

I certify that this is a copy of the authorised version of this Statutory Rule as at 30 December 2020, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 30 December 2020.

K Woodward
Deputy Chief Parliamentary Counsel
Dated 21 January 2021

TASMANIA

RESTRICTED HIRE VEHICLE INDUSTRY REGULATIONS 2013

STATUTORY RULES 2013, No. 47

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RESTRICTED HIRE VEHICLE INDUSTRY REGULATIONS 2013

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Taxi and Luxury Hire Car Industries Act 2008*.

Dated 17 June 2013.

PETER G. UNDERWOOD
Governor

By His Excellency's Command,

NICK MCKIM
Minister for Sustainable Transport

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Restricted Hire Vehicle Industry Regulations 2013*.

2. Commencement

These regulations take effect on the day proclaimed under section 2(2) of the *Taxi and*

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Part 1 – Preliminary

Luxury Hire Car Industries Amendment Act 2011.

3. Interpretation

In these regulations –

Act means the *Taxi and Hire Vehicle Industries Act 2008*;

label means a label issued to the holder of a restricted hire vehicle licence by the Commission under regulation 18(1);

registration plate means a number plate issued by the Registrar under the *Vehicle and Traffic Act 1999* in respect of a vehicle's registration under that Act;

security camera system has the same meaning as in the *Taxi Industry Regulations 2018*.

PART 2 – RESTRICTED HIRE VEHICLE LICENCES

4. Form of restricted hire vehicle licence

A restricted hire vehicle licence is to be in a form approved by the Commission and is to include –

- (a) the name and address of the holder of restricted hire vehicle licence; and
- (b) a unique restricted hire vehicle licence number; and
- (c) the conditions, if any, imposed on the restricted hire vehicle licence under the Act; and
- (d) if the Commission approves the use of a small passenger vehicle, under section 84I of the Act, to operate a general rhv service under the authority of the restricted hire vehicle licence, the following particulars of the small passenger vehicle:
 - (i) the registration plate number of the vehicle;
 - (ii) the make of the vehicle;
 - (iii) the body type of the vehicle;
 - (iv) the year of manufacture of the vehicle;

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- (v) the number of seats in the vehicle as recorded in the Register of Motor Vehicles; and
- (e) the number of the licence number plate in force in respect of the restricted hire vehicle licence.

5. Change of name or address

The holder of a restricted hire vehicle licence must within 14 days after a change in the name or address of the holder notify the Commission, in writing, of the change.

Penalty: Fine not exceeding 5 penalty units.

6. Suspension of restricted hire vehicle licence

For section 84P(1) of the Act, the prescribed circumstances in which the Commission may suspend a restricted hire vehicle licence are as follows:

- (a) if the holder of the restricted hire vehicle licence fails to comply with a condition imposed on the licence under the Act;
- (b) if the holder of the restricted hire vehicle licence fails to provide the information required by the Commission under section 97 of the Act within the period specified in the notice given to the holder of the licence in accordance with that section;

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- (c) if the Commission approves, under section 84I of the Act, the use of a small passenger vehicle to operate a general rhv service under the authority of the restricted hire vehicle licence and that vehicle ceases to be registered;
 - (d) if the Commission suspends the accreditation of the holder of the restricted hire vehicle licence under the *Passenger Transport Services Act 2011*;
 - (e) if the holder of the restricted hire vehicle licence is found guilty of an offence under section 95 of the Act;
 - (f) if the holder of the restricted hire vehicle licence is charged with an offence under regulation 11 but continues to offer the wheelchair-accessible restricted hire vehicle for hire when the vehicle may not meet the requirements for wheelchair-accessible restricted hire vehicles specified in regulation 12;
 - (g) if the Commission is no longer satisfied that the motor vehicle used to operate a general rhv service under the authority of the restricted hire vehicle licence complies with section 84I of the Act.

7. Cancellation of restricted hire vehicle licence

For section 84P(1) of the Act, the prescribed circumstances in which the Commission may

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cancel a restricted hire vehicle licence are as follows:

- (a) if the holder of the restricted hire vehicle licence fails to comply with a condition imposed on the licence under the Act;
- (b) if the Commission is no longer satisfied that the motor vehicle used to operate a general rhv service under the authority of the restricted hire vehicle licence complies with section 84I of the Act;
- (c) if the Commission approves, under section 84I of the Act, the use of a small passenger vehicle to operate a general rhv service under the authority of the restricted hire vehicle licence and that vehicle ceases to be registered and is likely to remain unregistered for a prolonged period;
- (d) if the holder of the restricted hire vehicle licence is found guilty of an offence under section 95 of the Act;
- (e) if the holder of the restricted hire vehicle licence is found guilty of an offence under regulation 11 but continues to offer the wheelchair-accessible restricted hire vehicle for hire when the vehicle does not meet the requirements for wheelchair-accessible restricted hire vehicles specified in regulation 12;
- (f) if the holder of the restricted hire vehicle licence fails to provide information to the

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Commission in accordance with section 97 of the Act within 90 days after the expiry of the period specified in the notice given to the holder in accordance with that section.

PART 3 – RESTRICTED HIRE VEHICLES

8. Interpretation

In this Part–

AS 1851-2005 means the Australian Standard AS 1851-2005 entitled “Maintenance of fire protection systems and equipment” issued and published by Standards Australia, as amended or substituted from time to time;

AS 2444-2001 means the Australian Standard AS 2444-2001 entitled “Portable fire extinguishers and fire blankets - selection and location” issued and published by Standards Australia, as amended or substituted from time to time.

9. Suitable vehicle

For paragraph (e) of the definition of *suitable vehicle* in section 84I(4) of the Act, the following motor vehicles are prescribed:

- (a)
- (b) a four-wheel drive or all-wheel drive motor vehicle –
 - (i) that is capable of providing transport to, from or within a national park, as defined in the *Nature Conservation Act 2002*, State reserve, as defined in the

Nature Conservation Act 2002, or other land similar to a national park or State reserve; and

- (ii) that has an access door adjacent to each outboard seating position.

10. Prescribed requirements for unique, classic or customised motor vehicles

For section 84I(1)(c) of the Act, the following are the prescribed requirements that a suitable vehicle, that is a motor vehicle that is unique, classic or customised and more than 30 years old, is to meet at the time the suitable vehicle is approved for use as a restricted hire vehicle for general rhv services:

- (a) the motor vehicle is to be free from any visible dents, rust or repairs;
- (b) the motor vehicle's paintwork is to maintain its original lustre and is to be free from any major blemishes or mismatched paintwork;
- (c) the motor vehicle's electroplated, polished or metallic components are to be in good condition and are to display their original lustre;
- (d) the motor vehicle's windows are to be free from visible scratches and blemishes that detract from the overall appearance of the vehicle;

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- (e) the motor vehicle's seats and interior trim are to be free from visible damage that detracts from the overall appearance of the vehicle;
- (f) the motor vehicle's headlining and floor covering are to be complete, clean and in good repair;
- (g) the motor vehicle's dashboard is to be free from any visible cracks or obvious fading that detracts from the overall appearance of the vehicle;
- (h) when in operation, the motor vehicle does not exhibit any abnormal engine, transmission or differential noise;
- (i) the motor vehicle's hoses and belts are to be fit for purpose, working as they were originally designed and intended to work;
- (j) the motor vehicle is to be free from any visible oil leaks;
- (k) the motor vehicle's suspension is to be in good working order;
- (l) the motor vehicle's wheels are to be the wheels fitted to the vehicle at the time the vehicle was manufactured or, if the wheels are not the wheels fitted at the time the vehicle was manufactured, the wheels are to match the style and age of the vehicle;

- (m) any other factors, relating to the overall appearance and condition of the motor vehicle, that the Commission considers relevant in assessing whether the motor vehicle is suitable for use as a restricted hire vehicle for general rhv services.

11. Wheelchair-accessible restricted hire vehicle

The holder of a restricted hire vehicle licence must ensure that a restricted hire vehicle, used to operate a restricted hire vehicle service under the authority of the restricted hire vehicle licence, that is offered for hire as wheelchair-accessible meets the requirements for wheelchair-accessible restricted hire vehicles specified in regulation 12.

Penalty: Fine not exceeding 20 penalty units.

12. Requirements for wheelchair-accessible restricted hire vehicle

A wheelchair-accessible restricted hire vehicle must meet the following requirements:

- (a) the restricted hire vehicle must comply with the *Disability Standards for Accessible Public Transport 2002* formulated under section 31(1) of the *Disability Discrimination Act 1992* of the Commonwealth;
- (b) if the restricted hire vehicle is fitted with a wheelchair restraint assembly –

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- (i) on or after 30 March 2009 up to and including 31 December 2020, that wheelchair restraint assembly must comply with AS/NZS 10542.1:2009; or
 - (ia) on or after 1 January 2021, that wheelchair restraint assembly must comply with AS/NZS 10542:2015; or
 - (ii) on or after May 16 1994 up to and including 29 March 2009, that wheelchair restraint assembly must comply with AS 2942-1994 “Wheelchair Occupant Restraint Assemblies for Motor Vehicles”; or
 - (iii) on or after 1 January 1987 up to and including 15 May 1994, that wheelchair restraint assembly must comply with AS 2942-1987 “Wheelchair Occupant Restraint Assemblies for Motor Vehicles”;
- (c) if the restricted hire vehicle is fitted with a hoist or ramp –
- (i) on or after 5 October 1998, that hoist or ramp must comply with AS 3856.1-1998 “Hoists and Ramps for people with Disabilities – Vehicle Mounted”; or

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- (ii) on or after 11 February 1991 up to and including 4 October 1998, that hoist or ramp must comply with AS 3856.1-1991 “Hoists and Ramps for People with Disabilities – Vehicle Mounted”;
- (d) the restricted hire vehicle must be fitted with a secondary, independent emergency-release mechanism on the wheelchair entry door that is clearly labelled with the words “**EMERGENCY RELEASE**”;
- (e) the restricted hire vehicle must be fitted with a fire extinguisher selected and located in accordance with AS 2444-2001 and maintained in accordance with AS 1851-2005.

PART 4 – SECURITY CAMERAS

13. Installation of security camera

(1) In this regulation –

security camera system means a security camera of a type or make approved by the Commission under section 94 of the Act for use in taxis.

(2) This regulation applies to a restricted hire vehicle that –

(a) is also used as a taxi; and

(b) has a security camera system installed.

(3) Division 4 of Part 3 of the *Taxi Industry Regulations 2018* applies to a restricted hire vehicle as if it were a taxi, and a reference to a responsible operator of a taxi licence in that Division is taken to be a reference to the holder of a restricted hire vehicle licence for a restricted hire vehicle.

PART 5 – LICENCE NUMBER PLATES

14. Application of Part

This Part applies if the Commission has, in respect of a restricted hire vehicle licence, issued a licence number plate to the holder of the licence in accordance with section 89 of the Act.

15. Obligation to display licence number plate

- (1) The holder of a restricted hire vehicle licence for a general rhv service must ensure that a licence number plate –
 - (a) is affixed, in accordance with subregulation (4), to the restricted hire vehicle specified in the licence; and
 - (b) remains so affixed while the vehicle is operating as a restricted hire vehicle for a general rhv service under the authority of the restricted hire vehicle licence.

Penalty: Fine not exceeding 10 penalty units.

- (2) The holder of a restricted hire vehicle licence for a specific rhv service must ensure that a licence number plate –
 - (a) is affixed, in accordance with subregulation (4), to the restricted hire vehicle that is being used to operate the specific rhv service under the authority of the restricted hire vehicle licence; and

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- (b) remains so affixed while the vehicle is operating as a restricted hire vehicle for a specific rhv service under the authority of the restricted hire vehicle licence.

Penalty: Fine not exceeding 10 penalty units.

- (3) It is a defence in proceedings for an offence under subregulations (1) and (2) if the defendant establishes that, when the offence occurred –

- (a) the licence number plate –

- (i) was damaged to the extent that it was unusable and the defendant has notified the Commission in accordance with regulation 16(1)(a); or

- (ii) was lost and the defendant has notified the Commission in accordance with regulation 16(2); and

- (b) a replacement licence number plate had not yet been issued.

- (4) A licence number plate required to be affixed under this regulation is to be affixed immediately above or next to the restricted hire vehicle's front registration plate so that the licence number plate –

- (a) displays to the front of the restricted hire vehicle; and

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(b) is clearly legible from a distance of 20 metres at any point within an arc of 45 degrees from the surface of the licence number plate above or to either side of the restricted hire vehicle.

(5) The holder of a restricted hire vehicle licence for a general rhv service must not affix, or cause or permit to be affixed, a licence number plate to a vehicle other than the restricted hire vehicle specified in the licence.

Penalty: Fine not exceeding 10 penalty units.

(6) If the restricted hire vehicle licence to which a licence number plate relates is suspended, the holder of the restricted hire vehicle licence must remove, or cause to remove, the licence number plate from the restricted hire vehicle used to operate the restricted hire vehicle service while the restricted hire vehicle licence is suspended.

Penalty: Fine not exceeding 10 penalty units.

(7) The holder of a restricted hire vehicle licence for a general rhv service or a specific rhv service must not operate, or cause or permit another person to operate, a restricted hire vehicle that has affixed to it a licence number plate that –

(a) is void under regulation 16; or

(b) is to be surrendered or delivered up to the Commission under section 90 of the Act;
or

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- (c) is to be removed from the restricted hire vehicle under subregulation (6).

Penalty: Fine not exceeding 20 penalty units.

16. Lost or damaged licence number plate

- (1) If a licence number plate is damaged to the extent that it is unusable, the holder of the restricted hire vehicle licence in respect of which the licence number plate was issued must, as soon as practicable after the holder discovers the damage –
- (a) notify, in writing, the Commission of the damage; and
 - (b) return the damaged licence number plate to the Commission.

Penalty: Fine not exceeding 5 penalty units.

- (2) If a licence number plate is lost, the holder of the restricted hire vehicle licence in respect of which the licence number plate was issued must notify the Commission of the loss, in writing, as soon as practicable after the holder discovers the loss.

Penalty: Fine not exceeding 5 penalty units.

- (3) The Commission may request the holder of a restricted hire vehicle licence, who notified the Commission under subregulation (2), to provide to the Commission, within a period specified by the Commission, any evidence the Commission requires to satisfy the Commission of the loss.

- (4) A person to whom a request is made under subregulation (3) must comply with the request within the period specified by the Commission.

Penalty: Fine not exceeding 5 penalty units.

- (5) A licence number plate returned to the Commission under subregulation (1)(b), or notified as lost under subregulation (2), is void.
- (6) The Commission is to cancel a licence number plate that is void under subregulation (5).

17. Replacement licence number plate

- (1) If the holder of a restricted hire vehicle licence returns a licence number plate to the Commission under regulation 16(1)(b) or notifies the Commission that a licence number plate is lost under regulation 16(2), the holder may apply to the Commission for a replacement licence number plate.
- (2) An application for a replacement number plate under subregulation (1) is to be –
- (a) in writing; and
 - (b) in a form approved by the Commission.
- (3) On receipt of the application for a replacement licence number plate and payment of a fee of 18 fee units, the Commission may issue, to the holder of the restricted hire vehicle licence who made the application, a replacement licence number plate –

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Part 5 – Licence Number Plates

- (a) with the same number as the licence number plate being replaced; or
- (b) with a different number from the licence number plate being replaced.

PART 6 – LABELS

18. Issue of label

- (1) The Commission may issue a label, in a form approved by the Commission, to the holder of a restricted hire vehicle licence.
- (2) On issuing a label, the Commission is to provide the holder of a restricted hire vehicle licence, to whom the label was issued, with written instructions on how the label is to be affixed to a restricted hire vehicle.
- (3) A label remains the property of the Commission and is issued in addition to, or in substitution for, any other label or form of identification issued by the Commission under the Act or these regulations.
- (4) The Commission may request a person to whom a label was issued to return the label to the Commission within a period the Commission specifies.
- (5) A person to whom a request is made under subregulation (4) must comply with the request within the period specified by the Commission.

Penalty: Fine not exceeding 5 penalty units.

19. Obligation to display label

- (1) The holder of a restricted hire vehicle licence to whom a label is issued under regulation 18 must ensure that –

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- (a) the label is affixed, as instructed under regulation 18(2), to the restricted hire vehicle used to operate the rhv service under the authority of the restricted hire vehicle licence; and
- (b) while the restricted hire vehicle is operating the rhv service under the authority of the restricted hire vehicle licence, the label remains affixed as instructed under regulation 18(2).

Penalty: Fine not exceeding 5 penalty units.

- (2) The Commission may instruct the holder of a restricted hire vehicle licence to remove a label from the restricted hire vehicle used to operate the rhv service to which the licence relates if the Commission considers it appropriate to do so.
- (3) The holder of a restricted hire vehicle licence must comply with an instruction given to the holder by the Commission under subregulation (2).

Penalty: Fine not exceeding 5 penalty units.

20. Lost or damaged label

- (1) If a label is lost or damaged to the extent that it is unusable, the person to whom the label was issued must notify the Commission in writing as soon as practicable after the person discovers the loss or damage.

Penalty: Fine not exceeding 5 penalty units.

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- (2) The Commission may request the holder of a restricted hire vehicle licence who notified the Commission under subregulation (1) to provide the Commission with any evidence the Commission requires, within a period the specified by the Commission, to satisfy the Commission of the loss or damage.
- (3) A person to whom a request is made under subregulation (2) must comply with the request within the period specified by the Commission.

Penalty: Fine not exceeding 5 penalty units.

- (4) The Commission may issue a replacement label on payment of a fee of 10 fee units.

PART 7 – LOGBOOKS

21. Interpretation

In this Part –

logbook means a logbook that –

- (a) is required to be carried in a restricted hire vehicle under regulation 22(1); and
- (b) has entered into it the information set out in regulation 23.

22. Requirement to ensure log book carried in restricted hire vehicle

- (1) The Commission, by notice in writing to the holder of a restricted hire vehicle licence, may require the holder to ensure that the driver of the vehicle being used to provide the rhv service under the authority of the licence carries a logbook in that vehicle whilst driving it for the purposes of providing the rhv service.
- (2) The holder of a restricted hire vehicle licence must comply with a notice given to the holder under subregulation (1).

Penalty: Fine not exceeding 10 penalty units.

23. Information entered in logbook

- (1) The holder of a restricted hire vehicle licence given a notice under regulation 22 must ensure

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that the driver of the vehicle being used to provide the rhv service under the authority of the licence enters the following information in the logbook for that vehicle:

- (a) the registration plate number of the restricted hire vehicle being used to provide the rhv service under the authority of a restricted hire vehicle licence;
- (b) the number of the licence number plate for the restricted hire vehicle licence under the authority of which the vehicle is operating;
- (c) for each hiring undertaken by the driver of the vehicle being used to provide the rhv service under the authority of a restricted hire vehicle licence –
 - (i) the date of the hiring; and
 - (ii) the name of the customer; and
 - (iii) the name of the passenger, if the passenger is someone other than the customer; and
 - (iv) the pick-up location for the passenger; and
 - (v) the destination of the passenger; and

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- (vi) the time the restricted hire vehicle was booked to pick up the passenger; and
 - (vii) the time the restricted hire vehicle arrives at the passenger's destination; and
 - (viii) the agreed fare for the hiring; and
 - (ix) any other information specified by the Commission in writing to the holder of the restricted hire vehicle licence.
- (2) The driver of a restricted hire vehicle in which a logbook is carried, in accordance with a notice under regulation 22, must –
- (a) enter in the logbook the information set out in subregulation (1)(a) and (b); and
 - (b) enter in the logbook the information set out in subregulation (1)(c) for each hiring of the restricted hire vehicle; and
 - (c) enter as much of the information, set out in subregulation (1)(c), in the logbook as is possible before arriving at the pick-up location for a passenger; and
 - (d) complete the remaining details of the entry of the information, set out in subregulation (1)(c), in the logbook as soon as practicable after the completion of the hiring of the restricted hire vehicle.

Penalty: Fine not exceeding 10 penalty units.

24. Production of logbook

- (1) The Commission, by notice in writing to the holder of a restricted hire vehicle licence given a notice under regulation 22, may require the holder to –
 - (a) produce to the Commission, within a period specified in the notice, the logbook for the restricted hire vehicle to which the restricted hire vehicle licence relates; or
 - (b) provide the Commission, within a period specified in the notice, with any information from the logbook for the restricted hire vehicle to which the restricted hire vehicle licence relates that the Commission specifies in the notice.
- (2) The holder of a restricted hire vehicle licence must comply with a notice given to the holder under subregulation (1) within the period specified in that notice.

Penalty: Fine not exceeding 10 penalty units.

25. Inspection of logbook

- (1) An authorised officer, or a police officer, may direct the driver of a restricted hire vehicle to immediately produce for inspection, by the authorised officer or police officer, the logbook for the restricted hire vehicle.

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Part 7 – Logbooks

- (2) The driver of a restricted hire vehicle must comply with a direction given to the driver under subregulation (1).

Penalty: Fine not exceeding 10 penalty units.

PART 8 – LICENSING OFFENCES

26. Fare to be agreed in advance

- (1) The holder of a restricted hire vehicle licence must not hire out a restricted hire vehicle, or cause or permit another person to hire out a restricted hire vehicle, unless the hiring charge, or a method for calculating the hiring charge, for the vehicle is agreed before the commencement of the hiring.

Penalty: Fine not exceeding 10 penalty units.

- (2) The driver of a restricted hire vehicle must not undertake a hiring of the vehicle unless the hiring charge, or a method for calculating the hiring charge, for the vehicle is agreed before the commencement of the hiring.

Penalty: Fine not exceeding 10 penalty units.

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Part 9 – Prescribed fees

PART 9 – PRESCRIBED FEES

27. Prescribed application fee

For section 84E(1)(a) of the Act, the prescribed application fee is 20 fee units.

28. Prescribed fee for transfer of restricted hire vehicle licence to another vehicle

For section 84L(2) of the Act, the prescribed fee for the transfer of a restricted hire vehicle licence to another vehicle is 10 fee units.

29. Prescribed fee for issue of replacement licence

For section 84M of the Act, the prescribed fee for the issue of a replacement restricted hire vehicle licence is 10 fee units.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 26 June 2013.

These regulations are administered in the Department of Infrastructure, Energy and Resources.

NOTES

The foregoing text of the *Restricted Hire Vehicle Industry Regulations 2013* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 30 December 2020 are not specifically referred to in the following table of amendments.

Citation	Serial Number	Date of commencement
¹ <i>Restricted Hire Vehicle Industry Regulations 2013</i>	S.R. 2013, No. 47	1.7.2013
<i>Restricted Hire Vehicle Industry Amendment Regulations 2014</i>	S.R. 2014, No. 31	12.2.2014
<i>Restricted Hire Vehicle Industry Amendment Regulations 2018</i>	S.R. 2018, No. 59	20.9.2018
<i>Restricted Hire Vehicle Industry Amendment Regulations 2020</i>	S.R. 2020, No. 97	30.12.2020

¹Expire 26 June 2023 - Subordinate Legislation Act 1992

TABLE OF AMENDMENTS

Provision affected	How affected
Regulation 3	Amended by S.R. 2018, No. 59
Regulation 9	Amended by S.R. 2014, No. 31
Regulation 12	Amended by S.R. 2020, No. 97
Regulation 13	Amended by S.R. 2018, No. 59