b) the Commission is to issue a replacement licence to the holder of the licence at no charge to the holder of the licence.

47. Annual administration fee

The holder of a wheelchair-accessible taxi licence must pay the prescribed annual administration fee in respect of that licence by the date specified by the Commission.

48. Failure to pay annual administration fee

- (1) If the holder of a wheelchair-accessible taxi licence fails to pay the annual administration fee in respect of that licence by the date specified by the Commission –
 - (a) the licence lapses and the holder of the licence has no authority to operate the taxi service provided under the authority of the licence; and
 - (b) an authorised officer may seize any taxi licence number plate issued in respect of the licence.
- (2) If an authorised officer seizes the licence number plate issued in respect of that licence, that licence number plate is void and the Commission is to cancel that licence number plate.
- (3) If a wheelchair-accessible taxi licence has lapsed under subsection (1) for a period of 28 days, any licence number plate issued in respect of that licence is void and the Commission is to cancel that licence number plate.
- (4) The holder of a wheelchair-accessible taxi licence that has lapsed under subsection (1) must not operate a taxi service under the purported authority of that licence or cause or permit another person to operate a taxi service under the purported authority of that licence.

Penalty: Fine not exceeding 50 penalty units.

- (5) If the holder of a wheelchair-accessible taxi licence which has lapsed under subsection (1) pays the annual administration fee in relation to the lapsed licence, the Commission is to reinstate the authority to operate the taxi service provided under the authority of the lapsed licence as soon as practicable.
- (6) If –
- (a) an authorised officer has seized the licence number plate issued in respect of the lapsed licence; or
 - (b) the Commission has cancelled the licence number plate issued in respect of the lapsed licence –

and the holder of the licence subsequently pays the annual administration fee in respect of that licence, the Commission, as soon as practicable after payment of the prescribed fee, is to issue a replacement licence number plate to the holder of the licence.

49. Transfer of wheelchair-accessible taxi licence to another person

- (1) If the holder of a wheelchair-accessible taxi licence wishes to transfer the licence to another person, the holder must, in a form approved by the Commission and on payment of the prescribed fee, apply to the Commission for approval for that transfer before transferring the licence.

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 49

Part 3 – Taxi Licences

- (2) The Commission may approve the transfer of a wheelchair-accessible taxi licence if it is satisfied that the person to whom the licence is proposed to be transferred –
- (a) is accredited to operate a taxi service in accordance with Part 2A of the *Passenger Transport Act 1997*; and
 - (b) is, or will be, the registered operator of the vehicle to which the licence relates.
- (3) The Commission is to refuse the transfer of a wheelchair-accessible taxi licence –
- (a) if the Commission reasonably believes that the person to whom the licence is proposed to be transferred would not be the operator of the taxi service to which that licence relates; or
 - (b) if the Commission determines that the vehicle which is proposed to be operated under the authority of the licence does not comply with section 41(3)(a).
- (4) The Commission may refuse the transfer of a wheelchair-accessible taxi licence if –
- (a) the licence has lapsed as mentioned in section 48; or
 - (b) the licence is suspended under section 55; or

(c) the licence is subject to a notice of intention to suspend or cancel under section 55.

(5) The transfer of the wheelchair-accessible taxi licence is of no effect until the transfer has been approved by the Commission and has been recorded on the register of licences.

50. Transfer of wheelchair-accessible taxi licence to another vehicle

(1) If the holder of a wheelchair-accessible taxi licence wishes to transfer the licence to another vehicle, the holder of the licence must, in a form approved by the Commission and on payment of the prescribed fee, apply to the Commission for approval for that transfer before transferring the licence.

(2) The Commission may approve the transfer if the Commission –

(a) determines that the vehicle complies with section 41(3)(a); and

(b) is satisfied that the applicant is the registered operator of the vehicle.

(3) The Commission may refuse the transfer if –

(a) the wheelchair-accessible taxi licence has lapsed as mentioned in section 48; or

(b) the licence is suspended under section 55; or

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 51

Part 3 – Taxi Licences

- (c) the licence is subject to a notice of intention to suspend or cancel under section 55.

51. Substitute wheelchair-accessible taxis

- (1) The holder of a wheelchair-accessible taxi licence may apply to the Commission to transfer that licence to a substitute wheelchair-accessible taxi for a temporary period.
- (2) An application to transfer a wheelchair-accessible taxi licence to a substitute wheelchair-accessible taxi for a temporary period must be made in a form approved by the Commission and accompanied by the prescribed fee.
- (3) The Commission may approve the transfer if the Commission is satisfied that –
 - (a) the vehicle to which the wheelchair-accessible taxi licence is proposed to be transferred is a substitute wheelchair-accessible taxi and has a current inspection report; and
 - (b) the vehicle to which the licence relates is not being used for any other purpose and is not able to be operated as a wheelchair-accessible taxi for the period of time specified in the application; and
 - (c) the holder of the licence is taking action to repair or permanently replace the vehicle to which the licence relates.

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

Part 3 – Taxi Licences

s. 51

-
- (4) The Commission is to determine the period of time for which the substitute wheelchair-accessible taxi may operate under the wheelchair-accessible taxi licence.
- (5) The Commission may, on application from the holder of the wheelchair-accessible taxi licence, and if satisfied that there are reasonable grounds for doing so, extend the period of time for which the substitute wheelchair-accessible taxi may operate under that licence.
- (6) The holder of the wheelchair-accessible taxi licence must –
- (a) affix the licence number plate of the unavailable wheelchair-accessible taxi to the substitute wheelchair-accessible taxi; and
 - (b) keep that licence number plate affixed to that vehicle during the time period that the substitute wheelchair-accessible taxi is authorised to operate under that licence; and
 - (c) remove that licence number plate from the substitute wheelchair-accessible taxi on the expiry of the time period referred to in paragraph (b).

Penalty: Fine not exceeding 20 penalty units.

52. Replacement licence

The Commission may, on payment of the prescribed fee, issue the holder of a wheelchair-accessible taxi licence with a replacement of the licence if the Commission is satisfied that it has been lost, destroyed or damaged.

53. Surrender of wheelchair-accessible taxi licence

The holder of a wheelchair-accessible taxi licence may surrender the licence to the Commission by causing the licence and any licence number plate issued in respect of that licence to be delivered to the Commission during business hours.

54. Cancellation of accreditation

- (1) If the Commission cancels the accreditation of the holder of a wheelchair-accessible taxi licence in accordance with Part 2A of the *Passenger Transport Act 1997*, the Commission, by notice in writing given to the holder of the licence, is to require the holder of the licence to either –
 - (a) transfer that licence to another accredited operator of a taxi service within the period specified in the notice; or
 - (b) surrender that licence to the Commission within the period specified in the notice.

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

Part 3 – Taxi Licences

s. 55

-
- (2) On receipt of a notice under subsection (1), the holder of the wheelchair-accessible taxi licence, not later than the date specified in the notice, must –
- (a) transfer the licence to another accredited operator of a taxi service; or
 - (b) surrender the licence to the Commission.
- (3) If the holder of the wheelchair-accessible taxi licence does not comply with a requirement of the Commission given under subsection (1), the Commission may cancel the licence without notice.

55. Suspension or cancellation of wheelchair-accessible taxi licence

- (1) The Commission, in prescribed circumstances, may suspend or cancel a wheelchair-accessible taxi licence.
- (2) If the Commission proposes to exercise its powers under subsection (1), it is to –
- (a) give the holder of the wheelchair-accessible taxi licence notice in writing of its intention to suspend or cancel the licence; and
 - (b) give the holder of the licence a reasonable opportunity to make representations to the Commission regarding the proposed suspension or cancellation; and

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 56

Part 3 – Taxi Licences

- (c) take any such representations into account in exercising its power under this section.
- (3) If the Commission is satisfied on reasonable grounds that there is an immediate and serious danger to public safety, the Commission may suspend or cancel a wheelchair-accessible taxi licence.
- (4) Subsection (2) does not apply if the Commission exercises its powers under subsection (3).
- (5) A wheelchair-accessible taxi licence is of no effect during any period of its suspension.
- (6) The holder of a wheelchair-accessible taxi licence that has been suspended under subsection (1) or (3) must not operate a taxi service under the purported authority of that licence or cause or permit another person to operate a taxi service under the purported authority of that licence.

Penalty: Fine not exceeding 100 penalty units.

56. Delivering-up of wheelchair-accessible taxi licence

The holder of a wheelchair-accessible taxi licence must, if given notice by the Commission to do so, deliver up that licence to the Commission at such time and place as is specified in the notice.

Penalty: Fine not exceeding 20 penalty units.

Division 5 – Temporary taxi licences

57. Temporary taxi licence

A temporary taxi licence has the effect of an owner-operator taxi licence for the period for which it is in force and is not transferrable.

58. Issue of temporary taxi licences

- (1) The Commission may issue temporary taxi licences.
- (2) A temporary taxi licence may be subject to any conditions that the Commission thinks fit.

59. Application for temporary taxi licence

- (1) An application for a temporary taxi licence is to be made in a form approved by the Commission and is to be accompanied by the prescribed fee.
- (2) The Commission may issue a temporary taxi licence to a person if that person is accredited to operate a taxi service in accordance with Part 2A of the *Passenger Transport Act 1997*.
- (3) The person to whom a temporary taxi licence is issued is the responsible operator of that licence.
- (4) The Commission is not to issue a temporary taxi licence unless the Commission determines that the vehicle proposed to be used is suitable for use as a taxi.

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 60

Part 3 – Taxi Licences

- (5) If the service proposed to be operated under the authority of the temporary taxi licence is a wheelchair-accessible taxi service, the Commission is not to issue the temporary taxi licence unless the vehicle proposed to be used is –
- (a) a wheelchair-accessible taxi; or
 - (b) a remote area wheelchair-accessible taxi; or
 - (c) a substitute wheelchair-accessible taxi.

60. Duration of temporary taxi licence

A temporary taxi licence comes into force on the day it is issued and expires on the date specified in the licence.

61. Misrepresentation of person as holder of temporary taxi licence

A person who does not hold a temporary taxi licence must not hold himself or herself out to be the holder of a temporary taxi licence.

Penalty: Fine not exceeding 100 penalty units.

62. Temporary taxi licence conditions

- (1) The Commission may impose such conditions as it may determine on a temporary taxi licence and

may vary or revoke any conditions imposed on a temporary taxi licence.

- (2) The holder of a temporary taxi licence must not contravene or fail to comply with the conditions of the licence.

Penalty: Fine not exceeding 50 penalty units.

63. Replacement licence

The Commission may, on payment of the prescribed fee, issue the holder of a temporary taxi licence with a replacement of the licence if the Commission is satisfied that it has been lost, destroyed or damaged.

64. Surrender of temporary taxi licence

The holder of a temporary taxi licence may surrender the licence to the Commission by causing the licence to be delivered to the Commission during business hours.

65. Cancellation of temporary taxi licence

The Commission may, by notice in writing given to the holder of a temporary taxi licence, cancel the licence.

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 66

Part 3 – Taxi Licences

66. Delivering-up of temporary taxi licence

The holder of a temporary taxi licence must, if given notice by the Commission to do so, deliver up that licence to the Commission at such time and place as is specified in the notice.

Penalty: Fine not exceeding 20 penalty units.

PART 4 – LUXURY HIRE CAR LICENCES

67. Effect of luxury hire car licence

- (1) A luxury hire car licence authorises the small passenger vehicle specified in the licence to be hired out, together with a driver, for the purpose of carrying passengers for reward even though –
 - (a) the vehicle is not a taxi; and
 - (b) the passenger service being provided is not a limited passenger service.
- (2) A luxury hire car licence does not authorise a luxury hire car to stand or ply for hire in a public street or be hailed.

68. Issue of luxury hire car licences

- (1) The Commission may issue luxury hire car licences.
- (2) A luxury hire car licence issued by the Commission is subject to such conditions as the Commission may determine.

69. Application for luxury hire car licence

- (1) An application for a luxury hire car licence is to be made in a form approved by the Commission and is to be accompanied by the prescribed fee and the licence fee of \$5 000.

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 70

Part 4 – Luxury Hire Car Licences

- (2) The Commission is not to issue a luxury hire car licence to a person unless it is satisfied that –
- (a) the person is accredited to operate a luxury hire car service in accordance with Part 2A of the *Passenger Transport Act 1997*; and
 - (b) the person is the registered operator of the vehicle to which the licence, if issued, will relate; and
 - (c) the person has no outstanding fees due to the Commission.
- (3) The Commission is to refuse an application for a luxury hire car licence if the Commission is not satisfied that the applicant would be the operator of the luxury hire car service to be provided under the authority of the licence.
- (4) The Commission is not to issue a luxury hire car licence in respect of a vehicle unless the vehicle is a luxury hire car.

70. Responsible operator of luxury hire car licence

The holder of a luxury hire car licence is the responsible operator of that licence.

71. Misrepresentation of person as holder of luxury hire car licence

A person who does not hold a luxury hire car licence must not hold himself or herself out to be the holder of a luxury hire car licence or the operator of a luxury hire car service.

Penalty: Fine not exceeding 100 penalty units.

72. Prohibition on leasing luxury hire car licence

- (1) The holder of a luxury hire car licence must not lease or assign that licence to another person or enter into an agreement, written or otherwise, with another person permitting them to operate a luxury hire car service under the authority of that licence.

Penalty: Fine not exceeding 100 penalty units.

- (2) If the Commission is satisfied that the holder of a luxury hire car licence has leased or assigned that licence to another person or entered into an agreement with another person permitting that person to operate a luxury hire car service under the authority of that licence, the Commission is to cancel that licence in accordance with section 82.
- (3) A person must not enter into a lease or other agreement, written or otherwise, with the holder of a luxury hire car licence permitting or authorising that person to operate a taxi service under the authority of that licence.

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 73

Part 4 – Luxury Hire Car Licences

Penalty: Fine not exceeding 100 penalty units.

73. Approval of luxury hire cars

- (1) The Commission may approve a vehicle for use as a luxury hire car if the vehicle meets the prescribed criteria.
- (2) An application for approval of a vehicle for use as a luxury hire car is to be made in a form approved by the Commission.

74. Luxury hire car licence conditions

- (1) The Commission may impose such conditions as it may determine on a luxury hire car licence and may vary or revoke any conditions imposed on a luxury hire car licence.
- (2) The Commission is to –
 - (a) give the holder of the luxury hire car licence notice in writing of its intention to impose, vary or revoke licence conditions; and
 - (b) give the holder of the licence a reasonable opportunity to make representations to the Commission regarding the proposed conditions or variation or revocation of the conditions; and

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

Part 4 – Luxury Hire Car Licences

s. 75

- (c) take any such representations into account in exercising its power under this section.
- (3) The holder of a luxury hire car licence must not contravene or fail to comply with the conditions of the licence.

Penalty: Fine not exceeding 50 penalty units.
- (4) If the Commission imposes any conditions on a luxury hire car licence or varies or revokes any conditions imposed on a luxury hire car licence –
 - (a) the holder of the licence, at the request of the Commission, is to give the licence to the Commission; and
 - (b) the Commission is to issue a replacement licence to the holder of the licence at no charge to the holder of the licence.

75. Annual administration fee

The holder of a luxury hire car licence must pay the prescribed annual administration fee in respect of that licence by the date specified by the Commission.

76. Failure to pay annual administration fee

- (1) If the holder of a luxury hire car licence fails to pay the annual administration fee in respect of

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 76

Part 4 – Luxury Hire Car Licences

that licence by the date specified by the Commission –

- (a) the licence lapses and the holder of the licence has no authority to operate the luxury hire car service provided under the authority of that licence; and
 - (b) an authorised officer may seize any licence number plate issued in respect of the licence.
- (2) If an authorised officer seizes the licence number plate issued in respect of that licence, that licence number plate is void and the Commission is to cancel that licence number plate.
 - (3) If a luxury hire car licence has lapsed under subsection (1) for a period of 28 days, any licence number plate issued in respect of that licence is void and the Commission is to cancel that licence number plate.
 - (4) The holder of a luxury hire car licence that has lapsed under subsection (1) must not operate a luxury hire car service under the purported authority of that licence or cause or permit another person to operate a luxury hire car service under the purported authority of that licence.

Penalty: Fine not exceeding 50 penalty units.

- (5) If the holder of a luxury hire car licence which has lapsed under subsection (1) pays the annual administration fee in relation to the lapsed

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

Part 4 – Luxury Hire Car Licences

s. 76

licence, the Commission is to reinstate the authority to operate the luxury hire car service provided under the authority of the lapsed licence as soon as practicable.

- (6) If –
- (a) an authorised officer has seized the licence number plate issued in respect of the lapsed licence; or
 - (b) the Commission has cancelled the licence number plate issued in respect of the lapsed licence –

and the holder of the licence subsequently pays the annual administration fee in respect of that licence, the Commission, as soon as practicable after payment of the prescribed fee, is to issue a replacement licence number plate to the holder of the licence.

- (7) If the holder of a luxury hire car licence has not paid a renewal of licence fee in respect of that licence imposed under the repealed Act before the commencement of this section, the Commission, by notice in writing given to the holder of that licence, is to require payment of that fee by the date specified in the notice.
- (8) If the holder of the luxury hire car licence does not pay the fee to the Commission by the date specified in the notice, this section applies to the licence as if it had lapsed under subsection (1).

77. Transfer of luxury hire car licence to another person

- (1) If the holder of a luxury hire car licence wishes to transfer the licence to another person, the holder must, in a form approved by the Commission and on payment of the prescribed fee, apply to the Commission for approval for that transfer before transferring the licence.
- (2) The Commission may approve the transfer of a luxury hire car licence if it is satisfied that the person to whom the licence is proposed to be transferred –
 - (a) is accredited to operate a luxury hire car service in accordance with Part 2A of the *Passenger Transport Act 1997*; and
 - (b) is, or will be, the registered operator of the vehicle to which the licence relates.
- (3) The Commission is to refuse the transfer of the luxury hire car licence –
 - (a) if the Commission reasonably believes that the person to whom the licence is proposed to be transferred would not be the operator of the luxury hire car service to which that licence relates; or
 - (b) if the Commission determines that the vehicle which is proposed to be operated under the authority of the licence does not meet the prescribed criteria.

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

Part 4 – Luxury Hire Car Licences

s. 78

-
- (4) The Commission may refuse the transfer of a luxury hire car licence if –
- (a) the licence has lapsed as mentioned in section 76; or
 - (b) the licence is suspended under section 82; or
 - (c) the licence is subject to a notice of intention to suspend or cancel under section 82.
- (5) The transfer of the luxury hire car licence is of no effect until the transfer has been approved by the Commission and has been recorded on the register of licences.

78. Transfer of luxury hire car licence to another vehicle

- (1) If the holder of a luxury hire car licence wishes to transfer the licence to another vehicle, the holder of the licence must, in a form approved by the Commission and on payment of the prescribed fee, apply to the Commission for approval for that transfer before transferring the licence.
- (2) The Commission may approve the transfer if the Commission –
- (a) is satisfied that the vehicle to which the luxury hire car licence is to relate is a luxury hire car; and

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 79

Part 4 – Luxury Hire Car Licences

- (b) is satisfied that the applicant is the registered operator of that vehicle.
- (3) The Commission may refuse the transfer if –
 - (a) the luxury hire car licence has lapsed as mentioned in section 76; or
 - (b) the licence is suspended under section 82; or
 - (c) the licence is subject to a notice of intention to suspend or cancel under section 82.

79. Replacement licence

The Commission may, on payment of the prescribed fee, issue the holder of a luxury hire car licence with a replacement of the licence if the Commission is satisfied that it has been lost, destroyed or damaged.

80. Surrender of luxury hire car licence

The holder of a luxury hire car licence may surrender the licence to the Commission by causing the licence and any licence number plate issued in respect of that licence to be delivered to the Commission during business hours.

81. Cancellation of accreditation

- (1) If the Commission cancels the accreditation of the holder of a luxury hire car licence in accordance with Part 2A of the *Passenger Transport Act 1997*, the Commission is to, by notice in writing given to the holder of the licence, require the holder of the licence to either –
 - (a) transfer that licence to another accredited operator of a luxury hire car service within the period specified by the Commission; or
 - (b) surrender that licence to the Commission.
- (2) On receipt of a notice under subsection (1), the holder of the luxury hire car licence, not later than the date specified in the notice, must –
 - (a) transfer the licence to another accredited operator of a luxury hire car service; or
 - (b) surrender the licence to the Commission.
- (3) If the holder of the luxury hire car licence does not comply with a requirement of the Commission given under subsection (1), the Commission may cancel the licence without notice.

82. Suspension or cancellation of luxury hire car licence

- (1) The Commission, in prescribed circumstances, may suspend or cancel a luxury hire car licence.

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 82

Part 4 – Luxury Hire Car Licences

- (2) If the Commission proposes to exercise its powers under subsection (1), it is to –
 - (a) give the holder of the luxury hire car licence notice in writing of its intention to suspend or cancel the licence; and
 - (b) give the holder of the licence a reasonable opportunity to make representations to the Commission regarding the proposed suspension or cancellation; and
 - (c) take any such representations into account in exercising its power under this section.
- (3) If the Commission is satisfied on reasonable grounds that there is an immediate and serious danger to public safety, the Commission may suspend or cancel a luxury hire car licence.
- (4) Subsection (2) does not apply if the Commission exercises its powers under subsection (3).
- (5) A luxury hire car licence is of no effect during any period of its suspension.
- (6) The holder of a luxury hire car licence that has been suspended under subsection (1) or (3) must not operate a luxury hire car service under the purported authority of that licence or cause or permit another person to operate a luxury hire car service under the purported authority of that licence.

Penalty: Fine not exceeding 100 penalty units.

83. Delivering-up of luxury hire car licence

The holder of a luxury hire car licence must, if given notice by the Commission to do so, deliver up that licence to the Commission at such time and place as is specified in the notice.

Penalty: Fine not exceeding 20 penalty units.

84. Small passenger vehicle offences

- (1) This section applies to a small passenger vehicle that is not a taxi.
- (2) A person must not, for the purpose of carrying passengers for reward, drive or use a small passenger vehicle to which this section applies on a public street, or cause or allow such a vehicle to be so driven or used on a public street, other than to provide a limited passenger service, if a luxury hire car licence is not in force in respect of that vehicle.

Penalty: Fine not exceeding 100 penalty units.

- (3) This section does not apply to a small passenger vehicle that is exempted from the requirement to be registered as a public passenger vehicle under section 9 of the *Passenger Transport Act 1997*.

PART 5 – MISCELLANEOUS AND SUPPLEMENTAL

85. Register of licences

- (1) The Commission is to maintain a register of all licences referred to in this Act.
- (2) The particulars to be entered in the register in relation to a licence are to include the following:
 - (a) the licence number;
 - (b) the name and address of the holder of the licence or, in the case of a perpetual taxi licence, the owner of the licence;
 - (c) in the case of a perpetual taxi licence, the name and address of the responsible operator if different from the owner of the licence;
 - (d) in the case of a taxi licence, the details of the taxi area to which the licence relates;
 - (e) any conditions imposed on the licence;
 - (f) details about the transfer, lapsing, suspension or cancellation of the licence;
 - (g) in the case of a wheelchair-accessible taxi licence or a luxury hire car licence, the details of the vehicle operating under the authority of the licence;
 - (h) in the case of a temporary taxi licence, the period of the licence and details of

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

Part 5 – Miscellaneous and Supplemental

s. 86

- any conditions or restrictions applicable to that licence;
- (i) the number of any licence number plate issued in respect of the licence;
 - (j) any other matters that the Commission considers appropriate.
- (3) The register is not a public register and is not available for inspection by members of the public.
- (4) The register may be incorporated with a register kept under the *Vehicle and Traffic Act 1999*.

86. Effect of licence lapsing or being suspended

Where a licence lapses or is suspended under this Act –

- (a) the holder or owner of the licence is not relieved from any obligation under this Act in respect of the lapsed or suspended licence; and
- (b) the Commission is not prevented from exercising any power that it could exercise if the licence had not lapsed or had not been suspended; and
- (c) the holder or owner of the licence is not entitled to be issued with any licence under this Act until the period of suspension has ended or the authority to operate the service provided under the

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 87

Part 5 – Miscellaneous and Supplemental

authority of the lapsed licence is reinstated.

87. Surrender of licence

The holder, or in the case of a perpetual taxi licence the owner, of a licence that is surrendered to the Commission in accordance with this Act is not entitled to any compensation for the surrender of that licence.

88. Cancelled licence

- (1) The holder of a licence that has been cancelled by the Commission must deliver up that licence to the Commission at such time and place as the Commission may require.
- (2) The holder of a licence that is cancelled by the Commission is not entitled to any compensation for the cancellation of that licence.

89. Licence number plates

- (1) The Commission may, in respect of a licence, issue a licence number plate to the holder of the licence or, in the case of a perpetual taxi licence, the owner of the licence.
- (2) A licence number plate issued in respect of a licence may be –

- (a) in such form as the Commission determines; and
 - (b) in addition to, or in substitution for, any other plate, label or form of identification issued by the Commission in respect of that licence.
- (3) A licence number plate issued under subsection (1) remains the property of the Commission.

90. Return of licence number plate to Commission

Where a person surrenders or is required to deliver up a licence to the Commission, that person must give the Commission any licence number plate issued in respect of the licence within such period as specified by the Commission by notice in writing given to that person.

Penalty: Fine not exceeding 20 penalty units.

91. Use of taxis

- (1) A taxi driver must not, without lawful excuse, operate a taxi from a taxi zone that is not within the taxi area to which the licence number plate affixed to the taxi relates.

Penalty: Fine not exceeding 50 penalty units.

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 92

Part 5 – Miscellaneous and Supplemental

- (2) A taxi driver must not, without lawful excuse, operate a taxi so that a hiring is commenced and completed wholly outside the taxi area to which the licence number plate affixed to the taxi relates.

Penalty: Fine not exceeding 50 penalty units.

- (3) A responsible operator must not, without lawful excuse, permit a taxi to operate from a taxi zone that is not within the taxi area to which the licence number plate affixed to the taxi relates.

Penalty: Fine not exceeding 50 penalty units.

- (4) A responsible operator must not, without lawful excuse, permit the use of a taxi so that a hiring is commenced and completed wholly outside the taxi area to which the licence number plate affixed to the taxi relates.

Penalty: Fine not exceeding 50 penalty units.

92. Age of vehicle

For the purposes of this Act, the age of a vehicle is to be determined by –

- (a) the month and year of its compliance plate; or
- (b) if no compliance plate is affixed to the vehicle, the date of manufacture of the vehicle recorded in the Register of Motor Vehicles.

93. Use of accessible vehicle with standard taxi licence

- (1) This section applies to perpetual taxi licences and owner-operator taxi licences in force in a taxi area where there is no wheelchair-accessible taxi licence in force.
- (2) The owner of a perpetual taxi licence or, if that licence is leased, the responsible operator, or the holder of an owner-operator taxi licence may apply to the Commission for authorisation to operate a service equivalent to a wheelchair-accessible taxi service under that licence and to charge fares in accordance with the wheelchair-accessible taxi tariffs.
- (3) The Commission may approve the application if the following conditions are met:
 - (a) the vehicle is suitable for use as a taxi and has a current inspection report;
 - (b) the vehicle complies with the *Disability Standards for Accessible Public Transport 2002* formulated under section 31(1) of the *Disability Discrimination Act 1992* of the Commonwealth;
 - (c) any modifications to make the vehicle wheelchair-accessible do not significantly alter the original external appearance of the vehicle;
 - (d) the vehicle is fitted with a wheelchair restraint assembly that complies with AS 2942;

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 94

Part 5 – Miscellaneous and Supplemental

- (e) any hoist or ramp fitted to the vehicle complies with AS 3856;
 - (f) the vehicle is fitted with a secondary, independent emergency-release mechanism on the wheelchair entry door that is clearly labelled with the words “EMERGENCY RELEASE”;
 - (g) the vehicle has an access door adjacent to each outboard seating position;
 - (h) the vehicle has adequate luggage space to the rear of the rearmost seat when the vehicle is not configured to carry a passenger seated in a wheelchair.
- (4) The Commission is to revoke the authorisation referred to in subsection (2) if the Commission issues a wheelchair-accessible taxi licence in that taxi area.
- (5) The Commission is to revoke the authorisation referred to in subsection (2) if the vehicle ceases to meet the conditions referred to in subsection (3).

94. Security cameras

The Commission, by notice published in the *Gazette*, may approve a type or make of security camera for use in taxis.

95. False or misleading statements

A person must not, in giving any information under this Act –

- (a) make a statement that the person knows, or reasonably ought to know, is false or misleading; or
- (b) omit any matter from a statement if the person knows, or reasonably ought to know, that without that matter the statement is false or misleading.

Penalty: Fine not exceeding 100 penalty units.

96. Person other than responsible operator must not provide taxi service

A person who is not the responsible operator of a taxi service must not provide or offer to provide a taxi service.

Penalty: Fine not exceeding 100 penalty units.

97. Supply of information to Commission by licence holders, &c.

- (1) The Commission, by notice in writing given to a person specified in subsection (2), may require that person to supply the Commission with any information relating to the operation of the service provided under the authority of a licence referred to in subsection (2), or the use of such a

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 98

Part 5 – Miscellaneous and Supplemental

licence, that the Commission requires for the effective administration of this Act.

- (2) For the purposes of subsection (1), the following persons are specified:
- (a) the owner of a perpetual taxi licence;
 - (b) the responsible operator of a perpetual taxi licence;
 - (c) the holder of an owner-operator taxi licence;
 - (d) the holder of a wheelchair-accessible taxi licence;
 - (e) the holder of a luxury hire car licence;
 - (f) the holder of a temporary taxi licence.
- (3) A person to whom a request has been made under subsection (1) must supply the information in writing to the Commission within the time specified by the Commission.

Penalty: Fine not exceeding 50 penalty units.

98. Taxi dispatch services

- (1) The Commission, by notice in writing given to the proprietor or manager of a taxi dispatch service, may require that person to supply the Commission with any information relating to the operation of that service that the Commission

requires for the effective administration of this Act.

- (2) A person who has been required to supply information under subsection (1) must supply the information in writing within the time period specified by the Commission.

Penalty: Fine not exceeding 50 penalty units.

99. Evidentiary certificates

- (1) A certificate signed by the Commission certifying an entry in the register of licences is evidence in legal proceedings of facts recorded in the entry and, in the absence of evidence to the contrary, as proof of those facts.
- (2) A certificate signed by the Commission certifying any other matter that appears in the register of licences, or can be deduced or calculated from information recorded in such a register, is evidence in legal proceedings of the matter so certified and, in the absence of evidence to the contrary, as proof of that matter.
- (3) A certificate signed by the Registrar certifying that a person was or was not the holder of a driver licence or an ancillary certificate under the *Vehicle and Traffic Act 1999* on a specified date is admissible in legal proceedings as evidence of the fact so certified and, in the absence of evidence to the contrary, as proof of that fact.

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 99

Part 5 – Miscellaneous and Supplemental

- (4) A certificate signed by the Registrar certifying that a vehicle was or was not registered under the *Vehicle and Traffic Act 1999* on a specified date is admissible in legal proceedings as evidence of the fact so certified and, in the absence of evidence to the contrary, as proof of that fact.
- (5) A certificate signed by the Registrar or the Commission certifying an entry in a register kept under the *Vehicle and Traffic Act 1999* is evidence in legal proceedings of facts recorded in the entry and, in the absence of evidence to the contrary, as proof of those facts.
- (6) A certificate signed by the Registrar or the Commission certifying any other matter that appears in a register kept under the *Vehicle and Traffic Act 1999*, or can be deduced or calculated from information recorded in such a register, is evidence in legal proceedings of the matter so certified and, in the absence of evidence to the contrary, as proof of that matter.
- (7) A certificate signed by the Commission certifying that a person was or was not accredited under the *Passenger Transport Act 1997* on a specified date is admissible in legal proceedings as evidence of the fact so certified and, in the absence of evidence to the contrary, as proof of that fact.
- (8) A certificate signed by the Commission certifying that a vehicle was approved or not approved for use as a wheelchair-accessible taxi, a remote area wheelchair-accessible taxi, a

substitute wheelchair-accessible taxi or a luxury hire car on a specified date is admissible in legal proceedings as evidence of the fact so certified and, in the absence of evidence to the contrary, as proof of that fact.

100. Service of notices and other documents

A notice or other document is effectively served or given under this Act if –

- (a) in the case of a natural person, it is –
 - (i) given to the person; or
 - (ii) left at, or sent by post to, the address recorded in the register of licences in relation to that person or, if the person's name is not recorded in the register of licences, left at, or sent by post to, the address recorded in any register kept by the Registrar; or
 - (iii) faxed to the person's fax number; or
 - (iv) emailed to the person's email address; and
- (b) in the case of any other person, it is –
 - (i) left at, or sent by post to, the address recorded in the register of licences in relation to that person or, if the person's name is not

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 101

Part 5 – Miscellaneous and Supplemental

- recorded in the register of licences, left at, or sent by post to, the address recorded in any register kept by the Registrar; or
- (ii) faxed to the person's fax number; or
 - (iii) emailed to the person's email address.

101. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) In particular, without limiting the generality of subsection (1), the regulations be made in respect of the matters specified in Schedule 5.
- (3) The regulations may be made subject to such conditions, or be made so as to apply differently to any class of persons according to such factors, as may be specified in them or according to such limitations or restrictions, whether as to time or circumstances or otherwise, as may be so specified.
- (4) The regulations may authorise any matter to be from time to time determined, applied or regulated by the Commission or the Registrar.
- (5) The regulations may provide that it is an offence, punishable on summary conviction, for a person to contravene any of them and may provide in respect of any such offence for the imposition of

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

Part 5 – Miscellaneous and Supplemental

s. 102

a fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

- (6) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.
- (7) Regulations made under subsection (6) may take effect on the day on which this Act commences or a later day as specified in the regulations, whether the day so specified is before, on or after the day on which the regulations are made.

102. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Infrastructure; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Infrastructure, Energy and Resources.

103. Savings and transitional provisions

- (1) A taxi licence in force immediately before the commencement of Part 3 continues in force on

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

s. 103

Part 5 – Miscellaneous and Supplemental

that commencement as if it had been issued under this Act.

- (2) A luxury hire car licence in force immediately before the commencement of Part 4 continues in force on that commencement as if it had been issued under this Act.
- (3) A licence number plate issued in respect of a taxi licence in force immediately before the commencement of Part 3 is, on that commencement, taken to be a licence number plate issued in respect of a taxi licence under this Act.
- (4) A distinctive plate issued by the Commission for the vehicle to which a luxury hire car licence applies in force immediately before the commencement of Part 4 is, on that commencement, taken to be a licence number plate issued in respect of a luxury hire car licence under this Act.
- (5) A vehicle operated as a luxury hire car immediately before the commencement of Part 4 under the authority of a luxury hire car licence in force immediately before the commencement of Part 4 that does not comply with the criteria prescribed in the regulations is, on that commencement, taken to be a luxury hire car for the purposes of this Act for a period not exceeding 12 months after the commencement of that Part.
- (6) Any money remaining in the funds for taxi areas established under sections 13 and 14 of the

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

Part 5 – Miscellaneous and Supplemental

s. 104

repealed Act and any money remaining in the general administration fund established under section 15 of the repealed Act is, on the commencement of Part 2, transferred to the general administration fund established under this Act.

104. Legislation repealed

The legislation specified in Schedule 6 is repealed.

105. Legislation rescinded

The legislation specified in Schedule 7 is rescinded.

**SCHEDULE 1 – CRITERIA FOR WHEELCHAIR-
ACCESSIBLE TAXIS, REMOTE AREA
WHEELCHAIR-ACCESSIBLE TAXIS AND
SUBSTITUTE WHEELCHAIR-ACCESSIBLE TAXIS**

Section 3

1. Criteria

- (1) The Commission may approve a vehicle for use as a wheelchair-accessible taxi, a remote area wheelchair-accessible taxi or a substitute wheelchair-accessible taxi if –
 - (a) the vehicle is a small passenger vehicle; and
 - (b) the vehicle complies with the *Disability Standards for Accessible Public Transport 2002* formulated under section 31(1) of the *Disability Discrimination Act 1992* of the Commonwealth; and
 - (c) any modifications to make the vehicle wheelchair-accessible do not significantly alter the original external appearance of the vehicle; and
 - (d) the vehicle is fitted with a wheelchair restraint assembly that complies with AS 2942; and
 - (e) any hoist or ramp fitted to the vehicle complies with AS 3856; and
 - (f) the vehicle is fitted with a secondary, independent emergency-release

- mechanism on the wheelchair entry door that is clearly labelled with the words “EMERGENCY RELEASE”; and
- (g) the vehicle has an access door adjacent to each outboard seating position; and
 - (h) the vehicle has adequate luggage space to the rear of the rearmost seat when the vehicle is not configured to carry a passenger seated in a wheelchair; and
 - (i) in the case of –
 - (i) a remote area wheelchair-accessible taxi or a substitute wheelchair-accessible taxi, the vehicle at the time of approval for use as a remote area wheelchair-accessible taxi or a substitute wheelchair-accessible taxi is not more than 7 years old; or
 - (ii) a wheelchair-accessible taxi, the vehicle at the time of approval for use as a wheelchair-accessible taxi is not more than 12 months old and has an odometer reading of less than 1 000 kilometres.
- (2) The Commission may approve a vehicle that is more than 12 months old and less than 10 years old for use as a wheelchair-accessible taxi if the Commission has previously approved that vehicle for use as a wheelchair-accessible taxi.

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

sch. 1

- (3) The Commission may approve a vehicle that is more than 7 years old and less than 10 years old for use as a substitute wheelchair-accessible taxi or a remote area wheelchair-accessible taxi if the Commission has previously approved that vehicle for use as a wheelchair-accessible taxi, a substitute wheelchair-accessible taxi or a remote area wheelchair-accessible taxi.

SCHEDULE 2 – REMOTE TAXI AREAS

Section 3

1. The following taxi areas are remote taxi areas for the purposes of this Act:
 - (a) Break O’Day taxi area;
 - (b) Bruny Island taxi area;
 - (c) Central Highlands taxi area;
 - (d) Circular Head taxi area;
 - (e) Dorset taxi area;
 - (f) Flinders Island taxi area;
 - (g) Glamorgan/Spring Bay North taxi area;
 - (h) Glamorgan/Spring Bay South taxi area;
 - (i) Huon Valley taxi area;
 - (j) Kentish taxi area;
 - (k) King Island taxi area;
 - (l) Meander Valley taxi area;
 - (m) Tasman Peninsula taxi area;
 - (n) West Coast taxi area.

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

sch. 3

**SCHEDULE 3 – RESERVE PRICES FOR OWNER-
OPERATOR TAXI LICENCES**

Section 3

1. The reserve prices for owner-operator taxi licences in taxi areas are as follows:

(a) Hobart taxi area	\$60 000
(b) Launceston taxi area	\$35 000
(c) Burnie taxi area	\$23 000
(d) Devonport taxi area	\$23 000
(e) Ulverstone taxi area	\$17 250
(f) George Town taxi area	\$12 500
(g) Perth taxi area	\$12 500
(h) West Tamar taxi area	\$12 500
(i) Meander Valley taxi area	\$12 500
(j) Circular Head taxi area	\$11 250
(k) Break O’Day taxi area	\$10 800
(l) New Norfolk taxi area	\$10 800
(m) Huon Valley taxi area	\$7 500
(n) Glamorgan/Spring Bay North taxi area	\$3 750
(o) Kentish taxi area	\$3 750

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

sch. 3

(p)	Penguin taxi area	\$3 750
(q)	Tasman taxi area	\$3 750
(r)	Dorset taxi area	\$2 250
(s)	Glamorgan/Spring Bay South taxi area	\$1 875
(t)	Bruny Island taxi area	\$1 000
(u)	Central Highlands taxi area	\$1 000
(v)	Flinders Island taxi area	\$1 000
(w)	King Island taxi area	\$1 000
(x)	West Coast taxi area	\$1 000

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

sch. 4

SCHEDULE 4 – TAXI AREAS

Section 3

1. Hobart taxi area –
 - (a) the municipal area of Hobart, Glenorchy and Clarence; and
 - (b) the municipal area of Brighton; and
 - (c) the towns of –
 - (i) Blackmans Bay; and
 - (ii) Dodges Ferry; and
 - (iii) Kingston; and
 - (iv) Lewisham; and
 - (v) Margate; and
 - (vi) Midway Point; and
 - (vii) Pontville; and
 - (viii) Sorell; and
 - (ix) Tarroona.
2. Launceston taxi area
 - (a) the municipal area of Launceston; and

(b) that part of the municipal areas of West Tamar, Meander Valley and Northern Midlands which is situated within a radius of 14 kilometres of 68 Cameron Street, Launceston, including Launceston Airport.

3. Burnie taxi area

The municipal area of Burnie and the municipal area of Waratah-Wynyard.

4. Break O'Day taxi area

The municipal area of Break O'Day.

5. Bruny Island taxi area

The whole of Bruny Island.

6. Central Highlands taxi area

The municipal area of Central Highlands.

7. Circular Head taxi area

The municipal area of Circular Head.

8. Devonport taxi area

The municipal area of Devonport and the municipal area of Latrobe.

9. Dorset taxi area

The municipal area of Dorset.

10. Flinders Island taxi area

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

sch. 4

- The municipal area of Flinders.
11. George Town taxi area
The municipal area of George Town.
12. Glamorgan/Spring Bay North taxi area
That part of the municipal area of Glamorgan/Spring Bay north of the Little Swanport River.
13. Glamorgan/Spring Bay South taxi area
That part of the municipal area of Glamorgan/Spring Bay south of the Little Swanport River.
14. Huon Valley taxi area
The municipal area of Huon Valley.
15. Kentish taxi area
The municipal area of Kentish.
16. King Island taxi area
The municipal area of King Island.
17. Meander Valley taxi area
That part of the municipal area of Meander Valley west of a north-south line drawn through the junction of the Exton Road and the Meander Valley Road.
18. New Norfolk taxi area

The municipal area of Derwent Valley.

19. Penguin taxi area

That part of the municipal area of Central Coast west of the Leven River to Allison Bridge and west of a straight line from Allison Bridge to the Three Sisters.

20. Perth taxi area

(a) that part of the municipal area of Northern Midlands north of the Powranna and Deddington Roads, and north of a line between those roads, and that part of the municipal area of Meander Valley east of an approximately north-south line drawn through the junction of Exton Road and the Meander Valley Road; and

(b) that part of the municipal area of Launceston west of an approximately north-south line drawn through the junction of Trotters Lane and Westbury Road and south of an approximately east-west line drawn through that junction.

21. Tasman taxi area

The municipal area of Tasman.

22. Ulverstone taxi area

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

sch. 4

That part of the municipal area of Central Coast east of the Leven River to Allison Bridge and east of a straight line from Allison Bridge to the Three Sisters.

23. West Coast taxi area

The municipal area of West Coast.

24. West Tamar taxi area

The municipal area of West Tamar.

**SCHEDULE 5 – MATTERS IN RESPECT OF WHICH
REGULATIONS MAY BE MADE**

Section 101

1. Matters to which regulations may apply

The regulations may –

- (a) prescribe fees to be paid on application for and on the issue of taxi licences and luxury hire car licences (including replacement taxi licences and replacement luxury hire car licences) and annually for perpetual taxi licences, owner-operator taxi licences, wheelchair-accessible taxi licences and luxury hire car licences; and
- (b) provide for registration of holders of licences; and
- (c) prescribe classes of vehicles for the purposes of this Act; and
- (d) prescribe vehicle specifications for vehicles that may be used as taxis or luxury hire cars under this Act; and
- (e) prescribe conditions which may be imposed on the owner or responsible operator of a perpetual taxi licence; and
- (f) prohibit the multiple hiring of taxi services; and

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

sch. 5

- (g) regulate circumstances under which a taxi driver or luxury hire car driver may refuse to accept a passenger or terminate a hiring; and
- (h) provide for the calculation of fares and charges and the operation of fare schedules; and
- (i) provide for equipment required to be carried on or installed in a taxi or luxury hire car and also provide for the installation, operation, examination and testing of that equipment and retrieval of information from that equipment; and
- (j) prohibit the use of certain equipment from being carried on or within a taxi or luxury hire car; and
- (k) provide for notices, labels, licence number plates and other material which are to be carried or displayed in or on taxis or luxury hire cars; and
- (l) prescribe fees to be paid on the issue of notices, labels, licence number plates or other material which are to be carried or displayed in or on taxis or luxury hire cars; and
- (m) prohibit the display of certain notices and material in or on taxis and luxury hire cars or on the driver of a taxi or luxury hire car; and

- (n) provide for the health of the passengers and the safety of taxi services and luxury hire car services; and
- (o) prescribe procedural requirements and other matters for the purposes of Part 3 not otherwise dealt with in this Schedule and generally provide for the administration and control of taxi licences; and
- (p) prescribe procedural requirements and other matters for the purposes of Part 4 and generally provide for the administration and control of luxury hire car licences; and
- (q) provide for the appointment of persons responsible for –
 - (i) the installation, maintenance and testing of equipment required by the Commission to be carried on or installed in a taxi or luxury hire car; or
 - (ii) the retrieval of information from the equipment referred to in subparagraph (i); and
- (r) provide for the fees to be paid by persons referred to in paragraph (q); and
- (s) prescribe circumstances in which owner-operator taxi licences, wheelchair-accessible taxi licences and luxury hire

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

sch. 5

- car licences may be suspended or cancelled; and
- (t) provide for subsidies to be payable to holders of wheelchair-accessible taxi licences; and
 - (u) prescribe the minimum service levels, quotas and other performance targets for taxis; and
 - (v) provide for the keeping and production of records; and
 - (w) provide for the management of lost property in taxis and luxury hire cars; and
 - (x) make provision for or relating to the conduct, behaviour, rights, responsibilities and obligations of responsible operators and taxi drivers in providing taxi services; and
 - (y) make provision for or relating to the conduct, behaviour, rights, responsibilities and obligations of holders of luxury hire car licences and luxury hire car drivers in providing luxury hire car services; and
 - (z) prescribe service standards in respect of customers including compliance with human rights legislation; and
 - (za) make provision for or relating to the conduct, behaviour, rights,

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

sch. 5

responsibilities and obligations of
passengers in taxis and luxury hire cars.

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

sch. 6

SCHEDULE 6 – LEGISLATION REPEALED

Section 104

Taxi and Luxury Hire Car Industries Act 1995 (No. 27 of
1995)

Taxi and Luxury Hire Car Industries Reform Act 1999 (No. 97
of 1999)

Taxi and Luxury Hire Car Industries Amendment Act 2003
(No. 82 of 2003)

Taxi and Luxury Hire Car Industries Amendment Act 2007
(No. 61 of 2007)

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

sch. 7

SCHEDULE 7 – LEGISLATION RESCINDED

Section 105

Taxi Industry Regulations 1996 (No. 198 of 1996)

Taxi Industry (Taxi Areas) Regulations 1996 (No. 199 of 1996)

Taxi Industry Amendment Regulations 1997 (No. 194 of 1997)

Taxi Industry (Taxi Areas) Amendment Regulations 1997 (No. 195 of 1997)

Taxi Industry Amendment (Extension) Regulations 1998 (No. 88 of 1998)

Taxi Industry Amendment (Extension) Regulations 1999 (No. 21 of 1999)

Taxi Industry Amendment (Public Vehicles Reform) Regulations 2000 (No. 69 of 2000)

Taxi Industry (Taxi Areas) Amendment Regulations 2000 (No. 70 of 2000)

Taxi Industry Amendment (Fares) Regulations 2000 (No. 96 of 2000)

Taxi Industry Amendment (Fares) Regulations (No. 2) 2000 (No. 248 of 2000)

Taxi Industry Amendment Regulations 2001 (No. 53 of 2001)

Taxi Industry Amendment (Fares) Regulations 2002 (No. 25 of 2002)

Taxi Industry Amendment (Fares) Regulations 2003 (No. 69 of 2003)

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

sch. 7

Taxi Industry Amendment Regulations 2003 (No. 100 of 2003)

Taxi Industry Amendment Regulations 2004 (No. 15 of 2004)

Taxi Industry (Taxi Areas) Amendment Regulations 2004 (No. 16 of 2004)

Taxi Industry Amendment (Security Cameras) Regulations 2004 (No. 21 of 2004)

Taxi Industry Amendment (Wheelchair-accessible Taxis) Regulations 2004 (No. 60 of 2004)

Taxi Industry (Taxi Areas) Amendment Regulations (No. 2) 2004 (No. 61 of 2004)

Taxi Industry Amendment (Fares and Charges) Regulations 2004 (No. 107 of 2004)

Taxi Industry Amendment Regulations 2005 (No. 89 of 2005)

Taxi Industry Amendment (Number-plates and Labels) Regulations 2005 (No. 114 of 2005)

Taxi Industry Amendment (Fares) Regulations 2005 (No. 117 of 2005)

Taxi Industry Amendment Regulations (No. 2) 2005 (No. 130 of 2005)

Taxi Industry Amendment Regulations 2006 (No. 119 of 2006)

Taxi Industry (Taxi Areas) Amendment Regulations 2007 (No. 11 of 2007)

Taxi Industry Amendment (Fares) Regulations 2007 (No. 25 of 2007)

Taxi and Luxury Hire Car Industries Act 2008
Act No. of

sch. 7

*Taxi Industry Amendment (Wheelchair-Accessible Taxi
Licences) Regulations 2007 (No. 96 of 2007)*