

ATASMANIA

**TAXI AND HIRE VEHICLE INDUSTRIES
REGULATIONS 2023**

STATUTORY RULES 2023, No. 36

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TAXI AND HIRE VEHICLE INDUSTRIES REGULATIONS 2023

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 19 June 2023.

B. BAKER
Governor

By Her Excellency's Command,

MICHAEL DARREL JOSEPH FERGUSON
Minister for Infrastructure and Transport

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Taxi and Hire Vehicle Industries Regulations 2023*.

2. Commencement

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

3. Interpretation

(1) In these regulations –

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

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

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

authorised meter adjuster means a person appointed by the Commission as an authorised meter adjuster under regulation 18;

fire extinguisher means a fire extinguisher –

- (a) selected and located in accordance with AS 2444-2001; and
- (b) maintained in accordance with AS 1851-2005;

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holder, in respect of a perpetual taxi licence, means the owner of the licence or, if the licence has been leased, the person who is leasing the licence;

label means a label issued to the holder of a licence by the Commission under regulation 10;

security camera system means a security camera and its components approved by the Commission under section 94 of the Act for use in taxis;

sign means a sign issued to the holder of a licence by the Commission under regulation 10;

taximeter means an electronic instrument installed in a taxi that –

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

wheelchair passenger means a person in a wheelchair who travels in a taxi and who –

- (a) satisfies the driver at the completion of the journey that the person is the holder of a transport scheme permit, relating to subsidised taxi travel due to the person's permanent dependence on a wheelchair, under the

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scheme administered by the Department; or

- (b) presents to the taxi driver a taxi travel voucher issued under an equivalent transport scheme of another State or a Territory.

- (2) Unless the contrary intention appears in the Act or these regulations, a term used in these regulations and also in the *Passenger Transport Services Act 2011* or *Passenger Transport Services Regulations 2023* has the same meaning in these regulations as in that Act or those regulations.

PART 2 – LICENCES

4. Form of licences

A licence is to be in an approved form and 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 number of the licence number plate in respect of the licence; and
- (d) the conditions, if any, imposed on the licence; and
- (e) in the case of a taxi licence – the taxi area relevant to the licence; and
- (f) in the case of a temporary taxi licence, wheelchair-accessible taxi licence, luxury hire car licence or a restricted hire vehicle licence that authorises the provision of a general rhv service – the registration number of each vehicle to which the licence relates; and
- (g) any other information considered relevant by the Commission.

5. Record to be kept as condition of licence

Without limiting any power of the Commission to impose a condition on a licence under the Act,

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the Commission may impose a condition on a licence –

- (a) requiring a record to be kept in relation to the hirings undertaken in accordance with the authority of the licence; and
- (b) requiring the records so kept to be completed in accordance with the instructions of the Commission.

6. Minimum service level as condition on wheelchair-accessible taxi licence

- (1) The Commission must impose on a wheelchair-accessible taxi licence a condition requiring the vehicle to which the licence relates to be used to undertake a minimum of 30 hirings that involve carrying a wheelchair passenger in each calendar month.
- (2) The Commission may impose a condition on a wheelchair-accessible taxi licence requiring the vehicle to which the licence relates to be used to undertake a specific number of hirings that involve carrying a wheelchair passenger, in each calendar month, in addition to the minimum number specified in subregulation (1).
- (3) Despite subregulation (1), the holder of a wheelchair-accessible taxi licence need not comply with a condition imposed under that subregulation in a calendar month if the holder of the licence can demonstrate to the satisfaction of the Commission that –

- (a) the vehicle to which the licence relates is, or was, unregistered for a significant proportion of the calendar month; or
- (b) the vehicle to which the licence relates is, or was, not in use for a significant proportion of the calendar month; or
- (c) the number of hirings of the type required by the condition were not available to the operator of the vehicle to which the licence relates during the calendar month.

7. Reasons for imposition of condition

If, in the opinion of the Commission, the imposition of a condition under the Act or these regulations, including a condition to keep a record imposed under regulation 5, is likely to represent a significant burden for the holder of a licence, or the registered operator of a vehicle to which the licence relates, the Commission is to give to the person on whom the burden is likely to fall reasons for the imposing of the condition.

8. Variation and revocation of conditions on licence

The Commission may vary or revoke a condition imposed on a licence under these regulations in the same manner as if the condition were imposed under the Act.

9. Suspension or cancellation of licence

For the purposes of sections 36(1), 55(1), 82(1) and 84P(1) of the Act, the prescribed circumstances in which the Commission may suspend or cancel a licence are as follows:

- (a) if the holder of the licence fails to comply with a condition imposed on the licence under the Act or these regulations;
- (b) if the holder of the licence fails to comply with a requirement applicable to that person under the Act or these regulations;
- (c) if the Commission considers that the vehicle to which the licence relates is no longer suitable for use in respect of that licence, or no longer has the prescribed equipment fitted and in working order as required for that type of licence by the Act or these regulations;
- (d) if the holder of the licence is found guilty of an offence under section 95 or 96 of the Act;
- (e) if the holder of the licence no longer has authority in respect of the vehicle to which the licence relates;
- (f) in the case of a luxury hire car licence in respect of a vehicle prescribed as a Group 1 vehicle in accordance with

Part 2 of Schedule 1, if the vehicle was manufactured more than 15 years ago;

- (g) in the case of a luxury hire car licence in respect of a vehicle prescribed as a Group 2 vehicle in accordance with Part 2 of Schedule 1, if the vehicle was manufactured more than 20 years ago.

10. Labels and signs

- (1) The Commission may issue a label or a sign to the holder of a licence or the owner, or registered operator, of a vehicle in respect of a licence.
- (2) On issuing a label or sign under subregulation (1), the Commission is to provide the person to whom the label or sign was issued with written instructions on how the label or sign is to be displayed on or in a vehicle.
- (3) The Commission may, by written notice to a person to whom a label or sign was issued under subregulation (1), require the removal or destruction of the label or sign.
- (4) If a label or sign issued under subregulation (1) is lost, or damaged to the extent that it is unusable, the holder of the licence in respect of which the label or sign was issued must, as soon as practicable after the holder discovers the loss or damage, notify the Commission of the damage.

11. Licence number plates

- (1) If a licence number plate is issued under section 89 of the Act in respect of a licence, the licence number plate is to be fitted –
 - (a) to the vehicle that is specified in the licence or is being used to provide a service under the authority of the licence; and
 - (b) so that it displays to the front of the vehicle; and
 - (c) so that it 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 that vehicle.
- (2) A notice given to a person under section 90 of the Act is to specify the manner in which a licence number plate is to be returned to the Commission.
- (3) If a licence number plate is lost, stolen or damaged to the extent that it is unusable, the holder of the licence in respect of which the licence number plate was issued must, as soon as practicable after the holder discovers the loss, theft or damage –
 - (a) notify the Commission of the loss, theft or damage; and
 - (b) if damaged, return the damaged licence number plate to the Commission.

12. Replacement of licences, labels, signs and licence number plates

- (1) If the Commission, of its own volition, changes the information contained on a licence, label, sign or licence number plate, it must issue a replacement licence, label, sign or licence number plate to the holder of the licence to which the changed information applies.
- (2) If a licence, or a label, sign or licence number plate issued in respect of a licence, is lost, stolen, damaged or destroyed, the holder of the licence may apply to the Commission for a replacement licence, label, sign or licence number plate, respectively.
- (3) An application made under subregulation (2) is to –
 - (a) be in an approved form; and
 - (b) include any evidence that the Commission requires, to satisfy the Commission of the loss, theft, damage or destruction; and
 - (c) be accompanied by the relevant fee specified in Schedule 3.
- (4) If the Commission receives an application under subregulation (2), the Commission may determine that the licence, label, sign or licence number plate that is the subject of the application is lost, stolen, damaged or destroyed.

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- (5) If a determination is made under subregulation (4) –
- (a) the licence, label, sign or licence number plate that is the subject of the application is deemed to be void; and
 - (b) the Commission may issue a replacement licence, label, sign or licence number plate, respectively.
- (6) A replacement licence number plate issued in accordance with subregulation (5)(b) may be issued –
- (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.

13. Taxi areas

For the purposes of section 90A of the Act, the taxi areas and remote taxi areas described in Schedule 2 are prescribed.

PART 3 – VEHICLES

14. Vehicle specifications

For the purposes of the Act, the following vehicle specifications are set out in the specified Part of Schedule 1:

- (a) prescribed requirements in relation to a vehicle suitable for use as a taxi for the purposes of section 24(4) of the Act – Part 1 of Schedule 1;
- (b) prescribed criteria in relation to classes of luxury hire car for the purposes of section 73(1) of the Act – Part 2 of Schedule 1;
- (c) prescribed requirements in relation to a restricted hire vehicle for the purposes of section 84I(1)(c) and paragraph (e) of the definition of *suitable vehicle* in section 84I(4) of the Act – Part 3 of Schedule 1.

15. Wheelchair-accessible vehicles

(1) In this regulation –

seat of a motor vehicle includes –

- (a) the driver’s seat; and
- (b) an individual seating position on a bench seat; and

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- (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 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.
- (2) A wheelchair-accessible taxi, in addition to the criteria for wheelchair-accessible taxis set out in Schedule 1 to the Act, must be fitted with a fire extinguisher.
- (3) If a vehicle, other than a wheelchair-accessible taxi, used to operate a service under the authority of a licence, is offered for hire as being wheelchair-accessible, the vehicle must –
- (a) have no more than 12 seats in any configuration; and

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- (b) comply 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) not have any modifications to make the vehicle wheelchair-accessible that significantly alter the original external appearance of the vehicle; and
- (d) be fitted with –
 - (i) a wheelchair restraint assembly that complies with AS/NZS 10542.1.2009; and
 - (ii) a secondary, independent emergency-release mechanism on the wheelchair entry door that is clearly labelled with the words “EMERGENCY RELEASE”; and
 - (iii) a fire extinguisher; and
- (e) if fitted with a hoist or ramp, be compliant with AS 3856; and
- (f) have an access door adjacent to each outboard seating position; and
- (g) have adequate luggage space to the rear of the rearmost seat when the vehicle is not configured to carry a passenger seated in a wheelchair.

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- (4) The holder of a licence may apply, in an approved form, to the Commission for approval to offer a vehicle, to which the licence relates, that does not comply with one or more of the requirements set out in subregulation (3), for hire as being wheelchair-accessible.
- (5) The Commission may –
 - (a) grant an application made under subregulation (4); or
 - (b) refuse to grant an application made under subregulation (4).
- (6) On making a decision under subregulation (5), the Commission is to notify the applicant of the decision in relation to the application.
- (7) The Commission may grant an application under subregulation (5) subject to any terms and conditions that the Commission thinks fit.

PART 4 – EQUIPMENT

Division 1 – Installation of equipment

16. Installation of equipment – generally

- (1) If equipment is installed in a vehicle to which this Act applies, the equipment must –
 - (a) not affect the compliance of the vehicle with the *Vehicle and Traffic Act 1999* or any regulations made under that Act; and
 - (b) not interfere with any other equipment required to be installed or used in the vehicle; and
 - (c) not cause injury to an occupant of the vehicle; and
 - (d) not be installed in a place, or used in such a way as is likely to annoy an occupant of the vehicle; and
 - (e) if the controls of the equipment are to be operated by the driver of the vehicle, be accessible to the driver while the driver is seated in the normal driving position.
- (2) Any vehicle used, or intended for use, to provide an on-demand passenger transport service may be fitted with a security camera system, but, if so fitted, the system must comply with regulation 17(2)(c) as if the vehicle were a taxi required to be fitted with a security camera system.

17. Equipment required for on-demand passenger vehicle

(1) In this regulation –

download means to copy a video recording from a security camera system to another storage device, or to print an image from a security camera system;

not-for-hire sign means a sign that –

- (a) consists of the words “not for hire”; and
- (b) is capable of being displayed in accordance with these regulations;

radio dispatch system means a system that enables two-way contact between the driver of the vehicle and a taxi dispatch service, or other communication network, for purposes including the allocation of work to drivers;

security camera taxi area means any of the following taxi areas:

- (a) Burnie taxi area;
- (b) Devonport taxi area;
- (c) Hobart taxi area;
- (d) Huonville taxi area;
- (e) Launceston taxi area;

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- (f) Perth taxi area;
- (g) Ulverstone taxi area;

taxi dispatch service means a service –

- (a) that provides radio base, computer or telephone services for taxis or makes arrangements for the provision of those services to taxis; or
- (b) that provides controlling, coordinating, administrative or other services to an operator of a taxi service for the purpose of arranging for a person who requests a taxi service to be provided with one;

taxi roof sign means a sign, affixed to the roof of a vehicle, that indicates that the vehicle is used, or is intended to be used, as a taxi;

video recording includes –

- (a) electronically stored material from which a recorded image or recorded sound can be generated or reproduced; and
 - (b) a printed image from such material.
- (2) A vehicle used, or intended for use, as a taxi is to be fitted with the following equipment:

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- (a) a taximeter installed in such a way that –
 - (i) the fare displayed on the taximeter is the same as the fare being calculated by the taximeter in relation to the hiring; and
 - (ii) all passengers can be given the opportunity to view the fare displayed on the taximeter at the conclusion of the hiring;
- (b) a roof sign affixed to the exterior roof of the vehicle that displays to the front of the vehicle the word “taxi”, or similar words to indicate that the vehicle is a taxi, so that the word or words are clearly legible at a distance of 20 metres from the front of the vehicle during daylight hours or when the taxi roof sign is illuminated;
- (c) if the taxi is being operated in a security camera taxi area, a security camera system installed in such a way as to ensure that –
 - (i) the security camera is visible to all vehicle occupants; and
 - (ii) the system can be tested to ensure that all features are operational and that images are being recorded; and
 - (iii) images and video recordings can be easily downloaded;

- (d) a light, affixed to the roof of the vehicle or to a taxi roof sign.
- (3) A vehicle used, or intended for use, as a taxi may be fitted with the following equipment:
 - (a) a not-for-hire sign;
 - (b) a radio dispatch system;
 - (c) a fire extinguisher.
- (4) A not-for-hire sign fitted to a vehicle in accordance with subregulation (3)(a) may be incorporated into a taxi roof sign.

Division 2 – Testing of equipment

18. Authorised meter adjuster

- (1) A person may apply to the Commission to be appointed as an authorised meter adjuster.
- (2) An application for appointment as an authorised meter adjuster is to be –
 - (a) in an approved form; and
 - (b) accompanied by the fee specified in Schedule 3.
- (3) The Commission may –
 - (a) appoint a person as an authorised meter adjuster; or
 - (b) refuse to appoint a person as an authorised meter adjuster.

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- (4) If the Commission appoints a person under subregulation (3)(a), it may do so on the terms and conditions that the Commission thinks fit.
- (5) The Commission may vary or revoke any conditions of the appointment.
- (6) The Commission may suspend or cancel the appointment of a person as an authorised meter adjuster.
- (7) Before exercising its power under subregulation (5) or (6), the Commission is to –
 - (a) give the appointee notice in writing of its intention, the reasons for the variation, revocation suspension or cancellation and a reasonable opportunity to make representations thereon; and
 - (b) take any such representations into account in exercising its power under this regulation.

19. Testing of taximeter

- (1) In this regulation –

relevant fares, in relation to a taxi, means the fares calculated in accordance with a taxi fare order, made and in force under section 66A of the Act, for the taxi area within which, to which and from which the taxi may be operated as a taxi service;

remote electronic update, in respect of a taximeter, means an update, to the

functions of the taximeter that correctly calculate and indicate the relevant fares for the taxi in which the taximeter is installed, that is undertaken without physical contact with the taximeter.

- (2) An authorised meter adjuster is to test a taximeter, that is unable to undergo a remote electronic update, to verify that the taximeter is –
- (a) operating with a margin of error no greater than 1.5%; and
 - (b) correctly –
 - (i) measuring elapsed time and distance travelled; and
 - (ii) calculating and displaying the relevant fares.

20. Testing of taxi security camera

A security camera system installed in a vehicle is to be tested by the manufacturer, or agent of the manufacturer, in the following circumstances, to ensure that the system is fully operational:

- (a) as part of the installation process of the security camera system;
- (b) at the following intervals:
 - (i) no later than 12 months after the day on which the security camera system was tested as part of its installation process;

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- (ii) at intervals of 12 months from when the security camera system was last tested in accordance with these regulations;
- (c) as required by an authorised officer or police officer.

21. Evidence of testing

An authorised meter adjuster who tests a taximeter or a person who tests a security camera system in accordance with regulation 20 must, after undertaking that testing –

- (a) notify the Commission of the outcome of the testing in an approved form; and
- (b) place evidence of the testing of the taximeter or security camera system in or on the taxi, in an approved form.

Division 3 – Video recordings

22. Downloading of video recordings

- (1) A person must not download a video recording from a security camera system unless –
 - (a) the person is acting at the direction of a police officer; or
 - (b) the person is acting at the direction of an authorised officer or the Commission; or

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- (c) the person is acting pursuant to an order or direction of a court or tribunal constituted by law; or
- (d) it is necessary to reset the security camera system; or
- (e) it is required under subregulation (2) to prevent the destruction and deletion of the video recording while the security camera system is being reset; or
- (f) it is required as part of the installation or testing procedure of the security camera system.

Penalty: Fine not exceeding 30 penalty units.

- (2) If the resetting of a security camera system will result in the destruction or deletion of any video recordings from the security camera system, the person resetting the security camera system must download all video recordings from the security camera system before the system is reset.

Penalty: Fine not exceeding 30 penalty units.

- (3) If a video recording is downloaded under subregulation (1)(d), (e) or (f) and is not required for a police investigation, an investigation by an authorised officer or legal proceedings, the person downloading the video recording must –
 - (a) keep the video recording for a period of 14 days from the day on which the video recording was downloaded; and

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- (b) at the end of that 14-day period, dispose of the video recording in accordance with regulation 27.

Penalty: Fine not exceeding 30 penalty units.

- (4) Subregulation (3) does not apply to a video recording that is comprised entirely of test images.
- (5) For the purpose of subregulation (3), a video recording downloaded under subregulation (1)(d), (e) or (f) –
 - (a) is required for a police investigation, if the recording has been requested by a police officer under regulation 24(2); and
 - (b) is required for an investigation by an authorised officer, if the recording has been requested by an authorised officer under regulation 25(2).

23. Record of downloading of video recordings

- (1) A person who has downloaded a video recording from a security camera system in accordance with regulation 22 must –
 - (a) make a written record of the downloading of the video recording as soon as practicable after the recording is downloaded; and
 - (b) retain that record for a period of at least 5 years after the record was made.

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Penalty: Fine not exceeding 30 penalty units.

- (2) The written record required to be made under subregulation (1) is to be in an approved form.
- (3) The Commission, by written notice to a person required to retain a written record under subregulation (1), may require the person to provide a copy of that record to the Commission within the period specified in the written notice.
- (4) A person given a written notice under subregulation (3) must comply with that notice.

Penalty: Fine not exceeding 10 penalty units.

24. Video recordings used for legal proceedings by police

- (1) A person who downloads a video recording in accordance with regulation 22(1)(a) or (c) must –
 - (a) forward the video recording to a police officer as soon as possible; and
 - (b) keep a copy of the video recording for the period of 14 days from the day on which the video recording is forwarded under paragraph (a); and
 - (c) at the end of that 14-day period and in accordance with regulation 27, dispose of all copies of the recording in the person's possession.

Penalty: Fine not exceeding 30 penalty units.

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- (2) A police officer may, within the 14-day period referred to in regulation 22(3)(a), request a copy of a video recording downloaded under regulation 22(1)(d), (e) or (f).
- (3) If a police officer requests a video recording under subregulation (2) that has not been provided to an authorised officer under regulation 25, the person who has downloaded the video recording must –
 - (a) comply with the request; and
 - (b) keep a copy of the video recording for a period of 14 days from the day on which the video recording is provided to the police officer; and
 - (c) at the end of that 14-day period and in accordance with regulation 27, dispose of all copies of the recording in the person's possession.

Penalty: Fine not exceeding 30 penalty units.

- (4) Subregulation (3) does not apply if the person who has downloaded the video recording has provided the video recording to an authorised officer under regulation 25.
- (5) If the person who has downloaded the video recording has provided the video recording to an authorised officer under regulation 25 and a request has been made by a police officer under subregulation (2), the person is to provide notice in writing to the police officer of –

- (a) the name and contact details of the authorised officer to whom the recording was provided; and
- (b) the date on which the recording was provided to the authorised officer; and
- (c) any other information required by the police officer in respect of the recording.

25. Video recordings used for legal proceedings by authorised officer

- (1) A person who downloads a video recording in accordance with regulation 22(1)(b) must –
 - (a) forward the video recording to the authorised officer as soon as possible; and
 - (b) keep a copy of the video recording for the period of 14 days from the day on which the video recording is forwarded under paragraph (a); and
 - (c) at the end of that 14-day period and in accordance with regulation 27, dispose of all copies of the recording in the person's possession.

Penalty: Fine not exceeding 30 penalty units.

- (2) An authorised officer may, within the 14-day period referred to regulation 22(3)(a), request a copy of a video downloaded under regulation 22(1)(d), (e) or (f).

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- (3) If an authorised officer requests a video recording under subregulation (2) that has not been provided to a police officer under regulation 24, the person who has downloaded the video recording must –
- (a) comply with the request; and
 - (b) keep a copy of the video recording for the period of 14 days from the day on which the video recording is provided to the authorised officer; and
 - (c) at the end of that 14-day period and in accordance with regulation 27, dispose of all copies of the recording in the person’s possession.

Penalty: Fine not exceeding 30 penalty units.

- (4) Subregulation (3) does not apply if the person who has downloaded the video recording has provided the video recording to a police officer under regulation 24.

26. Use and storage of video recordings

- (1) In this regulation –

unauthorised purpose means a purpose that is not connected with –

- (a) the investigation of an alleged offence by a police officer or an authorised officer; or

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- (b) the prosecution of, or the issue of a notice in respect of, an alleged offence; or
- (c) the testing of a security camera system in accordance with these regulations.

- (2) A person must not use a video recording made by, or downloaded from, a security camera system, or a copy of such a video recording, for an unauthorised purpose.

Penalty: Fine not exceeding 30 penalty units.

- (3) A person in possession of a video recording made by, or downloaded from, a security camera system, or a copy of such a video recording, must ensure that the recording or copy is not misplaced or used for an unauthorised purpose.

Penalty: Fine not exceeding 30 penalty units.

27. Disposal of video recordings

A video recording, or a copy of a video recording, is to be disposed of by –

- (a) deleting the original video recording or copy; or
- (b) permanently removing any trace of the recording or copy from its storage device; or

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Part 4 – Equipment

- (c) destroying the recording or copy so that it is no longer possible to access the recording or copy.

PART 5 – MISCELLANEOUS

28. Documents may be kept and delivered by electronic means

- (1) For the avoidance of doubt, the Commission may determine that certain documents required to be kept, or given, under these regulations may be so kept, or given, by the electronic means specified by the Commission.
- (2) Nothing in subregulation (1) prevents a person, including the Commission, from keeping or giving a document, in respect of which there is a determination under that subregulation, by a means other than the electronic means specified by the Commission.

29. Notification of Commission

- (1) A person, who is a member of one of the following classes of persons, must notify the Commission of a change to the person's name or address within 14 days after the change occurs:
 - (a) the owner of a licence;
 - (b) the holder of a licence;
 - (c) the responsible operator of a licence.
- (2) If the owner of a perpetual taxi licence leases the licence to another person, the owner of the licence must, no later than 14 days after the commencement or termination of the lease –

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Part 5 – Miscellaneous

- (a) provide to the Commission a written notice –
 - (i) stating the names and addresses of the owner of the licence and the person leasing the licence; and
 - (ii) stating the date of commencement or termination of the lease; and
 - (iii) signed by each party to the lease; and
- (b) in the case of the commencement of a lease, pay the relevant fee specified in Schedule 3.

Penalty: Fine not exceeding 10 penalty units.

- (3) The Commission is to record the information provided under subregulation (2)(a) in the register of licences.
- (4) A lease takes effect on the date recorded, in the register of licences, under subregulation (2) as the date of its commencement.
- (5) It is a defence in proceedings for an offence under subregulation (2) if the defendant establishes that –
 - (a) the person reasonably believed that the Commission had been notified by another person; or

- (b) in the case of the termination of the lease, the person was unaware of the termination of the lease.

30. Trip subsidies

- (1) The Commission may pay a trip subsidy to the holder of a wheelchair-accessible taxi licence for each hiring during which the taxi being operated under the authority of the licence carries at least one wheelchair passenger.
- (2) The Commission may pay a trip subsidy to the holder of a temporary taxi licence, which authorises the provision of a wheelchair-accessible taxi service, for each hiring during which the taxi being operated under the authority of the licence carries at least one wheelchair passenger.
- (3) The Commission may pay a trip subsidy to –
 - (a) the responsible operator of a perpetual taxi licence; or
 - (b) the holder of an owner-operator taxi licence –

authorised under section 93 of the Act to operate a service equivalent to a wheelchair-accessible taxi service, for each hiring during which the taxi being operated under the authority of the licence carries at least one wheelchair passenger.
- (4) A trip subsidy paid under this regulation is to be the amount of \$20.

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Part 5 – Miscellaneous

- (5) A person to whom a trip subsidy is paid must pay half of the amount of the subsidy to the driver who undertook the hiring in relation to which the subsidy was paid.

Penalty: Fine not exceeding 25 penalty units.

31. Fees

- (1) For the purposes of the Act and these regulations, the fees specified in Schedule 3 are prescribed.
- (2) If a person fails to pay a fee required by the Act or these regulations, other than the annual administration fee for a luxury hire car licence, the fee is a debt to the Commission and is recoverable as such in a court of competent jurisdiction.

32. Savings and transitional provisions

- (1) In this regulation –

former regulations includes –

- (a) the *Luxury Hire Car Industry Regulations 2018*; and
- (b) the *Restricted Hire Vehicle Industry Regulations 2013*; and
- (c) the *Taxi Industry Regulations 2018*.

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- (2) A label or sign validly issued, or displayed on a vehicle, in accordance with any of the former regulations, immediately before the commencement of these regulations, is taken to be validly issued or displayed for the purposes of these regulations.
- (3) An application for the replacement of a lost or damaged licence number plate, label or sign made under any of the former regulations, that immediately before the commencement of these regulations has not been determined, is taken to have been made under regulation 12.
- (4) A person appointed as an authorised meter adjuster under regulation 63 of the *Taxi Industry Regulations 2018* is taken to be appointed as an authorised meter adjuster under regulation 18 on the same terms and conditions.

33. Legislation rescinded

The legislation specified in Schedule 4 is rescinded.

SCHEDULE 1 – VEHICLE SPECIFICATIONS

Regulation 14

PART 1 – TAXIS

1. Vehicle specifications – taxi

The following vehicle specifications apply to a taxi that is not a wheelchair-accessible taxi, remote area wheelchair-accessible taxi or substitute wheelchair-accessible taxi:

- (a) the vehicle must –
 - (i) be designed and constructed primarily for the purpose of carrying passengers; and
 - (ii) not have more than 9 seats; and
 - (iii) unless the vehicle uses a sliding door for the access of the passengers, have an access door provided adjacent to each outboard seating position;
- (b) the vehicle must have an Australasian New Car Assessment Program (ANCAP) rating of 5 stars;
- (c) the vehicle must have installed in it all of the equipment required under the Act to be installed in a taxi operating in the taxi area in which the vehicle is operating, or intending to operate, as a taxi;

- (d) at the time at which the vehicle is first operated as a taxi, in the State or another jurisdiction, the vehicle must not be more than 7 years old;
- (e) at any time at which the vehicle is operated as a taxi, the vehicle must not be more than 12 years old.

2. Exceptions to vehicle specifications – taxi

- (1) Clause 1(b) does not apply to a vehicle if the vehicle, on 30 December 2020, was being, or had previously been, operated as a taxi.
- (2) Clause 1(d) does not apply to a vehicle if –
 - (a) immediately before the first use of the vehicle as a taxi, the vehicle was used as a luxury hire car under the authority of a luxury hire car licence; and
 - (b) the vehicle does not exceed the applicable age restriction specified in clause 1(e).

PART 2 – LUXURY HIRE CARS

1. Interpretation

In this Schedule –

Group 1 vehicle means a small passenger vehicle that meets the prescribed criteria

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set out in clause 2(2)(a) of Part 2 of this Schedule;

Group 2 vehicle means a small passenger vehicle that meets the prescribed criteria set out in clause 2(2)(b) of Part 2 of this Schedule;

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

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.

2. Prescribed criteria in relation to luxury hire cars

- (1) For the purposes of the Act, the following classes of luxury hire car are prescribed:
 - (a) Group 1 vehicle;
 - (b) Group 2 vehicle.
- (2) For the purposes of section 73(1) of the Act –
 - (a) the prescribed criteria in relation to a Group 1 vehicle are that the vehicle must –
 - (i) have a minimum wheelbase of 2 700 millimetres; and

- (ii) have been manufactured less than 10 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
 - (iii) have 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 2 vehicle are that the vehicle must –
 - (i) have a minimum wheelbase of 2 700 millimetres; and
 - (ii) be manufactured less than 10 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
 - (iii) 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.

PART 3 – RESTRICTED HIRE VEHICLES

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

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

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

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

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vehicle is suitable for use as a restricted hire vehicle for general rhv services.

2. Suitable vehicle

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

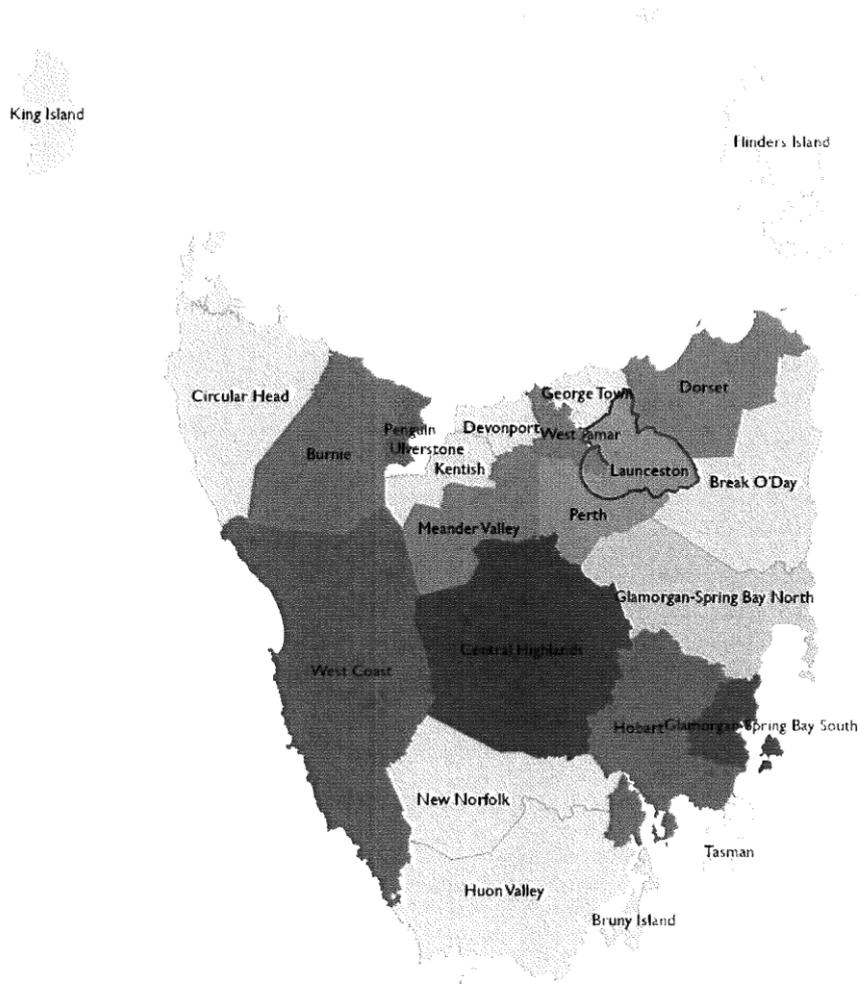
- (a) a four-wheel drive or all-wheel drive motor vehicle –
 - (i) that is capable of providing transport to, from or within a national park, as defined in the *Nature Conservation Act 2002*, State reserve, as defined in the *Nature Conservation Act 2002*, or other land similar to a national park or State reserve; and
 - (ii) that has an access door adjacent to each outboard seating position.

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SCHEDULE 2 – TAXI AREAS

Regulation 13



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SCHEDULE 3 – FEES

PART 1 – REPLACEMENT ITEMS

Regulation 31

	Description	Fee units
1.	Issue of replacement licence	10
2.	Issue of replacement label or sign	10
3.	Issue of replacement licence number plate	18

PART 2 – PERPETUAL TAXI LICENCE

	Description	Fee units
1.	Notification of change of ownership of perpetual taxi licence	10
2.	Notification of commencement of lease or assignment	10

PART 3 – OWNER-OPERATOR TAXI LICENCE

	Description	Fee units
1.	Application for owner-operator taxi licence	100
2.	Application for transfer of owner-operator taxi licence to another person	10

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PART 4 – WHEELCHAIR-ACCESSIBLE TAXI LICENCE

	Description	Fee units
1.	Application for wheelchair-accessible taxi licence	100
2.	Application for transfer of wheelchair-accessible taxi licence to another person	10
3.	Application for transfer of wheelchair-accessible taxi licence to another vehicle	10

PART 5 – TEMPORARY TAXI LICENCE

	Description	Fee units
1.	Application for temporary taxi licence	30

PART 6 – LUXURY HIRE CAR LICENCE

	Description	Fee units
1.	Application for luxury hire car licence	100
2.	Application for transfer of luxury hire car licence to another person	10
3.	Application for transfer of luxury hire car licence to another vehicle	10

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PART 7 – RESTRICTED HIRE VEHICLE LICENCE

	Description	Fee units
1.	Application for restricted hire vehicle licence	20
2.	Application for transfer of restricted hire vehicle licence	10

PART 8 – AUTHORISED METER ADJUSTER

	Description	Fee units
1.	Application for authorisation as authorised meter adjuster	10

SCHEDULE 4 – LEGISLATION RESCINDED

Regulation 33

Luxury Hire Car Industry Regulations 2018 (No. 55 of 2018)

Luxury Hire Car Industry Amendment Regulations 2020 (No. 95 of 2020)

Luxury Hire Car Industry Amendment Regulations 2021 (No. 71 of 2021)

Restricted Hire Vehicle Industry Regulations 2013 (No. 47 of 2013)

Restricted Hire Vehicle Industry Amendment Regulations 2014 (No. 31 of 2014)

Restricted Hire Vehicle Industry Amendment Regulations 2018 (No. 59 of 2018)

Restricted Hire Vehicle Industry Amendment Regulations 2020 (No. 97 of 2020)

Taxi Industry Regulations 2018 (No. 56 of 2018)

Taxi Industry Amendment Regulations (No. 2) 2020 (No. 96 of 2020)

Taxi Industry Amendment (Remote Electronic Updates) Regulations 2022 (No. 64 of 2022)

Taxi Industry Amendment (Passenger Transport) Regulations 2022 (No. 87 of 2022)

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

Notified in the *Gazette* on 26 June 2023.

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 purposes of the *Taxi and Hire Vehicle Industries Act 2008* –
 - (i) the licensing, operating, specifications and equipment requirements of taxis, luxury hire cars and restricted hire vehicles; and
 - (ii) the appointment and duties of authorised meter adjusters; and
 - (iii) the fees payable in respect of the licensing of vehicles to which the Act applies; and
 - (iv) other miscellaneous matters; and
- (b) rescind the *Taxi Industry Regulations 2018*, *Luxury Hire Car Industry Regulations 2018*, *Restricted Hire*

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Vehicle Industry Regulations 2013 and
associated amendment legislation.