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Deputy Chief Parliamentary Counsel
Dated 8 December 2022



TASMANIA

TAXI AND HIRE VEHICLE INDUSTRIES ACT 2008

No. 30 of 2008

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TAXI AND HIRE VEHICLE INDUSTRIES ACT 2008

No. 30 of 2008

An Act to provide for the administration of the taxi, luxury hire car and restricted hire vehicle industries and for related purposes

[Royal Assent 16 September 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:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Taxi and Hire Vehicle Industries Act 2008*.

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2. Commencement

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

3. Interpretation

In this Act, unless the contrary intention appears –

accreditation means accreditation, under the *Passenger Transport Services Act 2011*, in respect of a passenger transport service;

accredited operator means a person holding accreditation;

AS means a standard published by Standards Australia as amended or substituted from time to time;

AS 3856 means AS 3856 Parts 1 and 2 “Hoists and Ramps for People with Disabilities – Vehicle Mounted” issued and published by Standards Australia as amended or substituted from time to time;

AS/NZS 10542.1:2009 means AS/NZS 10542.1:2009 “Technical systems and aids for disabled or handicapped persons – Wheelchair tiedown and occupant-restraint systems” issued and published by Standards Australia and

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Standards New Zealand, as amended or substituted from time to time;

authorised officer means a person authorised by the Commission, under section 9(2) of the *Traffic Act 1925*, in relation to a power or act under that Act or the *Vehicle and Traffic Act 1999*;

Commission means the Transport Commission incorporated under the *Transport Act 1981*;

compliance plate means an identification plate approved to be placed, or taken to have been placed, on a vehicle under the MVSA;

fund means the fund established under section 8;

general rhv service – see section 84C(4);

human rights legislation means the following Acts of the Commonwealth:

- (a) *Racial Discrimination Act 1975*;
- (b) *Sex Discrimination Act 1984*;
- (c) *Disability Discrimination Act 1992*;

inactive, in relation to a taxi licence, means not being used to operate a taxi service;

in advance, in relation to the hiring of a motor vehicle, means that the hiring and the

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terms of the hiring are agreed by the parties in advance of, not at or just before, the time at which the motor vehicle is actually used for the hiring;

inspection report means a report issued in respect of a vehicle by –

- (a) an authorised officer; or
- (b) a person who has an agreement with the Crown to carry out inspections of vehicles; or
- (c) some other person approved by the Registrar –

that certifies that the vehicle is roadworthy;

investigation means an investigation conducted for the purposes of section 66E;

licence means a perpetual taxi licence, a wheelchair-accessible taxi licence, an owner-operator taxi licence, a temporary taxi licence, a luxury hire car licence or a restricted hire vehicle licence;

licence number plate means a plate issued by the Commission in respect of a licence in force under this Act;

luxury hire car means a motor vehicle that is –

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-
- (a) approved under section 73 for use as a luxury hire car; and
 - (b) operating under the authority of a luxury hire car licence;

luxury hire car licence means a luxury hire car licence referred to in Part 4;

luxury hire car service – see section 67A;

motor vehicle has the same meaning as in the *Vehicle and Traffic Act 1999*;

MVSA means the *Motor Vehicle Standards Act 1989* of the Commonwealth as in force immediately before its repeal;

owner, in relation to a perpetual taxi licence, means the person recorded on the register of licences as the owner of that licence;

owner-operator taxi licence means an owner-operator taxi licence referred to in Part 3;

passenger transport service means a passenger transport service within the meaning of the *Passenger Transport Services Act 2011*;

perpetual taxi licence means a perpetual taxi licence referred to in Part 3;

public street has the same meaning as in the *Traffic Act 1925*;

registered means registered under the *Vehicle and Traffic Act 1999*;

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registered operator means a registered operator within the meaning of the *Vehicle and Traffic Act 1999*;

register of licences means the register required to be kept by the Commission under section 85;

Register of Motor Vehicles means the register of motor vehicles and trailers kept by the Registrar in accordance with regulations made under the *Vehicle and Traffic Act 1999*;

Registrar means the Registrar of Motor Vehicles appointed under section 5 of the *Vehicle and Traffic Act 1999*;

regulations means regulations made and in force under this Act;

Regulator means the Tasmanian Economic Regulator appointed under section 9 of the *Economic Regulator Act 2009*;

relevant accreditation, in relation to a taxi service, luxury hire car service or restricted hire vehicle service, means accreditation in respect of a passenger transport service whose operations are in the nature of a taxi service, luxury hire car service or restricted hire vehicle service;

remote area wheelchair-accessible taxi means a taxi that is approved for use as a remote area wheelchair-accessible taxi by

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the Commission in accordance with Schedule 1;

remote taxi area means an area, displayed on a map that is generated under section 90A(3), that is indicated on the map to be a remote taxi area and to be in effect;

repealed Act means the *Taxi and Luxury Hire Car Industries Act 1995*;

reserve price, for a licence for a year, means the reserve price, for the year, for an owner-operator taxi licence for the taxi area to which that licence relates, as specified in section 66C(1);

responsible operator, in relation to a taxi licence, means the person recorded on the register of licences as the responsible operator of the taxi service authorised by that licence;

restricted hire vehicle means a motor vehicle that is operating under the authority of a restricted hire vehicle licence;

restricted hire vehicle licence means a restricted hire vehicle licence referred to in Part 4A;

restricted hire vehicle service – see section 84B;

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small passenger vehicle has the same meaning as in the *Passenger Transport Services Act 2011*;

specific rhv service – see section 84C(4);

substitute wheelchair-accessible taxi means a vehicle that is approved for use as a substitute wheelchair-accessible taxi by the Commission in accordance with Schedule 1;

taxi means a motor vehicle that is operating under the authority of a taxi licence;

taxi area means an area, displayed on a map that is generated under section 90A(3), that is indicated on the map to be a taxi area and to be in effect;

taxi licence means a perpetual taxi licence, an owner-operator taxi licence, a wheelchair-accessible taxi licence or a temporary taxi licence;

taxi service – see section 9A;

taxi zone means a length of road to which a taxi zone sign applies;

taxi zone sign means a sign that identifies a length of road for use as a taxi zone for the purposes of the *Road Rules*;

temporary taxi licence means a temporary taxi licence referred to in Division 5 of Part 3;

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tour – see section 3A;

wheelchair-accessible taxi means a taxi that is approved for use as a wheelchair-accessible taxi by the Commission in accordance with Schedule 1;

wheelchair-accessible taxi licence means a wheelchair-accessible taxi licence referred to in Part 3.

3A. Meaning of “tour”

- (1) For the purposes of this Act, a tour is a passenger transport service operated exclusively for tourists, not commuters, according to a publicly advertised route or itinerary.
- (2) Any question or dispute as to whether a particular passenger transport service is a tour is to be determined by the Commission, and the determination is binding.
- (3) In determining whether a particular passenger transport service is a tour, the Commission may have regard to –
 - (a) whether tourism is a major and regular feature or focus of the service or merely a minor or incidental feature or focus of the service; and
 - (b) whether the service stops at or diverts to points of relevant interest or provides essentially uninterrupted and direct transportation; and

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- (c) whether points of relevant interest appear to be determinative of and integral to the route, or merely incidental points of passage en route; and
 - (d) the passenger profile including, in particular, whether users of the service appear to be pursuing mainly tourism activities or merely seeking personal transportation; and
 - (e) whether the passengers are taken on to or back to tourist accommodation or a tourism travel connection, or on to or back to a place of no tourism significance; and
 - (f) the scale and nature of any associated promotional activities including, in particular, whether the service is advertised as a tour or merely as passenger transport; and
 - (g) whether the service appears to be regarded as a tour by the tourism industry; and
 - (h) such other factors as the Commission reasonably considers relevant.
- (4) In this section –
- passenger transport service*** includes –
- (a) any part of such a service; and
 - (b) any group of such services;

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points of relevant interest means points of cultural, historic, professional, scenic, scientific or sporting interest;

tourist includes sightseer.

4. Intent of Act

- (1) The intent of this Act in respect of taxi services is to promote a safe, demand-responsive, taxi transport system that adequately meets the needs of consumers and is appropriately licensed.
- (2) The intent of this Act in respect of luxury hire car services and restricted hire vehicle services is to ensure that such services are appropriately licensed.

4A. Act does not derogate from *Passenger Transport Service Act 2011*

Nothing in this Act derogates from the requirements of the *Passenger Transport Services Act 2011*.

5. Administration and enforcement

This Act is to be administered by the same persons and in the same manner as section 9 of the *Traffic Act 1925* provides for that Act to be administered, and that section applies to the administration of this Act in all respects as if a reference in that section to the *Traffic Act 1925* were a reference to this Act.

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6. Act to bind Crown

This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

PART 2 – ADMINISTRATION

7. Commission subject to control of Minister

- (1) In the exercise of the powers conferred, and the performance of functions imposed, on the Commission by or under this Act, the Commission is subject to the control of the Minister.
- (2) The Minister may, in order to exercise the control referred to in subsection (1), from time to time give a direction to the Commission and the Commission must, subject to this section, exercise the powers conferred, and perform the functions imposed, on it by or under this Act in accordance with any such direction.
- (3) The Commission is not bound by a direction given under subsection (2) unless the direction is in writing and signed by the Minister.
- (4) The power conferred on the Minister by subsection (2) is not to be exercised so as –
 - (a) to require the Commission to do anything that it is not empowered to do by this Act; or
 - (b) to prevent the Commission from performing any function that it is expressly required by this Act to perform, whether conditionally or unconditionally; or

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- (c) to interfere with the formation by the Commission of any opinion or belief in relation to any matter that has to be determined as a prerequisite to the performance or exercise by the Commission of any of its functions or powers under this Act.
- (5) Where the Minister gives a direction under subsection (2) and the direction is not complied with, the Minister may cause a copy of the direction to be laid on the table of each House of Parliament within the first 15 sitting-days of the House after the direction is given.
- (6) Subsection (2) does not authorise the Minister to give a direction with respect to the issue, transfer, suspension, cancellation or lapsing of a taxi licence, luxury hire car licence or restricted hire vehicle licence.

8. General administration fund

- (1) A fund is to be established consisting of the annual administration fees payable for perpetual taxi licences, owner-operator taxi licences, wheelchair-accessible taxi licences and luxury hire car licences.
- (2) The fund is to be applied for the general administration of this Act.
- (3) The fund is to be established as an account in the Public Account.

PART 3 – TAXI LICENCES

Division 1 – Preliminary

9. Effect of taxi licence

- (1) A taxi licence authorises the responsible operator of the taxi licence to operate a taxi service under and in accordance with this Act.
- (2) There are 4 kinds of taxi licence as follows:
 - (a) a perpetual taxi licence – see Division 2;
 - (b) an owner-operator taxi licence – see Division 3;
 - (c) a wheelchair-accessible taxi licence – see Division 4;
 - (d) a temporary taxi licence – see Division 5.

9A. What is a taxi service?

For the purposes of this Act, a taxi service is a passenger transport service under which the motor vehicle used to operate the service is able to be hired on demand in each of the following ways:

- (a) from a taxi zone;
- (b) by being hailed;
- (c) by being booked or ordered.

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9B. Motor vehicle presumed not to be operating as taxi unless licence number plate is affixed

(1) For the purposes of this Act, a motor vehicle is not taken to be operating under the authority of a taxi licence in any circumstances unless the relevant licence number plate is affixed to the motor vehicle.

(2) In this section –

relevant licence number plate, of a motor vehicle, means the licence number plate issued under section 89 to the holder or, as the case may be, owner of the relevant taxi licence.

Division 2 – Perpetual taxi licences

10. Effect of perpetual taxi licence

(1) A perpetual taxi licence authorises the taxi to which the licence number plate issued in respect of that licence is affixed to be hired on demand within, to or from the taxi area to which the licence relates –

(a) from a taxi zone; or

(b) by being hailed; or

(c) by being booked or ordered.

(2) A perpetual taxi licence is the personal property of the owner of the licence and is capable of being leased.

11. Responsible operator of leased perpetual taxi licence

- (1) Subject to this section, the responsible operator of a perpetual taxi licence is –
 - (a) the owner of the licence; or
 - (b) if the owner of the licence has leased it, the person who is leasing the licence.
- (2) A person who is leasing a perpetual taxi licence is not capable of being recorded on the register of licences as the responsible operator of the licence unless the person holds relevant accreditation.
- (3) An entry purportedly made in the register of licences contrary to subsection (2) is null and void.
- (4) If the owner of a perpetual taxi licence leases it to a person who does not hold relevant accreditation, the owner of the licence is taken to remain the responsible operator of the licence.

12. Misrepresentation of person as owner of perpetual taxi licence

A person who does not own a perpetual taxi licence must not hold himself or herself out to be the owner of a perpetual taxi licence.

Penalty: Fine not exceeding 100 penalty units.

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15. Transfer of ownership of perpetual taxi licence

- (1) A notification of the transfer of a perpetual taxi licence is to be made to the Commission by the owner in a form approved by the Commission and is to be accompanied by the prescribed fee.
- (2)

16. Replacement licence

The Commission may, on payment of the prescribed fee, issue the owner of a perpetual taxi licence with a replacement of the licence if the Commission is satisfied that it has been lost, destroyed or damaged.

17. Surrender of perpetual taxi licence

The owner of a perpetual taxi licence may surrender the licence to the Commission by causing the licence and any licence number plate issued in respect of that licence to be delivered to the Commission during business hours.

18. New owner-operator taxi licence to be made available in place of surrendered perpetual taxi licence

- (1) If a perpetual taxi licence is surrendered to the Commission under section 17, the Commission, as soon as practicable, is to make available for

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issue an owner-operator taxi licence, in the taxi area to which the surrendered licence relates, in place of the surrendered licence.

- (2) An owner-operator taxi licence made available under subsection (1) is to be offered for sale by tender.
- (3) The Commission must not accept a tender for an owner-operator taxi licence made available under subsection (1) that is less than the reserve price for that licence for the year in which the tender is accepted.

18A. Suspension of perpetual taxi licence

- (1) If the Commission suspends for a period under the *Passenger Transport Services Act 2011* the accreditation of the responsible operator of a perpetual taxi licence, the licence is also suspended for the same period or until another person becomes the responsible operator of the perpetual taxi licence, whichever occurs first.
- (2) A perpetual taxi licence is of no effect during any period of its suspension.
- (3) If the Commission cancels under the *Passenger Transport Services Act 2011* the accreditation of the responsible operator of a perpetual taxi licence, the licence is suspended until another person becomes the responsible operator of the perpetual taxi licence.
- (4) The owner of a perpetual taxi licence that is suspended under this section must not, during

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the period of that suspension, operate a taxi service under the purported authority of that licence or cause or permit another person to operate a taxi service under the purported authority of that licence.

Penalty: Fine not exceeding 100 penalty units.

19. Requirement for evidence of operation of perpetual taxi licence

If the Commission is of the opinion that –

- (a) a perpetual taxi licence is inactive; and
- (b) the result of the licence being inactive is a restriction of competition in the taxi area to which the licence relates –

the Commission may, by notice in writing given to the owner of the licence, require the owner of the licence to provide to the Commission no later than the date specified in the notice such evidence as the Commission may require in order to be satisfied that a taxi service is being operated under the authority of that licence.

20. New owner-operator taxi licence to be made available in place of inactive perpetual taxi licence

- (1) If –
 - (a) the owner of the perpetual taxi licence referred to in section 19 does not provide the evidence referred to in that section; or

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- (b) the evidence provided does not satisfy the Commission that a taxi service is being operated under the authority of the licence –

the Commission, by notice in writing given to the owner of the perpetual taxi licence, is to declare that the perpetual taxi licence is inactive.

- (2) If the Commission declares a perpetual taxi licence inactive, the Commission, as soon as practicable, is to make available for issue an owner-operator taxi licence, in the taxi area to which the inactive perpetual taxi licence relates, in place of the inactive licence.
- (3) An owner-operator taxi licence made available under subsection (2) is to be offered for sale by tender.
- (4) The Commission must not accept a tender for an owner-operator taxi licence made available under subsection (2) that is less than the reserve price for that licence for the year in which the tender is accepted.
- (5) The owner of an inactive perpetual taxi licence is not entitled to submit a tender for the owner-operator taxi licence made available under subsection (2).

Division 3 – Owner-operator taxi licences

21. Effect of owner-operator taxi licence

An owner-operator taxi licence authorises the taxi to which the licence number plate issued in respect of that licence is affixed to be hired on demand within, to or from the taxi area to which the licence relates –

- (a) from a taxi zone; or
- (b) by being hailed; or
- (c) by being booked or ordered.

22. Issue of owner-operator taxi licences

- (1) The Commission must, in accordance with section 23, issue owner-operator taxi licences for each taxi area.
- (2) The Commission may only issue an owner-operator taxi licence to a natural person.
- (3) On issuing an owner-operator taxi licence, the Commission may impose such conditions on the licence as it considers necessary or expedient.

23. Number of owner-operator taxi licences to be made available

- (1) Before 30 September in each year, the Commission must make available for issue in each taxi area an additional number of owner-operator taxi licences equivalent to –

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(a) 5% of the total number of perpetual taxi licences and owner-operator taxi licences in that area, rounded to the nearest whole number; or

(b) one owner-operator taxi licence –
whichever is the greater.

(1A) Subsection (1) does not apply, and subsections (1B) and (1C) only apply, in relation to a taxi area in respect of the years 2020 to 2024 (inclusive).

(1B) If the Commission is, having regard to –

(a) guidelines, if any, issued under subsection (1C); and

(b) other matters that it considers to be relevant –

satisfied that there are insufficient taxis available to adequately meet the needs of consumers in a taxi area, the Commission may make available for issue in relation to the taxi area the number of owner-operator taxi licences that the Commission thinks are necessary to meet those needs.

(1C) The Commission may issue guidelines in respect of the matters that the Commission is to take into account in determining whether there are sufficient taxis available to adequately meet the needs of consumers in a taxi area.

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- (2) An owner-operator taxi licence made available under subsection (1) is to be offered for sale by tender.
- (3) The Commission must not accept a tender for an owner-operator taxi licence in a particular taxi area that is less than the reserve price for that licence for the year in which the tender is accepted.
- (4) If, in any taxi area –
 - (a) the average tender price for those licences sold in accordance with subsection (1) exceeds the reserve price for that licence for the year in which the tender is accepted by more than 100%; and
 - (b) all available licences for that taxi area are sold –

the Commission must make available a further number of owner-operator taxi licences, calculated in accordance with subsection (1), for sale by further tender as soon as practicable.
- (5) If a licence made available under subsection (1) is not sold by tender, the Commission is to make that licence available for sale at the reserve price for that licence for the year in which the licence is sold as soon as practicable after the conclusion of the tender.
- (6) If –

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- (a) a licence in relation to a taxi area is, under subsection (5), made available for sale in a year; and
- (b) the following year is a year after 2024; and
- (c) the licence is not sold before the date on which the Commission calls the following year's tender in respect of the taxi area –

the Commission is, on that date, to withdraw the licence from sale.

(7) If –

- (a) a licence in relation to a taxi area is, under subsection (5), made available for sale in a year; and
- (b) the following year is a year after 2024; and
- (c) the licence is not sold before 30 September in the following year –

the Commission is, on 30 September in that following year, to withdraw the licence from sale.

24. Application for owner-operator taxi licence

- (1) An application for an owner-operator taxi licence is to be made by an individual in a form approved by the Commission and is to be accompanied by the prescribed fee.

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- (2) The Commission is not to issue an owner-operator taxi licence to a person unless it is satisfied that –
- (a) the person is a natural person; and
 - (b) the person holds relevant accreditation; and
 - (c) the person is the registered operator of a vehicle that is suitable for use as a taxi and is not being used to operate a taxi service under the authority of another taxi licence; and
 - (d) the person has no outstanding fees due to the Commission.
- (3) The Commission is to refuse an application for an owner-operator taxi licence if the Commission is not satisfied that the applicant would be the sole operator of the taxi service to be operated under the authority of that licence.
- (4) For the purposes of subsection (2), a vehicle is suitable for use as a taxi if the vehicle complies with the requirements prescribed in the regulations.

25. Responsible operator of owner-operator taxi licence

The holder of an owner-operator taxi licence is the responsible operator of that licence.

26. Misrepresentation of person as holder of owner-operator taxi licence

A person who does not hold an owner-operator taxi licence must not hold himself or herself out to be the holder of an owner-operator taxi licence.

Penalty: Fine not exceeding 100 penalty units.

27. Prohibition on leasing owner-operator taxi licence

- (1) An owner-operator taxi licence is not capable of being leased and any agreement purporting to do so is, to that extent, void and unenforceable.
- (2) If the Commission is satisfied that the holder of an owner-operator taxi licence has entered into an agreement purporting to lease the licence to another person or an agreement purporting to permit another person to operate a taxi service under the authority of the licence, the Commission is to cancel the licence in accordance with section 36.
- (3) A person who in any capacity enters into an agreement of a kind referred to in subsection (2) is guilty of an offence.

Penalty: Fine not exceeding 100 penalty units.

- (4) In this section –

agreement means an oral or written agreement.

28. Owner-operator taxi licence conditions

- (1) At any time after an owner-operator taxi licence is issued, the Commission may –
 - (a) impose such conditions on the licence as it considers necessary or expedient; or
 - (b) vary or revoke any conditions of the licence.
- (2) Before exercising its power under subsection (1), the Commission is to –
 - (a) give the holder of the owner-operator taxi licence notice in writing of its intention and a reasonable opportunity to make representations thereon; and
 - (b) take any such representations into account.
- (3) On exercising its power under subsection (1), the Commission may recall the licence and issue the holder of the licence with a free replacement.
- (4) The holder of an owner-operator taxi licence must not contravene the conditions of the licence.

Penalty: Fine not exceeding 50 penalty units.

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31. Transfer of owner-operator taxi licence to another person

- (1) The holder of an owner-operator taxi licence who wishes to transfer it to another person must, in a form approved by the Commission and on payment of the prescribed fee, apply to the Commission for approval for that transfer before transferring the licence.
- (2) The Commission may approve the transfer of an owner-operator taxi licence if it is satisfied that the person to whom the licence is proposed to be transferred –
 - (a) is a natural person; and
 - (b) holds relevant accreditation; and
 - (c) is the registered operator of a vehicle that is suitable for use as a taxi and not being used to operate a taxi service under the authority of another taxi licence; and
 - (d) has no outstanding fees due to the Commission.
- (3) The Commission is to refuse the transfer of an owner-operator taxi licence if the Commission reasonably believes that the person to whom the licence is proposed to be transferred would not be the sole operator of the taxi service to which that licence relates.
- (4) The Commission may refuse the transfer of an owner-operator taxi licence if –

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- (a) the licence is suspended under section 35; or
 - (b) the licence is subject to a notice of intention to suspend or cancel under section 36; or
 - (c) a notice has been given, in accordance with section 31(2) of the *Passenger Transport Services Act 2011*, to the person to whom the licence has been issued, of an intention to suspend or cancel the accreditation of the person and the Commission has not made a determination under section 31 of that Act to suspend or cancel, or not to suspend or cancel, the accreditation of the person.
- (5) The transfer of the owner-operator taxi licence is of no effect until the transfer has been approved by the Commission and has been recorded on the register of licences.

32. Replacement licence

The Commission may, on payment of the prescribed fee, issue the holder of an owner-operator taxi licence with a replacement of the licence if the Commission is satisfied that it has been lost, destroyed or damaged.

33. Surrender of owner-operator taxi licence

The holder of an owner-operator taxi licence may surrender the licence to the Commission by causing the licence and any licence number plate issued in respect of that licence to be delivered to the Commission during business hours.

34. Inactive owner-operator taxi licence

(1) If the Commission is of the opinion that –

- (a) an owner-operator taxi licence is inactive; and
- (b) the result of the licence being inactive is a restriction on competition in the taxi area to which the licence relates –

the Commission may, by notice in writing given to the holder of the licence, require the holder of the licence to provide to the Commission no later than the date specified in the notice such evidence as the Commission may require that a taxi service is being operated under the authority of that licence.

(2) If –

- (a) the holder of the owner-operator taxi licence referred to in subsection (1) does not provide the evidence referred to in that subsection; or
- (b) the evidence provided does not satisfy the Commission that a taxi service is

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being operated under the authority of the licence –

the Commission, by notice in writing given to the holder of the licence, is to declare that licence inactive.

- (3) If the Commission declares an owner-operator taxi licence inactive, the Commission, by notice in writing given to the holder of the licence, is to require the holder of the licence to either –
 - (a) transfer the licence to a person who holds relevant accreditation; or
 - (b) surrender the licence to the Commission.
- (4) On receipt of a notice under subsection (3), the holder of the owner-operator taxi licence, not later than the date specified in the notice must –
 - (a) transfer the licence to a person who holds relevant accreditation; or
 - (b) surrender the licence to the Commission.
- (5) If the holder of an owner-operator taxi licence does not comply with a requirement of the Commission under subsection (3), the Commission may cancel the licence in accordance with section 36.

35. Cancellation or suspension of owner-operator taxi licence where accreditation cancelled or suspended

- (1) If –

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- (a) the Commission suspends for a period under the *Passenger Transport Services Act 2011* the accreditation of the holder of an owner-operator taxi licence, the licence is also suspended for the same period; or
 - (b) the Commission cancels under the *Passenger Transport Services Act 2011* the accreditation of the holder of an owner-operator taxi licence, the licence is also cancelled.
- (2) An owner-operator taxi licence is of no effect during any period of its suspension.
 - (3) The holder of an owner-operator taxi licence that has been suspended under subsection (1) must not, during the period of that suspension, operate a taxi service under the purported authority of that licence or cause or permit another person to operate a taxi service under the purported authority of that licence.

Penalty: Fine not exceeding 100 penalty units.

36. Suspension or cancellation of owner-operator taxi licence

- (1) The Commission, in prescribed circumstances, may suspend or cancel an owner-operator taxi licence.
- (2) Before exercising its powers under subsection (1), the Commission is to –

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- (a) give the holder of the owner-operator taxi licence notice in writing of its intention and a reasonable opportunity to make representations to the Commission thereon; and
 - (b) take any such representations into account.
- (3) If the Commission is satisfied on reasonable grounds that there is an immediate and serious danger to public safety, the Commission may suspend or cancel an owner-operator taxi licence.
 - (4) Subsection (2) does not apply if the Commission exercises its powers under subsection (3).
 - (5) An owner-operator taxi licence is of no effect during any period of its suspension.
 - (6) The holder of an owner-operator taxi licence that has been suspended under subsection (1) or (3) must not operate a taxi service under the purported authority of that licence or cause or permit another person to operate a taxi service under the purported authority of that licence.

Penalty: Fine not exceeding 100 penalty units.

37. New owner-operator taxi licence to be made available in place of surrendered or cancelled owner-operator taxi licence

- (1) If an owner-operator taxi licence is surrendered to the Commission under section 33, 34 or 35 or

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cancelled under section 35 or 36, the Commission, as soon as practicable, is to make available for issue an owner-operator taxi licence in the taxi area to which the surrendered or cancelled licence relates in the place of the surrendered or cancelled licence.

- (2) An owner-operator taxi licence made available under subsection (1) is to be offered for sale by tender.
- (3) The Commission must not accept a tender for an owner-operator taxi licence made available under subsection (1) that is less than the reserve price for that licence for the year in which the tender is accepted.
- (4) A person who has surrendered the person's owner-operator taxi licence to the Commission under section 34 or 35 or whose owner-operator taxi licence has been cancelled by the Commission under section 35 or 36 is not entitled to submit a tender for the owner-operator taxi licence made available under subsection (1).

38. Delivering-up of owner-operator taxi licence

The holder of an owner-operator taxi licence must, if given notice by the Commission to do so, deliver up that licence to the Commission at such time and place as is specified in the notice.

Penalty: Fine not exceeding 20 penalty units.

Division 4 – Wheelchair-accessible taxi licences

39. Effect of wheelchair-accessible taxi licence

A wheelchair-accessible taxi licence authorises the vehicle specified in that licence to be hired on demand within, to or from the taxi area to which the licence relates –

- (a) from a taxi zone; or
- (b) by being hailed; or
- (c) by being booked or ordered.

40. Issue of wheelchair-accessible taxi licences

- (1) The Commission may issue a wheelchair-accessible taxi licence.
- (2) On issuing a wheelchair-accessible taxi licence, the Commission –
 - (a) may impose such conditions on the licence as it considers necessary or expedient; and
 - (b) is to specify, in the licence, the vehicle that may be used under the licence.

41. Application for wheelchair-accessible taxi licence

- (1) An application for a wheelchair-accessible taxi licence is to be made in a form approved by the Commission and is to be accompanied by the prescribed fee.

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- (2) The Commission is not to issue a wheelchair-accessible taxi licence to a person unless it is satisfied that –
- (a) the person holds relevant accreditation; and
 - (b) the person is the registered operator of the vehicle to which the licence, if issued, will relate; and
 - (c) the person has no outstanding fees due to the Commission.
- (3) The Commission is not to issue a wheelchair-accessible taxi licence in respect of a vehicle unless the vehicle –
- (a) is –
 - (i) in the case of a remote taxi area, approved for use under Schedule 1 as a remote area wheelchair-accessible taxi or a wheelchair-accessible taxi; or
 - (ii) in any other taxi area, approved for use under Schedule 1 as a wheelchair-accessible taxi; and
 - (b)
- (4) The Commission is to refuse an application for a wheelchair-accessible taxi licence if the Commission is not satisfied that the applicant would be the sole operator of the taxi service to be provided under the authority of the licence.

42. Responsible operator of wheelchair-accessible taxi licence

The holder of a wheelchair-accessible taxi licence is the responsible operator of that licence.

43. Misrepresentation of person as holder of wheelchair-accessible taxi licence

A person who does not hold a wheelchair-accessible taxi licence must not hold himself or herself out to be the holder of a wheelchair-accessible taxi licence or the operator of a wheelchair-accessible taxi service.

Penalty: Fine not exceeding 100 penalty units.

44. Prohibition on leasing wheelchair-accessible taxi licence

- (1) A wheelchair-accessible taxi licence is not capable of being leased and any agreement purporting to do so is, to that extent, void and unenforceable.
- (2) If the Commission is satisfied that the holder of a wheelchair-accessible taxi licence has entered into an agreement purporting to lease the licence to another person or an agreement purporting to permit another person to operate a taxi service under the authority of the licence, the Commission is to cancel the licence in accordance with section 55.

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- (3) A person who in any capacity enters into an agreement of a kind referred to in subsection (2) is guilty of an offence.

Penalty: Fine not exceeding 100 penalty units.

- (4) In this section –

agreement means an oral or written agreement.

45. Vehicle to be used under authority of wheelchair-accessible taxi licence

The holder of a wheelchair-accessible taxi licence must not operate a taxi service under the authority of that licence using a vehicle other than the vehicle specified in that licence unless the Commission has authorised the use of that vehicle under section 51.

Penalty: Fine not exceeding 20 penalty units.

46. Wheelchair-accessible taxi licence conditions

- (1) At any time after a wheelchair-accessible taxi licence is issued, the Commission may –
- (a) impose such conditions on the licence as it considers necessary or expedient; or
 - (b) vary or revoke any conditions of the licence.
- (2) Before exercising its power under subsection (1), the Commission is to –

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- (a) give the holder of the licence notice in writing of its intention and a reasonable opportunity to make representations thereon; and
 - (b) take any such representations into account.
- (3) On exercising its power under subsection (1), the Commission may recall the licence and issue the holder of the licence with a free replacement.
- (4) The holder of a wheelchair-accessible taxi licence must not contravene the conditions of the licence.

Penalty: Fine not exceeding 50 penalty units.

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49. Transfer of wheelchair-accessible taxi licence to another person

- (1) The holder of a wheelchair-accessible taxi licence who wishes to transfer it to another person must, in a form approved by the Commission and on payment of the prescribed fee, apply to the Commission for approval for that transfer before transferring the licence.
- (2) The Commission may approve the transfer of a wheelchair-accessible taxi licence if it is satisfied that the person to whom the licence is proposed to be transferred –

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- (a) holds relevant accreditation; and
 - (b) is, or will be, the registered operator of the vehicle to which the licence relates; and
 - (c) has no outstanding fees due to the Commission.
- (3) The Commission is to refuse the transfer of a wheelchair-accessible taxi licence –
- (a) if the Commission reasonably believes that the person to whom the licence is proposed to be transferred would not be the sole operator of the taxi service to which that licence relates; or
 - (b) if the Commission determines that the vehicle which is proposed to be operated under the authority of the licence does not comply with section 41(3)(a).
- (4) The Commission may refuse the transfer of a wheelchair accessible taxi licence if –
- (a) the licence is suspended under section 54; or
 - (b) the licence is subject to a notice of intention to suspend or cancel under section 55; or
 - (c) a notice has been given, in accordance with section 31(2) of the *Passenger Transport Services Act 2011*, to the person to whom the licence has been

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issued, of an intention to suspend or cancel the accreditation of the person and the Commission has not made a determination under section 31 of that Act to suspend or cancel, or not to suspend or cancel, the accreditation of the person.

- (5) The transfer of the wheelchair-accessible taxi licence is of no effect until the transfer has been approved by the Commission and has been recorded on the register of licences.

50. Transfer of wheelchair-accessible taxi licence to another vehicle

- (1) The holder of a wheelchair-accessible taxi licence who wishes to transfer it to another vehicle must, in a form approved by the Commission and on payment of the prescribed fee, apply to the Commission for approval for that transfer before transferring the licence.
- (2) The Commission may approve the transfer if the Commission –
 - (a) determines that the other vehicle complies with section 41(3)(a); and
 - (b) is satisfied that the applicant is the registered operator of the other vehicle.
- (3) The Commission may refuse the transfer if –
 - (a) the licence is suspended under section 54; or

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- (b) the licence is subject to a notice of intention to suspend or cancel under section 55; or
- (c) a notice has been given, in accordance with section 31(2) of the *Passenger Transport Services Act 2011*, to the person to whom the licence has been issued, of an intention to suspend or cancel the accreditation of the person and the Commission has not made a determination under section 31 of that Act to suspend or cancel, or not to suspend or cancel, the accreditation of the person.

51. Substitute wheelchair-accessible taxis

- (1) The holder of a wheelchair-accessible taxi licence may apply to the Commission to transfer that licence to a substitute wheelchair-accessible taxi for a temporary period.
- (2) An application to transfer a wheelchair-accessible taxi licence to a substitute wheelchair-accessible taxi for a temporary period must be made in a form approved by the Commission and accompanied by the prescribed fee, if any.
- (3) The Commission may approve the transfer if the Commission is satisfied that –
 - (a) the vehicle to which the wheelchair-accessible taxi licence is proposed to be transferred is a substitute wheelchair-

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- accessible taxi and has a current inspection report; and
- (b) the vehicle to which the licence relates is not being used for any other purpose and is not able to be operated as a wheelchair-accessible taxi for the period of time specified in the application; and
 - (c) the holder of the licence is taking action to repair or permanently replace the vehicle to which the licence relates.
- (4) The Commission is to determine the period of time for which the substitute wheelchair-accessible taxi may operate under the wheelchair-accessible taxi licence.
- (5) The Commission may, on application from the holder of the wheelchair-accessible taxi licence, and if satisfied that there are reasonable grounds for doing so, extend the period of time for which the substitute wheelchair-accessible taxi may operate under that licence.
- (6) The holder of the wheelchair-accessible taxi licence must –
- (a) affix the licence number plate of the unavailable wheelchair-accessible taxi to the substitute wheelchair-accessible taxi; and
 - (b) keep that licence number plate affixed to that vehicle during the time period that the substitute wheelchair-accessible taxi

is authorised to operate under that licence; and

- (c) remove that licence number plate from the substitute wheelchair-accessible taxi on the expiry of the time period referred to in paragraph (b).

Penalty: Fine not exceeding 20 penalty units.

52. Replacement licence

The Commission may, on payment of the prescribed fee, issue the holder of a wheelchair-accessible taxi licence with a replacement of the licence if the Commission is satisfied that it has been lost, destroyed or damaged.

53. Surrender of wheelchair-accessible taxi licence

The holder of a wheelchair-accessible taxi licence may surrender the licence to the Commission by causing the licence and any licence number plate issued in respect of that licence to be delivered to the Commission during business hours.

54. Cancellation or suspension of wheelchair-accessible taxi licence where accreditation suspended or cancelled

(1) If –

- (a) the Commission suspends for a period under the *Passenger Transport Services*

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Act 2011 the accreditation of the holder of a wheelchair-accessible taxi licence, the licence is also suspended for the same period; or

(b) the Commission cancels under the *Passenger Transport Services Act 2011* the accreditation of the holder of a wheelchair-accessible taxi licence, the licence is also cancelled.

- (2) A wheelchair-accessible taxi licence is of no effect during any period of its suspension.
- (3) The holder of a wheelchair-accessible taxi licence that has been suspended under subsection (1) must not, during the period of that suspension, operate a taxi service under the purported authority of that licence or cause or permit another person to operate a taxi service under the purported authority of that licence.

Penalty: Fine not exceeding 100 penalty units.

55. Suspension or cancellation of wheelchair-accessible taxi licence

- (1) The Commission, in prescribed circumstances, may suspend or cancel a wheelchair-accessible taxi licence.
- (2) Before exercising its power under subsection (1), the Commission is to –
- (a) give the holder of the wheelchair-accessible taxi licence notice in writing

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of its intention and a reasonable opportunity to make representations thereon; and

- (b) take any such representations into account.
- (3) If the Commission is satisfied on reasonable grounds that there is an immediate and serious danger to public safety, the Commission may suspend or cancel a wheelchair-accessible taxi licence.
- (4) Subsection (2) does not apply if the Commission exercises its powers under subsection (3).
- (5) A wheelchair-accessible taxi licence is of no effect during any period of its suspension.
- (6) The holder of a wheelchair-accessible taxi licence that has been suspended under subsection (1) or (3) must not operate a taxi service under the purported authority of that licence or cause or permit another person to operate a taxi service under the purported authority of that licence.

Penalty: Fine not exceeding 100 penalty units.

56. Delivering-up of wheelchair-accessible taxi licence

The holder of a wheelchair-accessible taxi licence must, if given notice by the Commission to do so, deliver up that licence to the Commission at such time and place as is specified in the notice.

Penalty: Fine not exceeding 20 penalty units.

Division 5 – Temporary taxi licences

57. Temporary taxi licence

A temporary taxi licence has the effect of an owner-operator taxi licence for the period for which it is in force and is not transferable.

58. Issue of temporary taxi licences

- (1) The Commission may issue temporary taxi licences.
- (2) A temporary taxi licence may be subject to any conditions that the Commission thinks fit.

59. Application for temporary taxi licence

- (1) An application for a temporary taxi licence is to be made in a form approved by the Commission and is to be accompanied by the prescribed fee.
- (2) The Commission may issue a person with a temporary taxi licence if it is satisfied that the person –
 - (a) holds relevant accreditation; and
 - (b) has no outstanding fees due to the Commission.
- (3) The person to whom a temporary taxi licence is issued is the responsible operator of that licence.

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- (4) The Commission is not to issue a temporary taxi licence unless the Commission determines that the vehicle proposed to be used is suitable for use as a taxi.
- (5) If the service proposed to be operated under the authority of the temporary taxi licence is a wheelchair-accessible taxi service, the Commission is not to issue the temporary taxi licence unless the vehicle proposed to be used is approved for use as –
 - (a) a wheelchair-accessible taxi; or
 - (b) a remote area wheelchair-accessible taxi; or
 - (c) a substitute wheelchair-accessible taxi.

60. Duration of temporary taxi licence

A temporary taxi licence comes into force on the day it is issued and expires on the date specified in the licence.

61. Misrepresentation of person as holder of temporary taxi licence

A person who does not hold a temporary taxi licence must not hold himself or herself out to be the holder of a temporary taxi licence.

Penalty: Fine not exceeding 100 penalty units.

62. Temporary taxi licence conditions

- (1) The Commission may impose such conditions as it may determine on a temporary taxi licence and may vary or revoke any conditions imposed on a temporary taxi licence.
- (2) The holder of a temporary taxi licence must not contravene the conditions of the licence.

Penalty: Fine not exceeding 50 penalty units.

63. Replacement licence

The Commission may, on payment of the prescribed fee, issue the holder of a temporary taxi licence with a replacement of the licence if the Commission is satisfied that it has been lost, destroyed or damaged.

64. Surrender of temporary taxi licence

The holder of a temporary taxi licence may surrender the licence to the Commission by causing the licence to be delivered to the Commission during business hours.

65. Cancellation of temporary taxi licence

The Commission may, by notice in writing given to the holder of a temporary taxi licence, cancel the licence.

66. Delivering-up of temporary taxi licence

The holder of a temporary taxi licence must, if given notice by the Commission to do so, deliver up that licence to the Commission at such time and place as is specified in the notice.

Penalty: Fine not exceeding 20 penalty units.

66A. Setting of taxi fares

- (1) The Commission may make an order (a *taxi fare order*) setting out –
 - (a) the maximum fare, or a method for calculating the maximum fare, that may be charged for the provision of a taxi service to a person; and
 - (b) the amount of any tariff that may be charged for the provision of a taxi service to a person; and
 - (c) any other amounts that may be charged in relation to the provision of a taxi service to a person.
- (2) The Commission is, in making a taxi fare order, to have regard to, but is not bound by, the recommendations of the Regulator that are set out in the most recent report on the results of a taxi fare methodology inquiry conducted under the *Economic Regulator Act 2009* before the taxi fare order is made.
- (3) A taxi fare order may include a method for calculating annual increases in the amounts of

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maximum fares, tariffs, or other amounts, specified in the order.

- (4) A taxi fare order may specify different maximum fares, different methods for calculating a maximum fare, and different amounts that may be charged in relation to the provision of a taxi service to a person, in different circumstances.

66B. Multiple hirers

- (1) For the purposes of this section, 2 or more persons are hiring a vehicle under separate hiring arrangements if the persons are not relatives, friends, or associates, hiring the vehicle as companions.
- (2) A person operating a taxi service by means of a vehicle may provide the taxi service, under 2 or more separate hiring arrangements, to 2 or more persons, (*the hirers*) who are each proposing to travel in the vehicle to different destinations, if –
- (a) all the hirers under each separate hiring arrangement agree to the provision of the taxi service to all the hirers under another separate hiring arrangement; and
 - (b) the hirers are travelling to –
 - (i) destinations in the same locality; or
 - (ii) destinations that are located in the same general direction from the

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point from which the taxi service is to be provided to the hirers; and

- (c) each hirer is not required to pay more than 75% of the fare indicated on the taxi meter when the hirer reaches the point at which the hirer is to cease to use the taxi service; and
 - (d) each of the hirers is advised, before the taxi service begins to be provided, of the percentage of the fare that the hirer will be required to pay under paragraph (c); and
 - (e) the taxi service is not being provided in accordance with a timetable for the provision of the service.
- (3) A person operating a taxi service by means of a vehicle must not provide the service to 2 or more persons under separate hiring arrangements, except if the person operating the service provides the service in accordance with the requirements of subsection (2).

Penalty: Fine not exceeding 20 penalty units.

Division 6 – Reserve price determinations

66C. Reserve price determinations

- (1) For the purposes of this Act, the reserve price, for an owner-operator taxi licence for the taxi area to which that licence relates, is –

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- (a) for so much of the year in which this section commences as occurs before the first determination is made under this section – the reserve price, set out in Schedule 3 of this Act as in force before 1 January 2020, in relation to the taxi area; and
 - (b) for so much of the year in which this section commences as occurs after the first determination is made under this section – the reserve price, in relation to the taxi area, that is specified, in accordance with section 66D(2), in a determination under subsection (2); and
 - (c) for any other year – the reserve price specified for that year in a determination under subsection (2).
- (2) The Regulator –
- (a) must make a reserve price determination if required to do so under section 66D; and
 - (b) if subsection (10)(b) does not apply, must make a reserve price determination if required to do so under subsection (7); and
 - (c) must make a reserve price determination if the Regulator gives a notice under subsection (8).
- (3) A reserve price determination must –

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- (a) determine, for each taxi area for a calendar year to which the determination relates, a reserve price for owner-operator taxi licences in relation to the taxi area; and
 - (b) include a statement of the reasons for the reserve price.
- (4) The object of a reserve price determination is to –
 - (a) assist in the development of efficient pricing and competition for taxi licences; and
 - (b) promote a safe taxi transport system that responds adequately to consumer demand for taxi services.
- (5) A reserve price determination may –
 - (a) specify a different reserve price for each taxi area to which the determination relates; and
 - (b) specify a different reserve price, for each taxi area to which the determination relates, for each calendar year to which the determination relates.
- (6) Except for the first reserve price determination under subsection (2)(a) or a reserve price determination made in accordance with subsection (2)(c), a reserve price determination is to relate to the 4 calendar years beginning after the determination is made.

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- (7) Subject to subsection (10)(b), the Regulator must, before 1 December in the last year to which a reserve price specified in the most recent reserve price determination relates, make under subsection (2)(b) a reserve price determination that is to relate to each of the next following 4 calendar years.
- (8) The Regulator may give a notice to the Minister and the Treasurer, jointly, stating that the Regulator is of the opinion that a reserve price determination is required to be made.
- (9) If the Regulator gives a notice under subsection (8) –
- (a) the reserve price determination made in accordance with subsection (2)(c) is to relate to the calendar years, not being more than 4 calendar years, specified in the determination; and
 - (b) a reserve price determination that is made before the notice is given ceases to apply in relation to a calendar year to which the reserve price determination made in accordance with subsection (2)(c) relates.
- (10) The Regulator is not required to –
- (a) include in a reserve price determination a reserve price for owner-operator taxi licences in relation to a taxi area if a previous reserve price determination in relation to the taxi area specifies that the reserve price for owner-operator taxi

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licences in relation to the taxi area is zero; or

- (b) make a reserve price determination if a previous reserve price determination specifies that the reserve price for owner-operator taxi licences in relation to all taxi areas is zero.
- (11) The Regulator must publish notice of the making of a reserve price determination –
- (a) in the *Gazette*; and
 - (b) on the Regulator’s internet website.
- (12) The notice under subsection (11) must include a brief description of the nature and effect of the reserve price determination.

66D. First determination of reserve price

- (1) The Regulator must, before the first 1 December after this section commences, make under section 66C(2) a reserve price determination that applies to –
 - (a) so much of the calendar year in which the determination is made as occurs after the determination is made; and
 - (b) the next 4 calendar years.
- (2) The reserve price, for a taxi area, specified in a reserve price determination made in accordance with subsection (1) that is the reserve price that applies, for so much of the year in which the

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determination is made as occurs after the determination is made, must not be less than 90% of the reserve price, set out in Schedule 3 to this Act as in force before 1 January 2020, in relation to the taxi area.

- (3) The reserve price, for a taxi area for each of the 4 years, after the end of the calendar year in which this section commences, that is the reserve price specified in a reserve price determination made in accordance with subsection (1), must not be less than 90% of the reserve price, in relation to the taxi area, for the previous year, as set out in a determination made in accordance with subsection (1).

66E. Investigation into reserve prices

- (1) The Regulator must, before making a reserve price determination, conduct an investigation, in accordance with the terms of reference, as to the reserve price for owner-operator taxi licences in relation to a taxi area.
- (2) For the purposes of this Part, the terms of reference are –
- (a) if the investigation is the first investigation after this section commences, the matters specified in section 66D(2) and (3); or
 - (b) in any other case, the terms of reference given to the Regulator under subsection (3).

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- (3) The Minister and the Treasurer, jointly, must –
- (a) at least 11 months before there ceases to be a reserve price determination in relation to a calendar year; and
 - (b) if a notice is given under section 66C(8), as soon as practicable after receiving the notice –

give to the Regulator the terms of reference in relation to the investigation to be conducted for the purposes of the next reserve price determination under section 66C(2).
- (4) The terms of reference under subsection (3) may –
- (a) specify the matters, not referred to in section 66F, that the Regulator is to consider when conducting an investigation; and
 - (b) specify which of the matters, specified in accordance with paragraph (a), or specified in section 66F, are to be considered by the Regulator to be more important than other matters so specified.
- (5) The Regulator –
- (a) is to give notice of the investigation to each person who holds a taxi licence in relation to the taxi area to which the investigation relates; and
 - (b) must give notice of the investigation –

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- (i) in a daily newspaper published and circulating generally in Tasmania; or
 - (ii) in another manner that the Regulator thinks fit.
- (6) A notice under subsection (5) of an investigation is to specify –
 - (a) that the purpose of the investigation is to determine, in relation to the taxi areas to which the next price reserve determination relates, the reserve price for owner-operator taxi licences in relation to the taxi areas to be specified in the determination; and
 - (b) the period in which the investigation is to be held; and
 - (c) the period within which, and the form in which, submissions may be made to the Regulator; and
 - (d) the matters that the Regulator would like submissions to address.
- (7) The Regulator is to conduct an investigation in the manner that the Regulator considers appropriate and, in particular, may at the Regulator's discretion, do any one or more of the following:
 - (a) receive written and oral submissions;
 - (b) consult with any person;

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- (c) hold hearings and seminars;
 - (d) conduct workshops;
 - (e) determine whether any person wishing to appear before the Regulator may be represented by another person;
 - (f) issue a draft reserve price declaration and invite submissions in relation to the draft reserve price declaration.
- (8) In conducting an investigation, the Regulator is not bound by rules of evidence but may inform himself or herself of any matter in the manner that the Regulator considers appropriate.
- (9) The costs incurred by the Regulator in conducting an investigation for the purposes of a reserve price determination are to be paid by the Commission.

66F. Matters to be considered in investigation

In an investigation for the purposes of a reserve price determination, the Regulator is to consider the following matters:

- (a) the impact that a reserve price specified in the reserve price determination would have on existing holders of taxi licences;
- (b) market trends in relation to the amounts paid for the transfer of taxi licences;
- (c) the number of licences that have been transferred, in the period that the

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Regulator thinks fit, before the investigation commences;

- (d) any other matter that the Regulator considers relevant.

66G. Hearings in relation to investigations

- (1) Before holding a hearing for the purpose of an investigation, the Regulator is to give reasonable notice of the hearing in at least 2 daily newspaper published and circulating generally in Tasmania that the Regulator considers appropriate.
- (2) The notice of a hearing is to specify –
 - (a) the purpose of the hearing; and
 - (b) the time and place at which the hearing is to be held.
- (3) A hearing is to be held in public.
- (4) Despite subsection (3), if the Regulator is satisfied that it would be in the public interest to do so or that the evidence to be presented is, or is likely to be, of a confidential or commercially sensitive nature, the Regulator is to –
 - (a) direct that a hearing or part of a hearing is to take place in private and give directions as to the persons who may be present; and

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- (b) give directions prohibiting or restricting the publication of evidence given, or documents produced, at the hearing.
- (5) The *Right to Information Act 2009* does not apply in respect of –
- (a) evidence and documents in respect of which a direction under subsection (4) has been given; and
 - (b) records of the giving or production of such evidence and documents.

66H. Requiring person to give evidence or provide documents

- (1) For the purposes of an investigation, the Regulator may require a person, by written notice to the person, to do any one or more of the following:
- (a) attend before the Regulator and answer questions which, in the opinion of the Regulator, are relevant to the investigation;
 - (b) provide to the Regulator, in the manner specified in the notice, any document specified in the notice which is in the person's possession or control and which, in the opinion of the Regulator, is relevant to the investigation;
 - (c) provide to the Regulator, in the manner specified in the notice, any other

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information specified in the notice which, in the opinion of the Regulator, is relevant to the investigation.

- (2) A person who attends before the Regulator under a requirement referred to in subsection (1)(a) may, at the Regulator's discretion, be paid by the Regulator –
 - (a) the prescribed allowances and expenses; or
 - (b) if the regulations do not prescribe any allowances or expenses, the allowances and the expenses that the Minister determines by notice published in the *Gazette*.
- (3) For the purposes of an investigation, the Regulator may require the Commission to provide to the Regulator information supplied to the Commission under section 97.
- (4) Despite subsection (1), the Regulator must not require a person –
 - (a) to answer a question, or provide information, if to do so would require the person to divulge information contained in or relating to a Cabinet record; or
 - (b) to provide to the Regulator a Cabinet record.
- (5) A notice under subsection (2)(b) is not a statutory rule for the purposes of the *Rules Publication Act 1953*.

66I. Use of documents or other information

(1) The Regulator –

(a) may examine, take possession of, or make copies of and take extracts from –

(i) any document provided under a requirement referred to in section 66H(1)(b) or (c); or

(ii) any document containing information provided to the Regulator in accordance with a requirement under section 66H(3); or

(iii) any written submission made by a person in relation to the investigation; and

(b) may –

(i) if the document is provided under a requirement referred to in section 66H(1)(b) or (c) or under section 66H(3), retain the document for so long as is necessary for the purposes of the investigation; or

(ii) if the document is a written submission made by a person in relation to the investigation, retain the document; and

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- (c) is to allow a person, who would be entitled to inspect the document if it were not in the possession of the Regulator, to inspect it, make a copy of it or take an extract from it at any reasonable time.
- (2) The Regulator may give directions prohibiting or restricting the publication of –
- (a) any answer, document or other information provided to the Regulator under a requirement referred to in section 66H(1)(b) or (c) or under section 66H(3) or provided as a written submission in relation to an investigation; or
 - (b) a part of any such answer, document or other information; or
 - (c) a copy of, or extract from, any such answer, document, other information or part.
- (3) The Regulator may make available to any person as the Regulator considers appropriate –
- (a) any answer, document or other information provided to the Regulator under a requirement referred to in section 66H(1)(b) or (c) or section 66H(3) or provided as a written submission in relation to an investigation; or
 - (b) a part of any such answer, document or other information.

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- (4) Subsection (3) does not apply in relation to an answer, document or other information, or a part of any such answer, document or other information, if –
- (a) a direction in respect of the answer, document, other information or part has been given under subsection (2) and its provision to that person would contravene the direction; or
 - (b) the answer, document, other information or part contains information which is exempt information under the *Right to Information Act 2009*; or
 - (c) the Commission has notified the Regulator that the Commission considers the information to be of a confidential or commercially sensitive nature; or
 - (d) the information is provided in accordance with a requirement under section 66H(3).

66J. Offences

- (1) A person must not –
- (a) fail to comply with a requirement imposed on the person under section 66H(1) or contravene a direction under section 66G(4) or section 66I(2); or
 - (b) provide to the Regulator, in relation to an investigation, oral or written information

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that the person knows or believes to be false or misleading in a material particular without informing the Regulator of that knowledge or belief; or

- (c) hinder, obstruct or interfere with the Regulator, or a person acting as or on behalf of the Regulator, in the performance or exercise of the Regulator's or person's functions or powers under this Division; or
- (d) take, or threaten to take, any action that detrimentally affects the employment or engagement of another person because the other person has assisted, is assisting or intends to assist the Regulator in an investigation.

Penalty: Fine not exceeding 500 penalty units or imprisonment for a term not exceeding 6 months, or both.

- (2) Despite subsection (1), a person is not required to comply with a requirement imposed on the person under section 66H(1) if to do so would tend to incriminate the person.

66K. Independence of Regulator

In performing functions and exercising powers under this Act, the Regulator is not subject to the direction of the Minister.

PART 4 – LUXURY HIRE CAR LICENCES

67. Effect of luxury hire car licence

- (1) A luxury hire car licence authorises the holder of the licence to operate a luxury hire car service using the motor vehicle specified in the licence.
- (2) Unless the Commission authorises otherwise, a luxury hire car licence does not authorise the motor vehicle operating under the licence to stand for hire in a public street.

67A. What is a luxury hire car service?

- (1) A luxury hire car service is a passenger transport service under which –
 - (a) a person (“**service operator**”) hires out a motor vehicle together with a driver; and
 - (b) the motor vehicle so hired out is approved under section 73 for use as a luxury hire car; and
 - (c) unless the Commission authorises otherwise, the hiring is booked and accepted in advance; and
 - (d) the hiring is booked and accepted otherwise than under the authority of a taxi licence or restricted hire vehicle licence.
- (2) To avoid doubt, it is immaterial for the purposes of subsection (1) whether the driver of the motor

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vehicle is the service operator or an employee or agent of the service operator.

68. Issue of luxury hire car licences

- (1) The Commission may issue luxury hire car licences.
- (2) On issuing a luxury hire car licence, the Commission –
 - (a) may impose such conditions on the licence as it considers necessary or expedient; and
 - (b) is to specify, in the licence, the motor vehicle that may be used under the licence.

69. Application for luxury hire car licence

- (1) An application for a luxury hire car licence is to be made in a form approved by the Commission and is to be accompanied by the prescribed fee and the relevant fee, if any.
- (1AA) The relevant fee is –
 - (a) for applications made, after this subsection commences, in the calendar year in which this subsection commences – \$4 000; or
 - (b) for applications made in the first calendar year after the calendar year in which this subsection commences – \$3 000; or

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- (c) for applications made in the second calendar year after the calendar year in which this subsection commences – \$2 000; or
 - (d) for applications made in the third calendar year after the calendar year in which this subsection commences – \$1 000.
- (1A) The licence fee under subsection (1) is a fixed dollar amount and is not subject to the *Fee Units Act 1997*.
- (2) The Commission is not to issue a luxury hire car licence to a person unless it is satisfied that –
- (a) the person holds relevant accreditation; and
 - (b) the person is the registered operator of the vehicle to which the licence, if issued, will relate; and
 - (c) the person has no outstanding fees due to the Commission.
- (3) The Commission is to refuse an application for a luxury hire car licence if the Commission is not satisfied that the applicant would be the sole operator of the luxury hire car service proposed to be operated under the authority of the licence.
- (4) The Commission is not to issue a luxury hire car licence in respect of a vehicle unless the vehicle is approved, under section 73, for use as a luxury hire car.

70. Responsible operator of luxury hire car licence

The holder of a luxury hire car licence is the responsible operator of that licence.

71. Misrepresentation of person as holder of luxury hire car licence

A person who does not hold a luxury hire car licence must not hold himself or herself out to be the holder of a luxury hire car licence or the operator of a luxury hire car service.

Penalty: Fine not exceeding 100 penalty units.

72. Prohibition on leasing luxury hire car licence

- (1) A luxury hire car licence is not capable of being leased and any agreement purporting to do so is, to that extent, void and unenforceable.
- (2) If the Commission is satisfied that the holder of a luxury hire car licence has entered into an agreement purporting to lease the licence to another person or an agreement purporting to permit another person to operate a luxury hire car service under the authority of the licence, the Commission is to cancel the licence in accordance with section 82.
- (3) A person who in any capacity enters into an agreement of a kind referred to in subsection (2) is guilty of an offence.

Penalty: Fine not exceeding 100 penalty units.

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(4) In this section –

agreement means an oral or written agreement.

73. Approval of luxury hire cars

- (1) The Commission may approve a vehicle for use as a luxury hire car if the vehicle meets the prescribed criteria.
- (2) An application for approval of a vehicle for use as a luxury hire car is to be made in a form approved by the Commission.

74. Luxury hire car licence conditions

- (1) At any time after a luxury hire car licence is issued, the Commission may –
 - (a) impose such conditions on the licence as it considers necessary or expedient; or
 - (b) vary or revoke any conditions of the licence.
- (2) Before exercising its power under subsection (1), the Commission is to –
 - (a) give the holder of the licence notice in writing of its intention and a reasonable opportunity to make representations thereon; and
 - (b) take any such representations into account.

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- (3) On exercising its power under subsection (1), the Commission may recall the licence and issue the holder of the licence with a free replacement.
- (4) The holder of a luxury hire car licence must not contravene the conditions of the licence.

Penalty: Fine not exceeding 50 penalty units.

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77. Transfer of luxury hire car licence to another person

- (1) The holder of a luxury hire car licence who wishes to transfer it to another person must, in a form approved by the Commission and on payment of the prescribed fee, apply to the Commission for approval for that transfer before transferring the licence.
- (2) The Commission may approve the transfer of a luxury hire car licence if it is satisfied that the person to whom the licence is proposed to be transferred –
 - (a) holds relevant accreditation; and
 - (b) is, or will be, the registered operator of the vehicle to which the licence relates; and
 - (c) has no outstanding fees due to the Commission.

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- (3) The Commission is to refuse the transfer of the luxury hire car licence –
- (a) if the Commission reasonably believes that the person to whom the licence is proposed to be transferred would not be the sole operator of the luxury hire car service to which that licence relates; or
 - (b) if the Commission determines that the vehicle which is proposed to be operated under the authority of the licence does not meet the prescribed criteria.
- (4) The Commission may refuse the transfer of a luxury hire car licence if –
- (a) the licence is suspended under section 81; or
 - (b) the licence is subject to a notice of intention to suspend or cancel under section 82; or
 - (c) a notice has been given, in accordance with section 31(2) of the *Passenger Transport Services Act 2011*, to the person to whom the licence has been issued, of an intention to suspend or cancel the accreditation of the person and the Commission has not made a determination under section 31 of that Act to suspend or cancel, or not to suspend or cancel, the accreditation of the person.

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- (5) The transfer of the luxury hire car licence is of no effect until the transfer has been approved by the Commission and has been recorded on the register of licences.

78. Transfer of luxury hire car licence to another vehicle

- (1) The holder of a luxury hire car licence who wishes to transfer it to another vehicle must, in a form approved by the Commission and on payment of the prescribed fee, apply to the Commission for approval for that transfer before transferring the licence.
- (2) The Commission may approve the transfer if –
- (a) the other vehicle is approved, under section 73, for use as a luxury hire car; and
 - (b) the applicant is the registered operator of the other vehicle.
- (3) The Commission may refuse the transfer if –
- (a) the licence is suspended under section 81; or
 - (b) the licence is subject to a notice of intention to suspend or cancel under section 82; or
 - (c) a notice has been given, in accordance with section 31(2) of the *Passenger Transport Services Act 2011*, to the person to whom the licence has been

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issued, of an intention to suspend or cancel the accreditation of the person and the Commission has not made a determination under section 31 of that Act to suspend or cancel, or not to suspend or cancel, the accreditation of the person.

79. Replacement licence

The Commission may, on payment of the prescribed fee, issue the holder of a luxury hire car licence with a replacement of the licence if the Commission is satisfied that it has been lost, destroyed or damaged.

80. Surrender of luxury hire car licence

The holder of a luxury hire car licence may surrender the licence to the Commission by causing the licence and any licence number plate issued in respect of that licence to be delivered to the Commission during business hours.

81. Cancellation or suspension of luxury hire car licence where accreditation cancelled or suspended

(1) If –

- (a) the Commission suspends for a period under the *Passenger Transport Services Act 2011* the accreditation of the holder of a luxury hire car licence, the licence is also suspended for the same period; or

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- (b) the Commission cancels under the *Passenger Transport Services Act 2011* the accreditation of the holder of a luxury hire car licence, the licence is also cancelled.
- (2) A luxury hire car licence is of no effect during any period of its suspension.
- (3) The holder of a luxury hire car licence that has been suspended under subsection (1) must not, during the period of the suspension, operate a luxury hire car service under the purported authority of that licence or cause or permit another person to operate a luxury hire car service under the purported authority of that licence.

Penalty: Fine not exceeding 100 penalty units.

82. Suspension or cancellation of luxury hire car licence

- (1) The Commission, in prescribed circumstances, may suspend or cancel a luxury hire car licence.
- (2) Before exercising its power under subsection (1), the Commission is to –
 - (a) give the holder of the luxury hire car licence notice in writing of its intention and a reasonable opportunity to make representations thereon; and
 - (b) take any such representations into account.

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- (3) If the Commission is satisfied on reasonable grounds that there is an immediate and serious danger to public safety, the Commission may suspend or cancel a luxury hire car licence.
 - (4) Subsection (2) does not apply if the Commission exercises its powers under subsection (3).
 - (5) A luxury hire car licence is of no effect during any period of its suspension.
 - (6) The holder of a luxury hire car licence that has been suspended under subsection (1) or (3) must not operate a luxury hire car service under the purported authority of that licence or cause or permit another person to operate a luxury hire car service under the purported authority of that licence.

Penalty: Fine not exceeding 100 penalty units.

83. Delivering-up of luxury hire car licence

The holder of a luxury hire car licence must, if given notice by the Commission to do so, deliver up that licence to the Commission at such time and place as is specified in the notice.

Penalty: Fine not exceeding 20 penalty units.

84.

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Part 4A – Restricted Hire Vehicle Licences

PART 4A – RESTRICTED HIRE VEHICLE LICENCES

84A. Effect of restricted hire vehicle licence

- (1) A restricted hire vehicle licence authorises the holder of the licence to operate a restricted hire vehicle service.
- (2) Unless the Commission authorises otherwise, a restricted hire vehicle licence does not authorise a small passenger vehicle operating under the licence to stand for hire in a public street.

84B. What is a restricted hire vehicle service?

- (1) A restricted hire vehicle service is a passenger transport service under which –
 - (a) a person (“**service operator**”) hires out a small passenger vehicle, together with a driver; and
 - (b) unless the Commission authorises otherwise, the hiring is booked and accepted in advance; and
 - (c) the hiring is booked and accepted otherwise than under the authority of a taxi licence or luxury hire car licence.
- (2) To avoid doubt, it is immaterial for the purposes of subsection (1) whether the driver of the small passenger vehicle is the service operator or an employee or agent of the service operator.

84C. Categories of restricted hire vehicle services

- (1) There are 2 categories of restricted hire vehicle services as follows:
 - (a) general rhv services;
 - (b) specific rhv services.
- (2) A small passenger vehicle is not capable of being used to operate a general rhv service under the authority of a restricted hire vehicle licence unless that vehicle –
 - (a) has been approved for such use by the Commission under section 84I; and
 - (b) is specified in the licence.
- (3) Any small passenger vehicle may be used to operate a specific rhv service under the authority of a restricted hire vehicle licence, regardless of whether that vehicle –
 - (a) has, under section 84I or in any other respect, been approved by the Commission; or
 - (b) is specified in the licence.
- (4) In this section –

general rhv service means a hiring-out of the kind referred to in section 84B(1) for any purpose;

specific rhv service means a hiring-out of the kind referred to in section 84B(1), but

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Part 4A – Restricted Hire Vehicle Licences

only if the hiring-out is for the purposes of –

- (a) a wedding; or
- (b) a school, college or university ball, formal or leaver's function; or
- (c) a funeral; or
- (d) a tour; or
- (e) an occasion or event prescribed by the regulations.

84D. Issue of restricted hire vehicle licence

- (1) The Commission may issue restricted hire vehicle licences.
- (2) On issuing a restricted hire vehicle licence, the Commission –
 - (a) may impose such conditions on the licence as it considers necessary or expedient; and
 - (b) in the case of a licensee proposing to operate general rhv services, is to specify in the licence the small passenger vehicle that may be used under the licence.

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84E. Application for restricted hire vehicle licence

- (1) An application for a restricted hire vehicle licence is to be made in a form approved by the Commission and is to be accompanied by –
 - (a) the prescribed application fee; and
 - (b) a licence fee of 70 fee units.
- (2) The Commission is not to issue a restricted hire vehicle licence to a person unless it is satisfied that –
 - (a) the person holds relevant accreditation; and
 - (b) the person has no outstanding fees due to the Commission.
- (3) The Commission is to refuse an application for a restricted hire vehicle licence if the Commission is not satisfied that the applicant would be the sole operator of the restricted hire vehicle service proposed to be operated under the authority of the licence.

84F. Responsible operator of restricted hire vehicle licence

The holder of a restricted hire vehicle licence is the responsible operator of that licence.

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Part 4A – Restricted Hire Vehicle Licences

84G. Misrepresentation of person as holder of restricted hire vehicle licence

A person who does not hold a restricted hire vehicle licence must not hold himself or herself out to be the holder of a restricted hire vehicle licence or the operator of a restricted hire vehicle service.

Penalty: Fine not exceeding 100 penalty units.

84H. Prohibition on leasing restricted hire vehicle licence

- (1) A restricted hire vehicle licence is not capable of being leased and any agreement purporting to do so is, to that extent, void and unenforceable.
- (2) If the Commission is satisfied that the holder of a restricted hire vehicle licence has entered into an agreement purporting to lease the licence to another person or an agreement purporting to permit another person to operate a restricted hire vehicle service under the authority of the licence, the Commission is to cancel the licence in accordance with section 84P.
- (3) A person who in any capacity enters into an agreement of a kind referred to in subsection (2) is guilty of an offence.

Penalty: Fine not exceeding 100 penalty units.

- (4) In this section –

agreement means an oral or written agreement.

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Part 4A – Restricted Hire Vehicle Licences

s. 84I

84I. Approval of certain restricted hire vehicles

- (1) The Commission may approve a motor vehicle for use as a restricted hire vehicle for general rhv services if the Commission is satisfied that the motor vehicle –
 - (a) is a small passenger vehicle; and
 - (b) is a suitable vehicle; and
 - (c) meets the prescribed requirements, if any.
- (2) An application for the approval of a vehicle for use as a restricted hire vehicle for general rhv services is to be made in a form approved by the Commission.
- (3) A motor vehicle that is used for specific rhv services is not required to be approved by the Commission.
- (4) In this section –

suitable vehicle means –

 - (a) a motor vehicle that is unique, classic or customised and more than 30 years old; or
 - (b) a “street-rod”, being a motor vehicle that has been modified for safe road use and –
 - (i) has a body and frame that were built before 1949; or

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- (ii) is a replica of a motor vehicle whose body and frame were built before 1949; or
- (c) a veteran or vintage motor vehicle; or
- (d) a motor cycle or tricycle; or
- (e) a motor vehicle prescribed by the regulations (whether by reference to a particular motor vehicle or by reference to type, construction, capabilities, use or other criteria).

84J. Restricted hire vehicle licence conditions

- (1) At any time after a restricted hire vehicle licence is issued, the Commission may –
 - (a) impose such conditions on the licence as it considers necessary or expedient; or
 - (b) vary or revoke any conditions of the licence.
- (2) Before exercising its power under subsection (1), the Commission is to –
 - (a) give the holder of the licence notice in writing of its intention to impose, vary or revoke the conditions and a reasonable opportunity to make representations thereon; and

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- (b) take any such representations into account.
- (3) On exercising its power under subsection (1), the Commission may recall the licence and issue the holder of the licence with a free replacement.
- (4) The holder of a restricted hire vehicle licence must not contravene the conditions of the licence.

Penalty: Fine not exceeding 50 penalty units.

84K. Transfer of restricted hire vehicle licence to other person

A restricted hire vehicle licence is not capable of being transferred to another person.

84L. Transfer of certain restricted hire vehicle licences to other vehicles

- (1) This section applies only to restricted hire vehicle licences under which general rhv services may be operated.
- (2) The holder of a licence to which this section applies who wishes to transfer it to another vehicle must, in a form approved by the Commission and on payment of the prescribed fee, apply to the Commission for approval for that transfer before transferring the licence.
- (3) The Commission may approve the transfer if it is satisfied that the other vehicle is –

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- (a) a small passenger vehicle; and
 - (b) a suitable vehicle, within the meaning of section 84I, of the same kind as the motor vehicle specified in the licence.
- (4) The Commission may refuse to approve the transfer if –
- (a) the licence is suspended under section 84O; or
 - (b) the licence is subject to a notice of intention to suspend or cancel under section 84P; or
 - (c) a notice has been given, in accordance with section 31(2) of the *Passenger Transport Services Act 2011*, to the person to whom the licence has been issued, of an intention to suspend or cancel the accreditation of the person and the Commission has not made a determination under section 31 of that Act to suspend or cancel, or not to suspend or cancel, the accreditation of the person.

84M. Replacement licence

The Commission may, on payment of the prescribed fee, issue the holder of a restricted hire vehicle licence with a replacement of the licence if the Commission is satisfied that it has been lost, destroyed or damaged.

84N. Surrender of restricted hire vehicle licence

The holder of a restricted hire vehicle licence may surrender the licence to the Commission by causing the licence and any licence number plate issued in respect of that licence to be delivered to the Commission during business hours.

84O. Cancellation or suspension of restricted hire vehicle licence where accreditation cancelled or suspended

- (1) If –
 - (a) the Commission suspends for a period under the *Passenger Transport Services Act 2011* the accreditation of the holder of a restricted hire vehicle licence, the licence is also suspended for the same period; or
 - (b) the Commission cancels under the *Passenger Transport Services Act 2011* the accreditation of the holder of a restricted hire vehicle licence, the licence is also cancelled.
- (2) A restricted hire vehicle licence is of no effect during any period of its suspension.
- (3) The holder of a restricted hire vehicle licence that has been suspended under subsection (1) must not operate, during the period of the suspension, a restricted hire vehicle service under the purported authority of the licence or cause or permit another person to operate a

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restricted hire vehicle service under the
purported authority of the licence.

Penalty: Fine not exceeding 100 penalty units.

84P. Suspension or cancellation of restricted hire vehicle licence

- (1) The Commission, in prescribed circumstances, may suspend or cancel a restricted hire vehicle licence.
- (2) Before exercising its power under subsection (1), the Commission is to –
 - (a) give the holder of the restricted hire vehicle licence notice in writing of its intention and a reasonable opportunity to make representations thereon; and
 - (b) take any such representations into account.
- (3) If the Commission is satisfied on reasonable grounds that there is an immediate and serious danger to public safety, the Commission may suspend or cancel a restricted hire vehicle licence.
- (4) Subsection (2) does not apply if the Commission exercises its powers under subsection (3).
- (5) A restricted hire vehicle licence is of no effect during any period of its suspension.
- (6) The holder of a restricted hire vehicle licence that has been suspended under subsection (1) or

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(3) must not operate a restricted hire vehicle service under the purported authority of the licence or cause or permit another person to operate a restricted hire vehicle service under the purported authority of the licence.

Penalty: Fine not exceeding 100 penalty units.

84Q. Delivering up restricted hire vehicle licence

The holder of a restricted hire vehicle licence must, if given notice by the Commission to do so, deliver up that licence to the Commission at such time and place as is specified in the notice.

Penalty: Fine not exceeding 20 penalty units.

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85. Register of licences

- (1) The Commission is to maintain a register of all licences referred to in this Act.
- (2) The particulars to be entered in the register in relation to a licence are to include the following:
 - (a) the licence number;
 - (b) the name and address of the holder of the licence or, in the case of a perpetual taxi licence, the owner of the licence;
 - (c) in the case of a perpetual taxi licence, the name and address of the responsible operator if different from the owner of the licence;
 - (d) in the case of a taxi licence, the details of the taxi area to which the licence relates;
 - (e) any conditions imposed on the licence;
 - (f) details about the transfer, lapsing, suspension or cancellation of the licence;
 - (g) in the case of a wheelchair-accessible taxi licence, luxury hire car licence or restricted hire vehicle licence, the details of the vehicle operating under the authority of the licence;
 - (h) in the case of a temporary taxi licence, the period of the licence and details of

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- any conditions or restrictions applicable to that licence;
- (i) the number of any licence number plate issued in respect of the licence;
 - (j) any other matters that the Commission considers appropriate.
- (3) The register is not a public register and is not available for inspection by members of the public.
- (4) The register may be incorporated with a register kept under the *Vehicle and Traffic Act 1999*.
- (5) The Commission may, on a website of the Department, publish the details of –
- (a) a licence that is suspended or cancelled under this Act; and
 - (b) any licence number plate that is cancelled or void or that is attached to a car to which a licence that is suspended or cancelled relates.

86. Effect of licence being suspended

Where a licence is suspended under this Act –

- (a) the holder or owner of the licence is not relieved from any obligation under this Act in respect of the suspended licence; and

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- (b) the Commission is not prevented from exercising any power that it could exercise if the licence had not been suspended; and
- (c) the holder or owner of the licence is not entitled to be issued with any licence under this Act until the period of suspension has ended.

87. Surrender of licence

The holder, or in the case of a perpetual taxi licence the owner, of a licence that is surrendered to the Commission in accordance with this Act is not entitled to any compensation for the surrender of that licence.

88. Cancelled licence

- (1) The holder of a licence that has been cancelled by the Commission must deliver up that licence to the Commission at such time and place as the Commission may require.
- (2) The holder of a licence that is cancelled by the Commission is not entitled to any compensation for the cancellation of that licence.

89. Licence number plates

- (1) The Commission may, in respect of a licence, issue a licence number plate to the holder of the licence or, in the case of a perpetual taxi licence, the owner of the licence.

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- (2) A licence number plate issued in respect of a licence may be –
 - (a) in such form as the Commission determines; and
 - (b) in addition to, or in substitution for, any other plate, label or form of identification issued by the Commission in respect of that licence.
- (3) A licence number plate issued under subsection (1) remains the property of the Commission.

89A. Seizure and cancellation of licence number plates

- (1) If a licence is suspended or cancelled under this Act, an authorised officer may seize any licence number plate issued in respect of that licence.
- (2) If an authorised officer seizes under subsection (1) a licence number plate issued in respect of a licence, the licence number plate is void and the Commission is to cancel that licence number plate.
- (3) If –
 - (a) an authorised officer seizes under subsection (1) a licence number plate issued in respect of a licence because the licence has been suspended; and
 - (b) the licence ceases to be suspended –

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the Commission, as soon as practicable, is to issue a replacement licence number plate to the owner of the licence.

90. Return of licence number plate to Commission

Where a person surrenders or is required to deliver up a licence to the Commission, that person must give the Commission any licence number plate issued in respect of the licence within such period as specified by the Commission by notice in writing given to that person.

Penalty: Fine not exceeding 20 penalty units.

90A. Taxi areas and remote taxi areas

- (1) The regulations may from time to time, for the purposes of this Act, prescribe taxi areas and remote taxi areas by way of a description or one or more maps.
- (2) The Commission must cause to be established and maintained a database containing data from which there may be generated –
 - (a) one or more electronic maps setting out each of the taxi areas, and remote taxi areas, that are in effect for the time being, being those areas as prescribed from time to time under subsection (1) but with the boundaries of those areas indicated with greater particularity; and
 - (b) one or more electronic maps –

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- (i) setting out each of the taxi areas, and remote taxi areas, that were, but are no longer, in effect; and
 - (ii) indicating the period during which those taxi areas and remote taxi areas were, but are no longer, in effect.
- (3) The Commission must cause the electronic maps referred to in subsection (2) to be generated each time there is an alteration, of the data in the database referred to in subsection (2), that has the effect of altering the boundaries of a taxi area, or remote taxi area, on a map that may be generated from the data.
- (4) The Commission must ensure that members of the public are able to view electronically, at a website of the Department, each of the electronic maps that is generated from time to time under subsection (3).
- (5) The Commission, before generating under subsection (3) an electronic map after an alteration, of the data in the database referred to in subsection (2), that will have the effect of altering the boundaries of a taxi area, or remote taxi area, on the map –
 - (a) must ensure that there is published in the *Gazette* a notice –
 - (i) stating that an alteration of the boundaries of the taxi area, or remote taxi area, will come into

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effect on the day specified in the notice; and

(ii) giving a general description of the nature of the alteration or specifying the taxi areas, or remote taxi areas, the boundaries of which have been altered; and

(iii) indicating the electronic address at which the electronic maps displaying the boundaries of the taxi areas, or remote taxi areas, may be viewed by members of the public on and from the day specified in the notice; and

(b) is to give to each holder of a licence that relates to a taxi area, or remote taxi area, to which the alteration relates a notice containing the information referred to in paragraph (a).

(6) An alteration of the boundaries of a taxi area, or remote area, shown on a map generated under subsection (3) takes effect on the day specified in the notice published in accordance with subsection (5)(a) as the day on which the alteration is to come into effect.

(7) A reference, in a licence that is in force immediately before, or after, the day on which this section commences, to a taxi area, or remote taxi area, by name, is to be taken to be a reference to the taxi area, or remote taxi area, respectively, of the same name that is shown on

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an electronic map, referred to in subsection (2)(a), that is generated under subsection (3) from time to time.

- (8) If there is a licence in effect that relates to a taxi area, or remote taxi area, regulations may not be made that have the effect that the taxi area, or remote taxi area, ceases to exist.
- (9) In legal proceedings, a certificate, signed by the Secretary, setting out the boundaries of a taxi area, or remote taxi area, at a time specified in the certificate is, in the absence of evidence to the contrary, evidence that the boundaries of the taxi area, or remote taxi area, were, at the time specified in the certificate, the boundaries specified in the certificate.

91. Use of taxis

- (1) A taxi driver must not, without lawful excuse, operate a taxi from a taxi zone that is not within the taxi area to which the licence number plate affixed to the taxi relates.

Penalty: Fine not exceeding 50 penalty units.

- (2) A taxi driver must not, without lawful excuse, operate a taxi so that a hiring is commenced and completed wholly outside the taxi area to which the licence number plate affixed to the taxi relates.

Penalty: Fine not exceeding 50 penalty units.

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- (3) A responsible operator must not, without lawful excuse, permit a taxi to operate from a taxi zone that is not within the taxi area to which the licence number plate affixed to the taxi relates.

Penalty: Fine not exceeding 50 penalty units.

- (4) A responsible operator must not, without lawful excuse, permit the use of a taxi so that a hiring is commenced and completed wholly outside the taxi area to which the licence number plate affixed to the taxi relates.

Penalty: Fine not exceeding 50 penalty units.

91A. Hailing small passenger vehicles other than taxis

Except with the prior authorisation of the Commission, a person must not hire out a small passenger vehicle to a person hailing it on a public street if the small passenger vehicle is not a taxi.

Penalty: Fine not exceeding 20 penalty units.

91B. Falsely configuring vehicles as taxis

- (1) A person must not do any of the following things with a motor vehicle if it is not a taxi:
- (a) install a taximeter in the vehicle;
 - (b) describe, by any means, the vehicle as a taxi, taxi-cab, maxi-taxi or cab;

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- (c) describe, by any means, any service for which the vehicle is used as a taxi service, taxi-cab service or cab service.

Penalty: Fine not exceeding 50 penalty units.

- (2) Without limiting their generality, the following acts constitute “description” for the purposes of paragraphs (b) and (c) of subsection (1):
 - (a) fitting the vehicle with a top-light sign bearing the term “taxi”, “taxi-cab”, “maxi-taxi” or “cab”;
 - (b) displaying the term “taxi”, “taxi-cab”, “maxi-taxi” or “cab” on any part of the vehicle;
 - (c) displaying the term “taxi”, “taxi-cab”, “maxi-taxi” or “cab” on a sign placed alongside the vehicle.
- (3) It is a defence in proceedings for an offence under subsection (1) if the defendant establishes, in respect of the relevant motor vehicle, that –
 - (a) it was, at the relevant time, suitable for use as a taxi having regard to the applicable prescribed vehicle specifications (including those relating to the age of vehicles); and
 - (b) it was, at any time before the relevant time, used or intended to be used as a taxi; and

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(c) it was, at the relevant time, not being used as a taxi.

(4) In this section –

taximeter means an electronic instrument that –

- (a) calculates the charge for hiring a vehicle; and
- (b) indicates that charge in figures.

91C. Soliciting passenger trade for motor vehicles on public streets

(1) Except with the prior authorisation of the Commission, a person must not, on a public street, solicit passenger trade for a motor vehicle on that public street.

Penalty: Fine not exceeding 20 penalty units.

(2) For the purposes of subsection (1), it is immaterial whether, at the relevant time –

- (a) the person doing the soliciting is inside or outside the relevant motor vehicle; or
- (b) the relevant motor vehicle –
 - (i) is a taxi, a luxury hire car or restricted hire vehicle; or
 - (ii) is moving or stationary; or
 - (iii) has its engine on or off; or

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(iv) is a large passenger vehicle or small passenger vehicle.

(3) In this section –

passenger trade means the carriage of passengers in a motor vehicle for financial consideration;

solicit, passenger trade for a motor vehicle, is, in the case of a taxi, luxury hire car, restricted hire vehicle or large passenger vehicle, taken not to include the placement next to the motor vehicle of a sign advertising a tour in the motor vehicle.

91D. Standing or parking taxis, &c., on public streets

- (1) A person must not stand or park a taxi on a public street unless –
- (a) it is standing or parked in a taxi zone; or
 - (b) it is picking up passengers or about to pick up passengers; or
 - (c) it is dropping off passengers or about to drop off passengers; or
 - (d) it is prominently displaying a sign clearly bearing the words “not for hire”; or
 - (e) the Commission has authorised it to do so.

Penalty: Fine not exceeding 20 penalty units.

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- (2) A person must not stand or park a small passenger vehicle on a public street if the vehicle is available for hire (but not a taxi) unless –
- (a) it is picking up passengers or about to pick up passengers; or
 - (b) it is dropping off passengers or about to drop off passengers; or
 - (c) it is prominently displaying a sign clearly bearing the words “not for hire”; or
 - (d) it is at the departure point of a tour that may be taken on the vehicle on the same day; or
 - (e) the Commission has authorised it to do so.

Penalty: Fine not exceeding 20 penalty units.

91E. General small passenger vehicle offences

- (1) A person must not use a small passenger vehicle on a public street to carry a passenger for financial consideration unless –
- (a) the person is using the vehicle in the course of operating a taxi service under the authority of a taxi licence; or
 - (b) the person is using the vehicle in the course of operating a luxury hire car service under the authority of a luxury hire car licence; or

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- (c) the person is using the vehicle in the course of operating a restricted hire vehicle service under the authority of a restricted hire vehicle licence; or
- (d) requests for transport by means of the vehicle are made by passengers using ride-sourcing software, within the meaning of the *Passenger Transport Services Act 2011*, and the person who owns, operates or controls a wholly or partly automated electronic system that uses the ride-sourcing software is accredited; or
- (e) the person is accredited to operate an on-demand passenger transport service by means of the vehicle.

Penalty: Fine not exceeding –

- (a) 100 penalty units for a first offence; or
 - (b) 200 penalty units for a second or subsequent offence.
- (2) Subsection (1) does not apply if, at the relevant time, the relevant small passenger vehicle is not being used to operate a passenger transport service.
- (2A) Subsection (1) does not apply in relation to a person using a small passenger vehicle if, under section 64(1) of the *Passenger Transport Services Act 2011* –

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- (a) the person is, or is a member of a class of persons that is, exempted from the application of section 10 of that Act; or
 - (b) the vehicle is, or is a member of a class of vehicles that is, exempted from the application of section 10 of that Act; or
 - (c) the passenger transport service that the vehicle is being used to operate is a passenger service that is, or is a member of a class of passenger services that is, exempted from the application of section 10 of that Act.
- (3) A person must not use a small passenger vehicle to operate a restricted hire vehicle service if the vehicle is at any other time also used as a taxi, unless –
- (a) the vehicle’s top light and any signs indicating that the vehicle is a taxi have been removed from the vehicle; and
 - (b) the vehicle’s taximeter has been turned off and covered over; and
 - (c) if the vehicle has a taxi licence number plate, the taxi licence number plate has been removed from the vehicle and a restricted hire vehicle licence number plate has been affixed to the vehicle.

Penalty: Fine not exceeding 20 penalty units.

- (4) In this section –

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use, a motor vehicle, includes causing or allowing an employee or other person to use the motor vehicle.

92. Age of vehicle

For the purposes of this Act, the age of a vehicle is to be determined by –

- (a) the month and year of its compliance plate; or
- (b) if no compliance plate is affixed to the vehicle, the date of manufacture of the vehicle recorded in the Register of Motor Vehicles.

93. Use of accessible vehicle with standard taxi licence

- (1) This section applies to perpetual taxi licences and owner-operator taxi licences in force in a taxi area where there is no wheelchair-accessible taxi licence in force.
- (2) The owner of a perpetual taxi licence or, if that licence is leased, the responsible operator, or the holder of an owner-operator taxi licence may apply to the Commission for authorisation to operate a service equivalent to a wheelchair-accessible taxi service under that licence and to charge fares in accordance with the wheelchair-accessible taxi tariffs.
- (3) The Commission may approve the application if the following conditions are met:

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- (a) the vehicle is suitable for use as a taxi and has a current inspection report;
 - (b) the vehicle complies with the *Disability Standards for Accessible Public Transport 2002* formulated under section 31(1) of the *Disability Discrimination Act 1992* of the Commonwealth;
 - (c) any modifications to make the vehicle wheelchair-accessible do not significantly alter the original external appearance of the vehicle;
 - (d) the vehicle is fitted with a wheelchair restraint assembly that complies with AS/NZS 10542.1:2015;
 - (e) any hoist or ramp fitted to the vehicle complies with AS 3856;
 - (f) the vehicle is fitted with a secondary, independent emergency-release mechanism on the wheelchair entry door that is clearly labelled with the words “EMERGENCY RELEASE”;
 - (g) the vehicle has an access door adjacent to each outboard seating position;
 - (h) the vehicle has adequate luggage space to the rear of the rearmost seat when the vehicle is not configured to carry a passenger seated in a wheelchair.
- (4) The Commission is to revoke the authorisation referred to in subsection (2) if the Commission

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issues a wheelchair-accessible taxi licence in that taxi area.

- (5) The Commission is to revoke the authorisation referred to in subsection (2) if the vehicle ceases to meet the conditions referred to in subsection (3).

94. Security cameras

The Commission, by notice published in the *Gazette*, may approve the requirements to be satisfied by a security camera for use in taxis.

95. False or misleading statements

A person must not, in giving any information under this Act –

- (a) make a statement that the person knows, or reasonably ought to know, is false or misleading; or
- (b) omit any matter from a statement if the person knows, or reasonably ought to know, that without that matter the statement is false or misleading.

Penalty: Fine not exceeding 30 penalty units.

96. Unauthorised operation of taxi and related services, &c.

- (1) A person must not operate or purport to operate a taxi service unless the person –

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- (a) holds, owns or leases a taxi licence; and
- (b) is the responsible operator of that taxi licence.

Penalty: Fine not exceeding 100 penalty units.

- (2) A person must not operate or purport to operate a luxury hire car service unless the person –
 - (a) holds a luxury hire car licence; and
 - (b) is the responsible operator of that luxury hire car licence.

Penalty: Fine not exceeding 100 penalty units.

- (3) A person must not operate or purport to operate a restricted hire vehicle service unless the person –
 - (a) holds a restricted hire vehicle licence; and
 - (b) is the responsible operator of that restricted hire vehicle licence.

Penalty: Fine not exceeding 100 penalty units.

97. Supply of information to Commission by licence holders, &c.

- (1) The Commission, by notice in writing given to –
 - (a) a person who is or was a person specified in subsection (2), may require the person to supply the Commission with any information relating to the price paid to

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- the person for the transfer to another person, of a licence, referred to in that subsection, that was held by the person who transferred the licence; or
- (b) a person who is or was a responsible operator of a perpetual taxi licence, may require the person to supply to the Commission information as to the price paid to the person for the lease of the licence to another person; or
 - (c) a person who is or was a person specified in subsection (2), may require the person to supply the Commission with information relating to the operation of a passenger transport service provided under the authority of a licence, referred to in that subsection, that the person owns or holds or owned or held.
- (2) For the purposes of subsection (1), the following persons are specified:
- (a) the owner of a perpetual taxi licence;
 - (b) the holder of an owner-operator taxi licence;
 - (c) the holder of a wheelchair-accessible taxi licence;
 - (d) the holder of a luxury hire car licence;
 - (e) the holder of a restricted hire vehicle licence;

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- (f) the holder of a temporary taxi licence.
- (3) A person to whom a notice is given under subsection (1) must supply the information specified in the notice in writing to the Commission within the time specified by the Commission in the notice.

Penalty: Fine not exceeding 50 penalty units.

98. Booking service provider

- (1) The Commission, by notice in writing given to the proprietor or manager of a booking service provider, within the meaning of the *Passenger Transport Services Act 2011*, may require that person to supply the Commission with any information relating to the operations of the booking service provider that the Commission requires for the effective administration of this Act.
- (2) A person who has been required to supply information under subsection (1) must supply the information in writing within the time period specified by the Commission.

Penalty: Fine not exceeding 50 penalty units.

98A. Waivers and refunds of fees and charges

- (1) The Commission, in its absolute discretion, may waive or refund the whole or any part of any fee or charge payable or paid under Part 4A if, in the circumstances, it considers it would be fair to do so.

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- (2) Nothing in this section is to be taken as limiting the general powers of the Commission under sections 5(1)(d) and (da) of the *Transport Act 1981*.

99. Evidentiary certificates

- (1) A certificate signed by the Commission certifying an entry in the register of licences is evidence in legal proceedings of facts recorded in the entry and, in the absence of evidence to the contrary, as proof of those facts.
- (2) A certificate signed by the Commission certifying any other matter that appears in the register of licences, or can be deduced or calculated from information recorded in such a register, is evidence in legal proceedings of the matter so certified and, in the absence of evidence to the contrary, as proof of that matter.
- (3) A certificate signed by the Registrar certifying that a person was or was not the holder of a driver licence or an ancillary certificate under the *Vehicle and Traffic Act 1999* on a specified date is admissible in legal proceedings as evidence of the fact so certified and, in the absence of evidence to the contrary, as proof of that fact.
- (4) A certificate signed by the Registrar certifying that a vehicle was or was not registered under the *Vehicle and Traffic Act 1999* on a specified date is admissible in legal proceedings as evidence of the fact so certified and, in the

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absence of evidence to the contrary, as proof of that fact.

- (5) A certificate signed by the Registrar or the Commission certifying an entry in a register kept under the *Vehicle and Traffic Act 1999* is evidence in legal proceedings of facts recorded in the entry and, in the absence of evidence to the contrary, as proof of those facts.
- (6) A certificate signed by the Registrar or the Commission certifying any other matter that appears in a register kept under the *Vehicle and Traffic Act 1999*, or can be deduced or calculated from information recorded in such a register, is evidence in legal proceedings of the matter so certified and, in the absence of evidence to the contrary, as proof of that matter.
- (7) A certificate signed by the Commission certifying that a person did or did not hold accreditation on a specified date is admissible in legal proceedings as evidence of the fact so certified and, in the absence of evidence to the contrary, as proof of that fact.
- (8) A certificate signed by the Commission certifying that a vehicle was approved or not approved for use as a wheelchair-accessible taxi, a remote area wheelchair-accessible taxi, a substitute wheelchair-accessible taxi, a luxury hire car or a restricted hire vehicle on a specified date is admissible in legal proceedings as evidence of the fact so certified and, in the absence of evidence to the contrary, as proof of that fact.

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100. Service of notices and other documents

A notice or other document is effectively served or given under this Act if –

- (a) in the case of a natural person, it is –
 - (i) given to the person; or
 - (ii) left at, or sent by post to, the address recorded in the register of licences in relation to that person or, if the person's name is not recorded in the register of licences, left at, or sent by post to, the address recorded in any register kept by the Registrar; or
 - (iii) faxed to the person's fax number; or
 - (iv) emailed to the person's email address; and
- (b) in the case of any other person, it is –
 - (i) left at, or sent by post to, the address recorded in the register of licences in relation to that person or, if the person's name is not recorded in the register of licences, left at, or sent by post to, the address recorded in any register kept by the Registrar; or
 - (ii) faxed to the person's fax number; or

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(iii) emailed to the person's email address.

101. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) In particular, without limiting the generality of subsection (1), the regulations may be made in respect of the matters specified in Schedule 5.
- (3) The regulations may be made subject to such conditions, or be made so as to apply differently to any class of persons according to such factors, as may be specified in them or according to such limitations or restrictions, whether as to time or circumstances or otherwise, as may be so specified.
- (4) The regulations may authorise any matter to be from time to time determined, applied or regulated by the Commission or the Registrar.
- (5) The regulations may provide that it is an offence, punishable on summary conviction, for a person to contravene any of them and may provide in respect of any such offence for the imposition of a fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.
- (6) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.

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- (7) Regulations made under subsection (6) may take effect on the day on which this Act commences or a later day as specified in the regulations, whether the day so specified is before, on or after the day on which the regulations are made.

102. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Infrastructure; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Infrastructure, Energy and Resources.

103. Savings and transitional provisions

- (1) A taxi licence in force immediately before the commencement of Part 3 continues in force on that commencement as if it had been issued under this Act.
- (2) A luxury hire car licence in force immediately before the commencement of Part 4 continues in force on that commencement as if it had been issued under this Act.
- (3) A licence number plate issued in respect of a taxi licence in force immediately before the commencement of Part 3 is, on that commencement, taken to be a licence number

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plate issued in respect of a taxi licence under this Act.

- (4) A distinctive plate issued by the Commission for the vehicle to which a luxury hire car licence applies in force immediately before the commencement of Part 4 is, on that commencement, taken to be a licence number plate issued in respect of a luxury hire car licence under this Act.
- (5) A vehicle operated as a luxury hire car immediately before the commencement of Part 4 under the authority of a luxury hire car licence in force immediately before the commencement of Part 4 that does not comply with the criteria prescribed in the regulations is, on that commencement, taken to be a luxury hire car for the purposes of this Act for a period not exceeding 12 months after the commencement of that Part.
- (6) Any money remaining in the funds for taxi areas established under sections 13 and 14 of the repealed Act and any money remaining in the general administration fund established under section 15 of the repealed Act is, on the commencement of Part 2, transferred to the general administration fund established under this Act.
- (7) Any money that was, immediately before the repeal of section 8 of this Act by the *On-Demand Passenger Transport Services Industry (Miscellaneous Amendments) Act 2020*, in the general administration fund is to be, as soon as

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practicable, transferred to the fund established under section 60AA of the *Passenger Transport Services Act 2011*.

- (8) If a licence was, before 30 September 2019, made available for issue under section 23 of this Act but has not been sold by tender before the day on which this subsection commences, the licence is withdrawn from sale on the day on which this subsection commences.

104. Legislation repealed

The legislation specified in Schedule 6 is repealed.

105. Legislation rescinded

The legislation specified in Schedule 7 is rescinded.

**SCHEDULE 1 – CRITERIA FOR WHEELCHAIR-
ACCESSIBLE TAXIS, REMOTE AREA
WHEELCHAIR-ACCESSIBLE TAXIS AND
SUBSTITUTE WHEELCHAIR-ACCESSIBLE TAXIS**

Section 3

1. Criteria

- (1) The Commission may approve a vehicle for use as a wheelchair-accessible taxi, a remote area wheelchair-accessible taxi or a substitute wheelchair-accessible taxi if –
 - (a) the vehicle has no more than 12 seats in any configuration; and
 - (b) the vehicle complies with the *Disability Standards for Accessible Public Transport 2002* formulated under section 31(1) of the *Disability Discrimination Act 1992* of the Commonwealth; and
 - (c) any modifications to make the vehicle wheelchair-accessible do not significantly alter the original external appearance of the vehicle; and
 - (d) the vehicle is fitted with a wheelchair restraint assembly that complies with AS/NZS 10542.1.2015; and
 - (e) any hoist or ramp fitted to the vehicle complies with AS 3856; and
 - (f) the vehicle is fitted with a secondary, independent emergency-release

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mechanism on the wheelchair entry door that is clearly labelled with the words “EMERGENCY RELEASE”; and

- (g) the vehicle has an access door adjacent to each outboard seating position; and
- (h) the vehicle has adequate luggage space to the rear of the rearmost seat when the vehicle is not configured to carry a passenger seated in a wheelchair; and
- (i) the vehicle, at the time of approval for use, is not more than 7 years old.

(2 - 3)

(4) In this Schedule –

seat of a motor vehicle includes –

- (a) the driver’s seat; and
- (b) an individual seating position on a bench seat; and
- (c) a demountable seat (being a seat that is so designed and constructed as to be capable of being readily removed from the vehicle without the need to structurally alter the vehicle); and
- (d) a modifiable seat (being a seat that is so designed and constructed as to be capable of being readily retracted, collapsed or folded away when not in use or

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adapted to another use such as a sofa, bed or storage); and

- (e) a seat that, in order to be used, requires the temporary retraction, collapsing or folding-away of a moveable console or armrest; and
- (f) a position within which an occupied wheelchair may be secured.

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SCHEDULE 4 –

**SCHEDULE 5 – MATTERS IN RESPECT OF WHICH
REGULATIONS MAY BE MADE**

Section 101

1. Matters to which regulations may apply

The regulations may –

- (a) prescribe fees to be paid for or in respect of taxi licences, luxury hire car licences or restricted hire vehicle licences, including, without limiting the generality of this, application fees, annual fees and licence replacement fees; and
- (b) provide for registration of holders of licences; and
- (c) prescribe classes of vehicles for the purposes of this Act; and
- (d) prescribe vehicle specifications for vehicles that may be used as taxis, luxury hire cars or restricted hire vehicles under this Act; and
- (e) prescribe conditions which may be imposed on the owner or responsible operator of a perpetual taxi licence; and
- (f) prohibit the multiple hiring of taxi services; and
- (g) regulate circumstances under which the driver of a taxi, luxury hire car or restricted hire vehicle may refuse to

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- accept a passenger or terminate a hiring;
and
- (h)
- (i) provide for equipment required to be carried on or installed in a taxi, luxury hire car or restricted hire vehicle and also provide for the installation, operation, examination and testing of that equipment and retrieval of information from that equipment; and
- (j) prohibit the use of certain equipment from being carried on or within a taxi, luxury hire car or restricted hire vehicle; and
- (k) provide for notices, labels, licence number plates and other material which are to be carried or displayed in or on taxis, luxury hire cars or restricted hire vehicles; and
- (l) prescribe fees to be paid on the issue of notices, labels, licence number plates or other material which are to be carried or displayed in or on taxis, luxury hire cars or restricted hire vehicles; and
- (m) prohibit the display of certain notices and material in or on taxis, luxury hire cars and restricted hire vehicles or on the drivers thereof; and
- (n) provide for the health of the passengers and the safety of taxi services, luxury

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hire car services and restricted hire vehicle services; and

- (o) prescribe procedural requirements and other matters for the purposes of Part 3 not otherwise dealt with in this Schedule and generally provide for the administration and control of taxi licences; and
- (p) prescribe procedural requirements and other matters for the purposes of Part 4 and generally provide for the administration and control of luxury hire car licences; and
- (pa) prescribe procedural requirements and other matters for the purposes of Part 4A and generally provide for the administration and control of restricted hire vehicle licences; and
- (q) provide for the appointment of persons responsible for –
 - (i) the installation, maintenance and testing of equipment required by the Commission to be carried on or installed in a taxi, luxury hire car or restricted hire vehicle; or
 - (ii) the retrieval of information from the equipment referred to in subparagraph (i); and
- (r) provide for the fees to be paid by persons referred to in paragraph (q); and

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- (s) prescribe circumstances in which owner-operator taxi licences, wheelchair-accessible taxi licences, luxury hire car licences or restricted hire vehicle licences may be suspended or cancelled; and
- (t) provide for subsidies to be payable to holders of taxi licences; and
- (u) prescribe the minimum service levels, quotas and other performance targets for taxis; and
- (v) provide for the keeping and production of records; and
- (w) provide for the management of lost property in taxis, luxury hire cars and restricted hire vehicles; and
- (x) make provision for or relating to the conduct, behaviour, rights, responsibilities and obligations of responsible operators and taxi drivers in providing taxi services; and
- (y) make provision for or relating to the conduct, behaviour, rights, responsibilities and obligations of holders of luxury hire car licences or restricted hire vehicle licences, or of luxury hire car drivers or restricted hire vehicle drivers, in providing luxury hire car services or restricted hire vehicle services; and

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- (z) prescribe service standards in respect of customers including compliance with human rights legislation; and
- (za) make provision for or relating to the conduct, behaviour, rights, responsibilities and obligations of passengers in taxis, luxury hire cars and restricted hire vehicles; and
- (zb) provide for the review of administrative decisions made by the Commission under the Act.

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SCHEDULE 6 – LEGISLATION REPEALED

Section 104

Taxi and Luxury Hire Car Industries Act 1995 (No. 27 of
1995)

Taxi and Luxury Hire Car Industries Reform Act 1999 (No. 97
of 1999)

Taxi and Luxury Hire Car Industries Amendment Act 2003
(No. 82 of 2003)

Taxi and Luxury Hire Car Industries Amendment Act 2007
(No. 61 of 2007)

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SCHEDULE 7 – LEGISLATION RESCINDED

Section 105

Taxi Industry Regulations 1996 (No. 198 of 1996)

Taxi Industry (Taxi Areas) Regulations 1996 (No. 199 of 1996)

Taxi Industry Amendment Regulations 1997 (No. 194 of 1997)

Taxi Industry (Taxi Areas) Amendment Regulations 1997 (No. 195 of 1997)

Taxi Industry Amendment (Extension) Regulations 1998 (No. 88 of 1998)

Taxi Industry Amendment (Extension) Regulations 1999 (No. 21 of 1999)

Taxi Industry Amendment (Public Vehicles Reform) Regulations 2000 (No. 69 of 2000)

Taxi Industry (Taxi Areas) Amendment Regulations 2000 (No. 70 of 2000)

Taxi Industry Amendment (Fares) Regulations 2000 (No. 96 of 2000)

Taxi Industry Amendment (Fares) Regulations (No. 2) 2000 (No. 248 of 2000)

Taxi Industry Amendment Regulations 2001 (No. 53 of 2001)

Taxi Industry Amendment (Fares) Regulations 2002 (No. 25 of 2002)

Taxi Industry Amendment (Fares) Regulations 2003 (No. 69 of 2003)

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Taxi Industry Amendment Regulations 2003 (No. 100 of 2003)

Taxi Industry Amendment Regulations 2004 (No. 15 of 2004)

Taxi Industry (Taxi Areas) Amendment Regulations 2004 (No. 16 of 2004)

Taxi Industry Amendment (Security Cameras) Regulations 2004 (No. 21 of 2004)

Taxi Industry Amendment (Wheelchair-accessible Taxis) Regulations 2004 (No. 60 of 2004)

Taxi Industry (Taxi Areas) Amendment Regulations (No. 2) 2004 (No. 61 of 2004)

Taxi Industry Amendment (Fares and Charges) Regulations 2004 (No. 107 of 2004)

Taxi Industry Amendment Regulations 2005 (No. 89 of 2005)

Taxi Industry Amendment (Number-plates and Labels) Regulations 2005 (No. 114 of 2005)

Taxi Industry Amendment (Fares) Regulations 2005 (No. 117 of 2005)

Taxi Industry Amendment Regulations (No. 2) 2005 (No. 130 of 2005)

Taxi Industry Amendment Regulations 2006 (No. 119 of 2006)

Taxi Industry (Taxi Areas) Amendment Regulations 2007 (No. 11 of 2007)

Taxi Industry Amendment (Fares) Regulations 2007 (No. 25 of 2007)

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*Taxi Industry Amendment (Wheelchair-Accessible Taxi
Licences) Regulations 2007 (No. 96 of 2007)*

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NOTES

The foregoing text of the *Taxi and Hire Vehicle Industries Act 2008* 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 1 December 2022 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
<i>Taxi and Luxury Hire Car Industries Act 2008</i>	No. 30 of 2008	24.9.2008
<i>Traffic Amendment (Road Rules Consequential Amendments) Act 2009</i>	No. 61 of 2009	20.11.2009
<i>Taxi and Luxury Hire Car Industries Amendment Act 2009</i>	No. 63 of 2009	1.1.2010
<i>Taxi and Luxury Hire Car Industries Amendment Act 2011</i>	No. 61 of 2011	1.7.2013
<i>Taxi and Hire Vehicle Industries Amendment Act 2016</i>	No. 27 of 2016	6.9.2016
<i>Financial Management (Consequential and Transitional Provisions) Act 2017</i>	No. 4 of 2017	1.7.2019
<i>On-Demand Passenger Transport Services Industry (Miscellaneous Amendments) Act 2020</i>	No. 28 of 2020	30.12.2020
<i>Vehicle and Traffic Amendment (Road Vehicle Standards) Act 2020</i>	No. 34 of 2020	1.7.2021
<i>On-Demand Passenger Transport Services Industry (Miscellaneous Amendments) Act 2020</i>	No. 28 of 2020	15.9.2021 (ss. 29, 36, 41 and 48) 1.12.2022 (Sections 30, 32, 37, 38, 42-44, 49-51, 53, 54, 56, 57, 60, 62, 64) not commenced (Section 28)

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TABLE OF AMENDMENTS

Provision affected	How affected
The long title	Amended by No. 61 of 2011, s. 4
Section 1	Amended by No. 61 of 2011, s. 5
Section 3	Amended by No. 61 of 2009, s. 8, No. 61 of 2011, s. 6, No. 28 of 2020, s. 27 and No. 34 of 2020, Sched. 1
Section 3A	Inserted by No. 61 of 2011, s. 7
Section 4	Amended by No. 61 of 2011, s. 8
Section 4A	Inserted by No. 61 of 2011, s. 9
Section 7	Amended by No. 61 of 2011, s. 10
Section 8	Amended by No. 4 of 2017, Sched. 1
Division 1 of Part 3	Substituted by No. 61 of 2011, s. 11
Section 9	Substituted by No. 61 of 2011, s. 11
Section 9A	Inserted by No. 61 of 2011, s. 11
Section 9B	Inserted by No. 61 of 2011, s. 11
Section 10	Amended by No. 61 of 2011, s. 12
Section 11	Substituted by No. 61 of 2011, s. 13
Section 13	Amended by No. 61 of 2011, s. 14 Repealed by No. 28 of 2020, s. 29
Section 14	Repealed by No. 28 of 2020, s. 29
Section 15	Amended by No. 28 of 2020, s. 30
Section 18	Amended by No. 28 of 2020, s. 31
Section 18A	Inserted by No. 28 of 2020, s. 32
Section 20	Amended by No. 28 of 2020, s. 33
Section 22	Amended by No. 63 of 2009, s. 4 and No. 61 of 2011, s. 15
Section 23	Amended by No. 27 of 2016, s. 4 and No. 28 of 2020, s. 34
Section 24	Amended by No. 63 of 2009, s. 5, No. 61 of 2011, s. 16 and No. 28 of 2020, s. 35
Section 27	Substituted by No. 61 of 2011, s. 17
Section 28	Amended by No. 63 of 2009, s. 6 Substituted by No. 61 of 2011, s. 17
Section 29	Amended by No. 61 of 2011, s. 18 Repealed by No. 28 of 2020, s. 36
Section 30	Repealed by No. 28 of 2020, s. 36
Section 31	Amended by No. 61 of 2011, s. 19 and No. 28 of 2020, s. 37
Section 34	Amended by No. 61 of 2011, s. 20
Section 35	Amended by No. 61 of 2011, s. 21 Substituted by No. 28 of 2020, s. 38
Section 36	Amended by No. 61 of 2011, s. 22
Section 37	Amended by No. 28 of 2020, s. 39
Section 40	Amended by No. 63 of 2009, s. 7 and No. 61 of 2011, s. 23
Section 41	Amended by No. 61 of 2011, s. 24 and No. 28 of 2020, s. 40
Section 44	Substituted by No. 61 of 2011, s. 25
Section 45	Amended by No. 61 of 2011, s. 26

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Provision affected	How affected
Section 46	Amended by No. 63 of 2009, s. 8 Substituted by No. 61 of 2011, s. 27
Section 47	Amended by No. 61 of 2011, s. 28 Repealed by No. 28 of 2020, s. 41
Section 48	Repealed by No. 28 of 2020, s. 41
Section 49	Amended by No. 61 of 2011, s. 29 and No. 28 of 2020, s. 42
Section 50	Amended by No. 61 of 2011, s. 30 and No. 28 of 2020, s. 43
Section 51	Amended by No. 61 of 2011, s. 31
Section 54	Amended by No. 61 of 2011, s. 32 Substituted by No. 28 of 2020, s. 44
Section 55	Amended by No. 61 of 2011, s. 33
Section 59	Amended by No. 61 of 2011, s. 34
Section 62	Amended by No. 61 of 2011, s. 35
Section 66A	Inserted by No. 28 of 2020, s. 45
Section 66B	Inserted by No. 28 of 2020, s. 45
Section 66C of Part 3	Inserted by No. 28 of 2020, s. 46
Section 66D of Part 3	Inserted by No. 28 of 2020, s. 46
Section 66E of Part 3	Inserted by No. 28 of 2020, s. 46
Section 66F of Part 3	Inserted by No. 28 of 2020, s. 46
Section 66G of Part 3	Inserted by No. 28 of 2020, s. 46
Section 66H of Part 3	Inserted by No. 28 of 2020, s. 46
Section 66I of Part 3	Inserted by No. 28 of 2020, s. 46
Section 66J of Part 3	Inserted by No. 28 of 2020, s. 46
Section 66K of Part 3	Inserted by No. 28 of 2020, s. 46
Section 67	Substituted by No. 61 of 2011, s. 36
Section 67A	Inserted by No. 61 of 2011, s. 37
Section 68	Amended by No. 63 of 2009, s. 9 and No. 61 of 2011, s. 38
Section 69	Amended by No. 61 of 2011, s. 39 and No. 28 of 2020, s. 47
Section 72	Substituted by No. 61 of 2011, s. 40
Section 74	Amended by No. 63 of 2009, s. 10 Substituted by No. 61 of 2011, s. 41
Section 75	Amended by No. 61 of 2011, s. 42 Repealed by No. 28 of 2020, s. 48
Section 76	Repealed by No. 28 of 2020, s. 48
Section 77	Amended by No. 61 of 2011, s. 43 and No. 28 of 2020, s. 49

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Provision affected	How affected
Section 78	Amended by No. 61 of 2011, s. 44 and No. 28 of 2020, s. 50
Section 81	Subsection (1) substituted by No. 61 of 2011, s. 45 Amended by No. 61 of 2011, s. 45 Substituted by No. 28 of 2020, s. 51
Section 82	Amended by No. 61 of 2011, s. 46
Section 84	Repealed by No. 61 of 2011, s. 47
Section 84A	Inserted by No. 61 of 2011, s. 48
Section 84B	Inserted by No. 61 of 2011, s. 48
Section 84C	Inserted by No. 61 of 2011, s. 48
Section 84D	Inserted by No. 61 of 2011, s. 48
Section 84E	Inserted by No. 61 of 2011, s. 48 Amended by No. 28 of 2020, s. 52
Section 84F	Inserted by No. 61 of 2011, s. 48
Section 84G	Inserted by No. 61 of 2011, s. 48
Section 84H	Inserted by No. 61 of 2011, s. 48
Section 84I	Inserted by No. 61 of 2011, s. 48
Section 84J	Inserted by No. 61 of 2011, s. 48
Section 84K	Inserted by No. 61 of 2011, s. 48
Section 84L	Inserted by No. 61 of 2011, s. 48 Amended by No. 28 of 2020, s. 53
Section 84M	Inserted by No. 61 of 2011, s. 48
Section 84N	Inserted by No. 61 of 2011, s. 48
Section 84O	Inserted by No. 61 of 2011, s. 48 Substituted by No. 28 of 2020, s. 54
Section 84P	Inserted by No. 61 of 2011, s. 48
Section 84Q	Inserted by No. 61 of 2011, s. 48
Section 85	Amended by No. 61 of 2011, s. 49 and No. 28 of 2020, s. 55
Section 86	Amended by No. 28 of 2020, s. 52 and No. 28 of 2020, s. 56
Section 89A	Inserted by No. 28 of 2020, s. 57
Section 90A	Inserted by No. 28 of 2020, s. 58
Section 91A	Inserted by No. 61 of 2011, s. 50
Section 91B	Inserted by No. 61 of 2011, s. 50 Amended by No. 28 of 2020, s. 59
Section 91C	Inserted by No. 61 of 2011, s. 50
Section 91D	Inserted by No. 61 of 2011, s. 50
Section 91E	Inserted by No. 61 of 2011, s. 50 Amended by No. 27 of 2016, s. 5 and No. 28 of 2020, s. 60
Section 93	Amended by No. 61 of 2011, s. 51 and No. 28 of 2020, s. 61
Section 94	Amended by No. 28 of 2020, s. 62
Section 95	Amended by No. 61 of 2011, s. 52
Section 96	Substituted by No. 61 of 2011, s. 53
Section 97	Amended by No. 61 of 2011, s. 54 Substituted by No. 28 of 2020, s. 63
Section 98	Amended by No. 28 of 2020, s. 64

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Provision affected	How affected
Section 98A	Inserted by No. 61 of 2011, s. 55
Section 99	Amended by No. 61 of 2011, s. 56
Section 103	Amended by No. 28 of 2020, s. 65
Schedule 1	Amended by No. 61 of 2011, s. 57 and No. 28 of 2020, s. 66
Schedule 2	Amended by No. 61 of 2011, s. 58 Repealed by No. 28 of 2020, s. 67
Schedule 3	Repealed by No. 28 of 2020, s. 67
Schedule 4	Repealed by No. 28 of 2020, s. 67
Schedule 5	Amended by No. 63 of 2009, s. 11, No. 61 of 2011, s. 59 and No. 28 of 2020, s. 68
