

TASMANIA

**LUXURY HIRE CAR INDUSTRY REGULATIONS
2018**

STATUTORY RULES 2018, No. 55

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LUXURY HIRE CAR INDUSTRY REGULATIONS 2018

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

Dated 17 September 2018.

C. WARNER
Governor

By Her Excellency's Command,

JEREMY ROCKLIFF
Minister for Infrastructure

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Luxury Hire Car Industry Regulations 2018*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

3. Interpretation

In these regulations –

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Part 1 – Preliminary

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

Group A vehicle means a small passenger vehicle that meets the prescribed criteria set out in regulation 8(2)(a);

Group B vehicle means a small passenger vehicle that meets the prescribed criteria set out in regulation 8(2)(b);

Group C vehicle means a small passenger vehicle that meets the prescribed criteria set out in regulation 8(2)(c);

Group D vehicle means a small passenger vehicle that meets the prescribed criteria set out in regulation 8(2)(d);

GST has the same meaning as it has in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth;

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

value means the manufacturer's recommended retail price for a vehicle, including GST and excluding optional extras, accessories, dealer delivery charges and any other charges, fees or taxes applicable to the sale of the vehicle.

PART 2 – LUXURY HIRE CAR LICENCES

4. Form of luxury hire car licence

A luxury hire car licence is to include –

- (a) the name and address of the holder of the licence; and
- (b) the licence number of the licence; and
- (c) the following particulars of the vehicle to which the licence applies:
 - (i) the registration number;
 - (ii) the make;
 - (iii) the body type;
 - (iv) the year of manufacture;
 - (v) the seating capacity as recorded in the Register of Motor Vehicles; and
- (d) the number of the licence number plate in force in respect of the licence; and
- (e) the conditions, if any, imposed on the luxury hire car licence under the Act.

5. Change of name or address

The holder of a luxury hire car licence must notify the Commission in writing of a change to

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Part 2 – Luxury Hire Car Licences

his or her name or address within 14 days after the change occurs.

Penalty: Fine not exceeding 5 penalty units.

6. Suspension of luxury hire car licence

For the purposes of section 82(1) of the Act, the prescribed circumstances in which the Commission may suspend a luxury hire car licence are as follows:

- (a) if the holder of the licence fails to comply with a condition of the licence;
- (b) if the holder of the licence has failed to supply, within the period specified in the notice given to the holder of the licence under section 97 of the Act, the information he or she is required by the notice to supply;
- (c) if the vehicle to which the licence applies ceases to be registered;
- (d) if the Commission has suspended the accreditation of the holder of the licence under the *Passenger Transport Services Act 2011*;
- (e) if the holder of the licence is found guilty of an offence under section 95 of the Act.

7. Cancellation of luxury hire car licence

For the purposes of section 82(1) of the Act, the prescribed circumstances in which the Commission may cancel a luxury hire car licence are as follows:

- (a) if the holder of the licence fails to comply with a condition of the licence;
- (b) if the vehicle to which the licence applies ceases to comply with the relevant age requirement set out in regulation 9 and is still being offered for hire as a luxury hire car;
- (c) if the vehicle to which the licence applies ceases to be registered and is likely to remain unregistered for a prolonged period;
- (d) if the holder of the licence has fees owing to the Commission, in respect of the licence, that have been due for a period greater than 12 months;
- (e) if the holder of the licence is found guilty of an offence under section 95 of the Act;
- (f) if the holder of the licence fails to supply information to the Commission in accordance with section 97 of the Act within 90 days after the expiry of the period specified in the notice given to the holder in accordance with that section.

PART 3 – VEHICLE AND EQUIPMENT

8. Prescribed criteria for approval of luxury hire car

- (1) The following classes of vehicles are classes of luxury hire cars for the purposes of the Act:
 - (a) Group A vehicle;
 - (b) Group B vehicle;
 - (c) Group C vehicle;
 - (d) Group D vehicle.
- (2) For the purposes of section 73(1) of the Act –
 - (a) the prescribed criteria in relation to a Group A vehicle are that the vehicle must have –
 - (i) a minimum wheelbase of 2 800 millimetres; and
 - (ii) a value equal to or greater than the luxury car tax threshold as determined by the Australian Taxation Office for the year of manufacture of the vehicle; and
 - (b) the prescribed criteria in relation to a Group B vehicle are that the vehicle –
 - (i) must be a small passenger vehicle that is a stretched or modified version of a Group A vehicle; and

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- (ii) before being stretched or modified, must have had a minimum wheelbase of 2 800 millimetres; and
 - (iii) before being stretched or modified, must have had a value equal to or greater than the luxury car tax threshold as determined by the Australian Taxation Office for the year of manufacture of the vehicle; and
 - (iv) must be manufactured less than 7 years before the date on which the application for approval of the vehicle for use as a luxury hire car was made under section 73(2) of the Act; and
 - (c) the prescribed criteria in relation to a Group C vehicle are that the vehicle must –
 - (i) have a minimum wheelbase of 2 800 millimetres; and
 - (ii) have a value equal to or greater than a multiple of 2 times the luxury car tax threshold as determined by the Australian Taxation Office for the year of manufacture of the vehicle; and
 - (iii) be manufactured less than 7 years before the date on which the application for approval of the

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- vehicle for use as a luxury hire car was made under section 73(2) of the Act; and
- (d) the prescribed criteria in relation to a Group D vehicle are that the vehicle –
- (i) must be a small passenger vehicle that is a stretched or modified version of a Group C vehicle; and
 - (ii) before being stretched or modified, must have had a minimum wheelbase of 2 800 millimetres; and
 - (iii) before being stretched or modified, must have had a value equal to or greater than a multiple of 2 times the luxury car tax threshold as determined by the Australian Taxation Office for the year of manufacture of the vehicle; and
 - (iv) must be manufactured less than 7 years before the date on which the application for approval of the vehicle for use as a luxury hire car was made under section 73(2) of the Act.

9. Maximum age for luxury hire car

A person must not operate a vehicle as a luxury hire car if the age of the vehicle exceeds the following:

- (a) in the case of a Group A vehicle, 7 years;
- (b) in the case of a Group B vehicle, 12 years;
- (c) in the case of a Group C vehicle, 15 years;
- (d) in the case of a Group D vehicle, 20 years.

Penalty: Fine not exceeding 20 penalty units.

PART 4 – LICENCE NUMBER PLATES, LABELS AND LOGBOOKS

Division 1 – Licence number plates

10. Application of Division

This Division applies if the Commission has issued a licence number plate to the holder of the licence under section 89 of the Act.

11. Obligation to display licence number plate

- (1) The holder of a luxury hire car licence must ensure that the licence number plate –
 - (a) is affixed in accordance with subregulation (3) to the luxury hire car shown in the register of licences as the vehicle to which the licence number plate relates; and
 - (b) remains so affixed while the vehicle is being operated as a luxury hire car under the authority of the luxury hire car licence.

Penalty: Fine not exceeding 10 penalty units.

- (2) It is a defence in proceedings for an offence under subregulation (1) if the defendant establishes that, at the time when the alleged offence occurred –
 - (a) the licence number plate had been –

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- (i) lost and the defendant has notified the Commission in accordance with regulation 12(2); or
 - (ii) damaged to the extent that it was unusable and the defendant has notified the Commission in accordance with regulation 12(1)(a); and
 - (b) a replacement licence number plate had not been issued.
- (3) A licence number plate required to be affixed under this regulation is to be affixed immediately above or next to the vehicle's front registration plate so that the licence number plate –
- (a) displays to the front of the vehicle; and
 - (b) is clearly legible from a distance of 20 metres at any point within an arc of 45 degrees from the surface of the licence number plate above or to either side of the vehicle.
- (4) The holder of a luxury hire car licence must not affix, or cause or permit to be affixed, a licence number plate issued by the Commission to a vehicle other than the vehicle specified in the licence.

Penalty: Fine not exceeding 10 penalty units.

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Part 4 – Licence Number Plates, Labels and Logbooks

- (5) If the luxury hire car licence to which a licence number plate relates lapses in accordance with section 76(1) of the Act, the holder of the licence must remove the licence number plate, or cause the licence number plate to be removed, from the vehicle to which the licence relates.

Penalty: Fine not exceeding 10 penalty units.

- (6) If the luxury hire car licence to which a licence number plate relates is suspended, the holder of the licence must remove the licence number plate, or cause the licence number plate to be removed, from the vehicle to which the licence relates while the licence is suspended.

Penalty: Fine not exceeding 10 penalty units.

- (7) The holder of a luxury hire car licence must not operate, or cause or permit another person to operate, a luxury hire car that has affixed to it a licence number plate that –
- (a) is void under regulation 12; or
 - (b) is to be given to the Commission under section 90 of the Act; or
 - (c) is to be removed from the luxury hire car under subregulation (5) or (6).

Penalty: Fine not exceeding 20 penalty units.

12. Lost or damaged licence number plates

- (1) If a licence number plate is damaged to the extent that it is unusable, the holder of the luxury

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hire car licence in respect of which the licence number plate was issued must, as soon as practicable after the holder discovers the damage –

- (a) notify, in writing, the Commission of the damage; and
- (b) return the damaged licence number plate to the Commission.

Penalty: Fine not exceeding 5 penalty units.

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

Penalty: Fine not exceeding 5 penalty units.

- (3) The Commission may request the holder of a luxury hire car licence, who notified the Commission under subregulation (2), to provide the Commission, within a period specified by the Commission, with any information that the Commission requires to satisfy the Commission of the loss.

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

Penalty: Fine not exceeding 5 penalty units.

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

13. Replacement licence number plate

- (1) If the holder of a luxury hire car licence returns a licence number plate to the Commission under regulation 12(1)(b), or notifies the Commission that a licence number plate is lost under regulation 12(2), the holder may apply to the Commission for a replacement licence number plate.
- (2) An application for a replacement licence number plate is to be –
 - (a) in writing; and
 - (b) in a form approved by the Commission.
- (3) On receipt of an application for a replacement licence number plate and on payment of the relevant fee in Schedule 1, the Commission may issue, to the holder of a luxury hire car licence who made the application, a replacement licence number plate –
 - (a) with the same number as the licence number plate being replaced; or
 - (b) with a different number from the licence number plate being replaced.

Division 2 – Labels

14. Issue of label

- (1) The Commission may issue a label to the holder of a luxury hire car licence.
- (2) A label remains the property of the Commission and is issued in addition to, or in substitution for, any other label or form of identification issued by the Commission under the Act or these regulations.
- (3) The Commission may request a person to whom a label was issued to return the label to the Commission within a period the Commission specifies.
- (4) A person to whom a request under subregulation (3) is made must comply with the request within the period specified by the Commission.

Penalty: Fine not exceeding 5 penalty units.

15. Obligation to display label

- (1) The holder of a luxury hire car licence, to whom a label is issued under regulation 14, must ensure that the label –
 - (a) is affixed, in accordance with subregulation (2), to the vehicle being operated as a luxury hire car under the authority of the luxury hire car licence; and

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- (b) remains so affixed while the vehicle is being operated as a luxury hire car under the authority of the luxury hire car licence.

Penalty: Fine not exceeding 5 penalty units.

- (2) A label required to be affixed to a luxury hire car under this regulation is to be affixed in a conspicuous position on the dashboard of the passenger side of that vehicle.
- (3) The Commission may instruct the holder of a luxury hire car licence to remove a label from the luxury hire car being operated under the authority of that licence if the Commission considers it appropriate to do so.
- (4) The holder of a luxury hire car licence must comply with an instruction given to the holder under subregulation (3).

Penalty: Fine not exceeding 5 penalty units.

16. Lost or damaged labels

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

Penalty: Fine not exceeding 5 penalty units.

- (2) The Commission may request the holder of a luxury hire car licence, who notified the Commission under subregulation (1), to provide

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Part 4 – Licence Number Plates, Labels and Logbooks

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the Commission, within a period specified by the Commission, with any evidence that the Commission requires to satisfy the Commission of the loss or damage.

- (3) A person to whom a request is made under subregulation (2) must comply with that request within the period specified in the request.

Penalty: Fine not exceeding 5 penalty units.

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

Division 3 – Logbooks

17. Requirement for logbook to be carried in luxury hire car

- (1) The Commission, in writing, may direct the holder of a luxury hire car licence to ensure that the driver of the luxury hire car to which the licence relates –
- (a) carries a logbook in that luxury hire car while driving it for the purposes of providing a luxury hire car service; and
 - (b) records in the logbook the information required under regulation 18.
- (2) The holder of a luxury hire car licence who is given a direction under subregulation (1) must comply with that direction.

Penalty: Fine not exceeding 10 penalty units.

18. Information entered in logbook

- (1) If the Commission gives a direction under regulation 17 to the holder of a luxury hire car licence, the driver of the luxury hire car to which the licence relates must –
- (a) carry a logbook in that luxury hire car while driving it for the purposes of providing a luxury hire car service; and
 - (b) record the following information in the logbook referred to in paragraph (a):
 - (i) the registration plate number of the luxury hire car;
 - (ii) the number of the licence number plate for the luxury hire car licence under the authority of which the luxury hire car is operating; and
 - (c) for each hiring undertaken by the driver under the authority of the luxury hire car licence, enter in the logbook referred to in paragraph (a) the following information in accordance with subsection (2):
 - (i) the date of the hiring;
 - (ii) the name of the customer;
 - (iii) the name of the passenger, if the passenger is someone other than the customer;

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- (iv) the pick-up location for the passenger;
- (v) the destination of the passenger;
- (vi) the time when the luxury hire car was booked to pick up the passenger;
- (vii) the time when the luxury hire car arrives at the passenger's destination;
- (viii) the agreed fare for the hiring;
- (ix) any other information specified by the Commission in writing to the holder of the luxury hire car licence.

Penalty: Fine not exceeding 10 penalty units.

- (2) The driver of a luxury hire car required under subsection (1)(c) to enter information into a logbook in respect of a hiring must –
 - (a) enter as much of that information as is possible before arriving at the pick-up location for a passenger; and
 - (b) complete the remaining details of the entry of that information as soon as practicable after the completion of the hiring of the luxury hire car.

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Part 4 – Licence Number Plates, Labels and Logbooks

19. Production of logbook

- (1) If the Commission has given the holder of a luxury hire car licence a direction under regulation 17, the Commission may, by written notice, require the holder, within the period specified in the notice, to –
 - (a) produce to the Commission the logbook for the luxury hire car to which the luxury hire car licence relates; or
 - (b) provide the Commission with the information from the logbook for the luxury hire car to which the luxury hire car licence relates that the Commission specifies in the notice.
- (2) The holder of a luxury hire car licence who is given a notice under subregulation (1) must comply with the notice.

Penalty: Fine not exceeding 10 penalty units.

20. Inspection of logbook

- (1) If the driver of a luxury hire car is required to carry a logbook in that luxury hire car under regulation 18, an authorised officer, or a police officer, may direct that driver to immediately produce that logbook for inspection by the authorised officer or police officer.
- (2) The driver of a luxury hire car who is given a direction under subregulation (1) must comply with the direction.

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Part 4 – Licence Number Plates, Labels and Logbooks

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Penalty: Fine not exceeding 10 penalty units.

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Part 5 – Licensing Offences

PART 5 – LICENSING OFFENCES

21. Fare to be agreed in advance

- (1) The holder of a luxury hire car licence must not hire out a luxury hire car, or cause or permit a person to hire out a luxury hire car, unless the hiring charge, or a method for calculating the hiring charge, for the vehicle has been agreed before the hiring begins.

Penalty: Fine not exceeding 10 penalty units.

- (2) The driver of a luxury hire car must not undertake a hiring unless the hiring charge, or a method for calculating the hiring charge, for the vehicle has been agreed before the hiring begins.

Penalty: Fine not exceeding 10 penalty units.

PART 6 – MISCELLANEOUS

22. Fees

- (1) For the purposes of the Act, the fees specified in Schedule 1 are prescribed.
- (2) If a person fails to pay a fee required by the Act, other than the annual administration fee, the fee is a debt to the Commission and is recoverable as such in a court of competent jurisdiction.

23. Expiry of regulations

These regulations expire 3 years after they take effect, inclusive of the day on which they take effect.

24. Transitional provision for licence not in force

- (1) In this regulation –

commencement day means the day on which the provisions of the current Act commenced;

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

former Act means the *Taxi and Luxury Hire Car Industries Act 1995* as in force immediately before the commencement day.

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Part 6 – Miscellaneous

- (2) A luxury hire car licence under the former Act is taken to be a luxury hire car licence under the current Act if the licence –
- (a) was not in force under the former Act immediately before the commencement day; but
 - (b) has been entered in the register of licences in accordance with section 85 of the current Act.
- (3) For the purposes of this regulation, a luxury hire car licence is taken not to have been in force under the former Act immediately before the commencement day if the prescribed fee under section 23D(3)(b) of the former Act –
- (a) was due before the commencement day; but
 - (b) had not been paid by that day.

25. Legislation rescinded

The legislation specified in Schedule 2 is rescinded.

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SCHEDULE 1 – FEES

	Description	Regulation 22 Fee units
1.	Application for luxury hire car licence	100
2.	Annual administration fee	256
3.	Issue of replacement licence number plate	18
4.	Application for transfer of luxury hire car licence to another person	10
5.	Application for transfer of luxury hire car licence to another vehicle	10
6.	Issue of replacement luxury hire car licence	10

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sch. 2

SCHEDULE 2 – LEGISLATION RESCINDED

Regulation 25

Luxury Hire Car Industry Regulations 2008 (No. 110 of 2008)

Luxury Hire Car Industry Amendment Regulations 2009 (No. 197 of 2009)

Luxury Hire Car Industry Amendment Regulations 2010 (No. 84 of 2010)

Luxury Hire Car Industry Amendment (Fees) Regulations 2011 (No. 145 of 2011)

Luxury Hire Car Industry Amendment Regulations 2013 (No. 46 of 2013)

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

Notified in the *Gazette* on 20 September 2018.

These regulations are administered in the Department of State Growth.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) prescribe for the purpose of the *Taxi and Hire Vehicle Industries Act 2008* –
 - (i) the licensing, operating and equipment requirements of luxury hire cars; and
 - (ii) the fees payable in respect of the licensing of luxury hire cars and other related matters; and
 - (iii) other miscellaneous matters; and
- (b) rescind the *Luxury Hire Car Industry Regulations 2008* and its amending legislation.