

FACT SHEET

Taxi and Luxury Hire Car Industries Amendment Bill 2011

The purpose of the *Taxi and Luxury Hire Car Industries Amendment Bill 2011* is to amend the *Taxi and Luxury Hire Car Industries Act 2008* (“Taxi Act”) to include the regulation of restricted hire vehicle services within that Act. It is part of a package that also includes the *Passenger Transport Services Bill 2011* and the *Passenger Transport and Related Legislation (Consequential Amendments) Bill 2011*.

The new Act will be named the *Taxi and Hire Vehicle Industries Act 2008* and it will, when enacted, encompass in the one instrument the regulation in respect of the licensing and vehicle standards for all small vehicles that are providing passenger transport services. In respect of services provided by small passenger vehicles, the Passenger Transport Services legislation will focus solely on ensuring that they are safe and that their operators are suitable people to provide transport services to member of the public.

To achieve this, services known as “limited passenger services”, which are currently regulated under the *Passenger Transport Act 1997*, have been renamed as “restricted hire vehicles”. This new title is considered to better reflect the nature of these services.

These services are passenger transport services provided by small vehicles that are not taxis or luxury hire cars. These services include tours, transport for special occasions such as weddings and formals, and transport in vintage, custom or novelty type vehicles.

The Bill introduces a requirement for operators of restricted hire vehicle services to hold a licence. This will enable better enforcement of the activities undertaken by these operators. It will also ensure greater transparency in the provision of these services, as the vehicles will be clearly identifiable by the presence of a licence number plate, similar to the plates that must be displayed on taxis and luxury hire cars. Restricted hire vehicle service operators will also continue to be required to be accredited under the Passenger Transport Services Bill.

The Amendment Bill focuses on consistency, as far as possible, in the regulation of each type of licence, to facilitate the administration of the industries.

It consolidates the offences pertaining to the use of small passenger vehicles that are currently spread across the Taxi Act and the Passenger Transport Act. These offences include operating passenger transport services without the appropriate licence, unlawfully configuring a vehicle as a taxi (including installing a taximeter in a vehicle that is not intended for use as a taxi), and actively soliciting for trade for a vehicle, whether or not it is licensed to carry passengers.

The Bill also contains a number of other amendments to the Taxi Act. Some of these are technical amendments to clarify the intent of some sections. Many of the amendments are necessary to ensure consistency between terms used in the Taxi Act and terms used in the Passenger Transport Services Bill, or consistency between provisions relating to the new restricted hire vehicle licences and existing taxi and luxury hire car licences.

In particular the definition of the term “taxi” is amended such that a vehicle is only a taxi if it is operating under the authority of a taxi licence, as shown by the licence number plate affixed to it. While this is implicit in the current Taxi Act, it is not clearly stated. This is inadequate, given that under the current Taxi Act, standard taxis are not specified in the relevant taxi licence. That is, an operator may use any vehicle that is suitable for use as a taxi to operate a taxi service. The licence number plate is the only way in which the licence can be clearly identified and it is, therefore, necessary that it be displayed on the taxi at all times.

This Bill contains no changes to the policy framework that applies to taxis and luxury hire cars.