

CLAUSE NOTES

Taxi and Hire Vehicle Industries Amendment Bill 2016

- Clause 1** Short title and citation.
- Clause 2** Provides for the *Taxi and Hire Vehicle Industries Amendment Act 2016* to commence on the date on which the Act receives Royal Assent
- Clause 3** Specifies that that the *Taxi and Hire Vehicle Industries Act 2008* is referred to as the Principal Act for the purposes of the Bill.
- Clause 4** Amends section 23 of the Principal Act by inserting **three** new subsections after subsection (1), which provide that the Minister may, in 2016 and/or 2017 - by notice in the *Gazette* - declare that the requirements under subsection (1) relating to the prescribed minimum annual release of taxi licences do not apply in relation to a taxi area specified in the notice.
- The clause also specifies that a notice issued by the Minister is not a statutory rule for the purposes of the *Rules Publication Act 1953*.
- Clause 5** Inserts a new subsection in section 91E of Principal Act, which provides that subsection (1) does not apply to a person using a small passenger vehicle to carry a passenger for financial consideration if the person, the vehicle or the service is subject to an exemption given by the Transport Commission under section 64(1) of the *Passenger Transport Service Act 2011* with respect to the application of Section 10 of that Act, which mandates operator accreditation.
- Currently, it is an offence under Section 91E of the Principal Act for a person – without lawful excuse - to operate a small vehicle on a public street to carry a passenger for financial consideration, unless the service is operated under the authority of either a taxi, luxury hire car or restricted hire vehicle licence.
- The new subsection would effectively 'dis-apply' this offence provision where the person, vehicle or service is operating under an exemption from section 10 of the *Passenger Transport Services Act 2011* granted by the Transport Commission.
- In other words, the new subsection makes it clear that a ride-sourcing service provider will not be committing an offence so long as they are subject to a relevant exemption issued under the *Passenger Transport Services Act 2011*.
- Clause 6** This is a standard provision included by the Office of Parliamentary Counsel in all amendment Bills which provides for the automatic repeal of the Act after one year, by which time all amendments will have been included in the consolidated Principal Act.