

TASMANIA

**TAXI AND LUXURY HIRE CAR INDUSTRIES
(CONSEQUENTIAL AMENDMENTS) BILL 2008**

CONTENTS

1. Short title
 2. Commencement
 3. Consequential amendments
 4. Effect of certain amendments
- Schedule 1 – Consequential Amendments

**TAXI AND LUXURY HIRE CAR INDUSTRIES
(CONSEQUENTIAL AMENDMENTS) BILL 2008**

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

A BILL FOR

**An Act to amend certain Acts and statutory rules
consequential on the enactment of the *Taxi and Luxury
Hire Car Industries Act 2008***

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:

1. Short title

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

2. Commencement

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

3. Consequential amendments

The legislation specified in Schedule 1 is
amended as specified in that Schedule.

*Taxi and Luxury Hire Car Industries (Consequential
Amendments) Act 2008*
Act No. of

s. 4

4. Effect of certain amendments

The amendment by this Act of a provision of any regulations, rules or by-laws made under any Act does not prevent that provision or any other provision of those regulations, rules or by-laws from being amended or rescinded by any subsequent regulations, rules or by-laws.

*Taxi and Luxury Hire Car Industries (Consequential
Amendments) Act 2008*
Act No. of

sch. 1

SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS

Section 3

Annulled Convictions Act 2003

1. Section 7(1) is amended by omitting “*Taxi and Luxury Hire Car Industries Act 1995*” from paragraph (b) of the definition of “traffic offence” and substituting “*Taxi and Luxury Hire Car Industries Act 2008*”.

Litter Act 2007

1. Section 3 is amended as follows:
 - (a) by omitting the definition of “luxury hire car” and substituting the following definition:

“luxury hire car” means a vehicle in respect of which a luxury hire car licence is in force under the *Taxi and Luxury Hire Car Industries Act 2008*;
 - (b) by omitting the definition of “taxi” and substituting the following definition:

“taxi” has the same meaning as in the *Taxi and Luxury Hire Car Industries Act 2008*;

*Taxi and Luxury Hire Car Industries (Consequential
Amendments) Act 2008*
Act No. of

sch. 1

Passenger Transport Act 1997

1. Section 3 is amended as follows:

- (a) by omitting the definition of “luxury hire car” and substituting the following definition:

“luxury hire car” means a luxury hire car in respect of which a luxury hire car licence is in force under the *Taxi and Luxury Hire Car Industries Act 2008*;

- (b) by omitting the definition of “taxi” and substituting the following definitions:

“taxi” has the same meaning as in the *Taxi and Luxury Hire Car Industries Act 2008*;

“taxi licence” means a licence in force under Part 3 of the *Taxi and Luxury Hire Car Industries Act 2008*;

“taxi licence number plate” means a licence number plate issued in respect of a taxi licence.

2. Section 4 is amended by omitting “*Taxi and Luxury Hire Car Industries Act 1995*” and substituting “*Taxi and Luxury Hire Car Industries Act 2008*”.

*Taxi and Luxury Hire Car Industries (Consequential
Amendments) Act 2008*
Act No. of

sch. 1

3. Section 11(3) is amended as follows:

- (a) by omitting from paragraph (a) “licensed and operated in accordance with the *Taxi and Luxury Hire Car Industries Act 1995*” and substituting “operated under the authority of a taxi licence in accordance with the *Taxi and Luxury Hire Car Industries Act 2008*”;
- (b) by omitting from paragraph (ab) “licensed and operated as a luxury hire car in accordance with the *Taxi and Luxury Hire Car Industries Act 1995*” and substituting “operated under the authority of a luxury hire car licence in accordance with the *Taxi and Luxury Hire Car Industries Act 2008*”.

4. Section 15A(1) is amended as follows:

- (a) by omitting from paragraph (b) “over.” and substituting “over; and”;
- (b) by inserting the following paragraph after paragraph (b):
 - (c) if the vehicle has a taxi licence number plate affixed, the taxi licence number plate is covered.

*Taxi and Luxury Hire Car Industries (Consequential
Amendments) Act 2008*
Act No. of

sch. 1

5. Section 16 is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsection:

(1) In this section –

“taxi zone” has the same meaning as in the *Taxi and Luxury Hire Car Industries Act 2008*.

- (b) by omitting from subsection (2) “public passenger vehicle that is not a taxi” and substituting “vehicle that is not a taxi”;
- (c) by omitting from subsection (2)(a) “on a taxi rank” and substituting “in a taxi zone”;
- (d) by inserting the following subsections after subsection (2):
- (3) Without limiting the matters that may constitute describing a vehicle as a taxi, taxi-cab or cab, the following may be taken as describing a vehicle as a taxi, taxi-cab or cab:
- (a) the fitting of a top-light sign bearing the word “taxi”, “cab” or similar;
- (b) the fitting of a taximeter in the vehicle;

*Taxi and Luxury Hire Car Industries (Consequential
Amendments) Act 2008*
Act No. of

sch. 1

- (c) the display of the words
“taxi”, “cab” or similar on
the exterior of the vehicle.
- (4) It is a defence in proceedings
under subsection (2)(b) for the
defendant to show that the
vehicle was approved for use as a
taxi but was not operating as a
taxi under the authority of a taxi
licence at that time.
- 6. Clause 1(ab) of Schedule 2 is amended by
omitting “would be classifiable as a luxury
vehicle for the purposes of Part 4A of the *Taxi
and Luxury Hire Car Industries Reform Act
1999*” and substituting “would be classified as a
luxury hire car for the purposes of the *Taxi and
Luxury Hire Car Industries Act 2008*”.

Passenger Transport Regulations 2000

- 1. Regulation 7 is amended by omitting paragraphs
(c) and (d) and substituting the following
paragraph:
 - (c) sections 12, 26, 43, 61, 71, 95 and 96 of
the *Taxi and Luxury Hire Car Industries
Act 2008*.

*Taxi and Luxury Hire Car Industries (Consequential
Amendments) Act 2008*
Act No. of

sch. 1

Traffic (Road Rules) Regulations 1999

1. Regulation 352(1) is amended as follows:
 - (a) by omitting from paragraph (a) “*Taxi and Luxury Hire Car Industries Act 1995*” and substituting “*Taxi and Luxury Hire Car Industries Act 2008*”;
 - (b) by omitting from paragraph (b) “*Taxi and Luxury Hire Car Industries Act 1995*” and substituting “*Taxi and Luxury Hire Car Industries Act 2008*”.
2. Schedule 6 is amended by omitting clause 10 from Division 1 of Part 2 and substituting:

10. Taxi

A vehicle is declared to be a taxi for the *Road Rules* if it is operating as a taxi under the authority of a taxi licence in force under the *Taxi and Luxury Hire Car Industries Act 2008*.

Transport Act 1981

1. Section 6(1)(c) is amended by omitting “*Taxi and Luxury Hire Car Industries Act 1995*” and substituting “*Taxi and Luxury Hire Car Industries Act 2008*”.

*Taxi and Luxury Hire Car Industries (Consequential
Amendments) Act 2008*
Act No. of

sch. 1

2. Section 22(1)(a) is amended by omitting “*Taxi and Luxury Hire Car Industries Act 1995*” and substituting “*Taxi and Luxury Hire Car Industries Act 2008*”.
3. Section 28A is repealed.

***Vehicle and Traffic (Driver Licensing and Vehicle
Registration) Regulations 2000***

1. Regulation 3(1) is amended as follows:
 - (a) by inserting the following definition after the definition of “loss assessor”:

“luxury hire car” has the same meaning as in the *Taxi and Luxury Hire Car Industries Act 2008*;
 - (b) by inserting the following definition after the definition of “small passenger vehicle”:

“taxi” has the same meaning as in the *Taxi and Luxury Hire Car Industries Act 2008*;
2. Regulation 85(3)(a) is amended by omitting subparagraphs (ii) and (iii) and substituting the following subparagraphs:

*Taxi and Luxury Hire Car Industries (Consequential
Amendments) Act 2008*
Act No. of

sch. 1

- (ii) a public passenger vehicle that is used or intended to be used as a taxi in accordance with the *Taxi and Luxury Hire Car Industries Act 2008*; or
- (iii) a public passenger vehicle in respect of which a luxury hire car licence is in force under the *Taxi and Luxury Hire Car Industries Act 2008*; or

Vehicle and Traffic Act 1999

1. Section 49(7) is amended by omitting “*Taxi and Luxury Hire Car Industries Act 1995*” from paragraph (b) of the definition of “related Act” and substituting “*Taxi and Luxury Hire Car Industries Act 2008*”.

Workers Rehabilitation and Compensation Act 1988

1. Section 3(2) is amended by omitting “Subject to section 26A(1) of the *Taxi and Luxury Hire Car Industries Act 1995* and for” and substituting “For”.
2. Section 4DA is amended as follows:
 - (a) by omitting from subsection (2) “where” and substituting “if”;
 - (b) by omitting “*Taxi and Luxury Hire Car Industries Act 1995*” from the definition

*Taxi and Luxury Hire Car Industries (Consequential
Amendments) Act 2008*
Act No. of

sch. 1

of “licensee” in subsection (3) and substituting “*Taxi and Luxury Hire Car Industries Act 2008*”;

- (c) by omitting the definition of “luxury hire car” from subsection (3) and substituting the following definition:

“luxury hire car” means a vehicle in respect of which a luxury hire car licence is in force under the *Taxi and Luxury Hire Car Industries Act 2008*.

3. Section 4DB is amended as follows:

- (a) by omitting from subsection (1) “the taxi is, while driving the vehicle” and substituting “a taxi service provided under the authority of a taxi licence is, while driving the taxi”;
- (b) by omitting from subsection (2) “where” and substituting “if”;
- (c) by omitting subsection (3) and substituting the following subsection:

(3) In this section –

“responsible operator”
means –

- (a) in respect of a
perpetual taxi

*Taxi and Luxury Hire Car Industries (Consequential
Amendments) Act 2008*
Act No. of

sch. 1

licence within the
meaning of the
*Taxi and Luxury
Hire Car
Industries Act
2008* –

- (i) if an assignment or leasing arrangement is in force under section 11 of that Act, the person who, by virtue of that section, is the responsible operator; or
- (ii) if no such assignment or leasing arrangement is in force, the owner of the perpetual taxi licence; or

*Taxi and Luxury Hire Car Industries (Consequential
Amendments) Act 2008*
Act No. of

sch. 1

(b) in respect of an owner-operator taxi licence, wheelchair-accessible taxi licence or temporary taxi licence within the meaning of the *Taxi and Luxury Hire Car Industries Act 2008*, the holder of that licence;

“taxi” has the same meaning as in the *Taxi and Luxury Hire Car Industries Act 2008*;

“taxi licence” means a licence in force under Part 3 of the *Taxi and Luxury Hire Car Industries Act 2008*.