

TAXI AND LUXURY HIRE CAR INDUSTRIES AMENDMENT BILL 2009

CLAUSE NOTES

- Clause 1 Short title and citation.
- Clause 2 The Act commences on a day to be proclaimed.
- Clause 3 The *Taxi and Luxury Hire Car Industries Act 2008* is the Principal Act for the purposes of this Act.
- Clause 4 Amends section 22 of the Principal Act by clarifying that the Transport Commission may impose conditions on an owner-operator taxi licence at the time that licence is issued, without having to seek representations from the applicant for the licence.
- Clause 5 Amends section 24 of the Principal Act by clarifying that an applicant for an owner-operator taxi licence must be the registered operator of a vehicle that is suitable for use as a taxi before the application can be approved. The requirements for a vehicle to be used as a taxi are to be prescribed by the regulations.
- Clause 6 Amends section 28 of the Principal Act by clarifying that the section applies only to the imposition of conditions on owner-operator taxi licences that are already on issue. Under this section of the Act the Commission is required to give the holder of the licence notice of its intention to impose, vary or revoke licence conditions. It must also allow the holder of the licence a reasonable opportunity to make representations regarding the proposed conditions, variation or revocation and to take any such representations into account in exercising its power under the section.
- Clause 7 Amends section 40 of the Principal Act by clarifying that the Transport Commission may impose conditions on a wheelchair accessible taxi licence at the time that licence is issued, without having to seek representations from the applicant for the licence.
- Clause 8 Amends section 46 of the Principal Act by clarifying that the section applies only to the imposition of conditions on wheelchair-accessible taxi licences that are already on issue. Under this section of the Act the Commission is required to give the holder of the licence notice of its intention to impose, vary or revoke licence conditions. It must also allow the holder of the licence a reasonable opportunity to make representations regarding the proposed conditions, variation or revocation and to

take any such representations into account in exercising its power under the section.

- Clause 9 Amends section 68 of the Principal Act by clarifying that the Transport Commission may impose conditions on a luxury hire car licence at the time that licence is issued, without having to seek representations from the applicant for the licence.
- Clause 10 Amends section 74 of the Principal Act by clarifying that the section applies only to the imposition of conditions on luxury hire car licences that are already on issue. Under this section of the Act the Commission is required to give the holder of the licence notice of its intention to impose, vary or revoke licence conditions. It must also allow the holder of the licence a reasonable opportunity to make representations regarding the proposed conditions, variation or revocation and to take any such representations into account in exercising its power under the section.
- Clause 11 Provides for regulations to be made that allow for the review of administrative decisions of the Commission made under the Principal Act or the regulations.
- Clause 12 Clause 12 is a standard provision to be included in all Amendment Bills, the effect of which is to automatically repeal the Amendment Act after 90 days from the date of its commencement. This will make it unnecessary for the Government to periodically introduce a Legislation Repeal Act to repeal Amendment Acts, as once the amendments are incorporated into the Principal Act, the Amendment Act serves no practical purpose.