



TASMANIA

**TAXI INDUSTRY (MISCELLANEOUS AMENDMENTS)
ACT 1995**

No. 28 of 1995

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**TAXI INDUSTRY (MISCELLANEOUS AMENDMENTS)
ACT 1995**

No. 28 of 1995

AN ACT to amend the *Traffic Act 1925* and the *Transport Act 1981* in consequence of the *Taxi Industry Act 1995*

[Royal Assent 1 September 1995]

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

Short title

1—This Act may be cited as the *Taxi Industry (Miscellaneous Amendments) Act 1995*.

Commencement

2—This Act commences on the same day as the *Taxi Industry Act 1995*.

PART 2

AMENDMENTS OF *TRAFFIC ACT 1925*

Principal Act

3—In this Part, the *Traffic Act 1925** is referred to as the Principal Act.

Section 14AB amended (Interpretation of Part III)

4—(1) Section 14AB (1) of the Principal Act is amended as follows:—

(a) by omitting the definitions of “adjustment rate”, “Cab and Hire-Car Trust Fund”, “Hobart zone”, “prescribed licence”, “September quarter” and “year”;

(b) by inserting after the definition of “permit” the following definition:—

“perpetual taxi licence” means a perpetual taxi licence in force under the *Taxi Industry Act 1995*;

(c) by omitting “thereafter;” from the definition of “triennial date” and substituting “thereafter.”.

(2) Section 14AB of the Principal Act is further amended by omitting subsections (8), (9) and (10).

* 16 Geo. V No. 38. For this Act, as amended to 1 October 1979, see the continuing Reprint of Statutes. Subsequently amended by No. 76 of 1979, Nos. 10, 11, 74 and 107 of 1980, Nos. 13, 19, 34 and 69 of 1981, No. 99 of 1982, Nos. 9 and 19 of 1983, Nos. 29, 55 and 80 of 1984, Nos. 101 and 102 of 1985, Nos. 10, 35 and 108 of 1986, Nos. 34, 41 and 73 of 1987, Nos. 3, 5 and 40 of 1990, No. 9 of 1991, Nos. 54 and 62 of 1992 and No. 58 of 1993.

Section 15 amended (Public vehicle licences)

5—Section 15 of the Principal Act is amended as follows:—

(a) by inserting after paragraph (d) of subsection (2) the following paragraph:—

(da) restricted cab licences; or

(b) by inserting after subsection (2) the following subsection:—

(2A) The Commission may not issue a cab licence or a restricted cab licence in respect of any taxi area within the meaning of the *Taxi Industry Act 1995*.

(c) by inserting after paragraph (d) of subsection (3) the following paragraph:—

(da) a restricted cab licence authorizes—

(i) the use of a vehicle that is approved by the Commission as a cab suitable for the carriage of persons with a disability; or

(ii) the carriage of passengers within an area or areas specified in the licence;

(d) by omitting subsections (7A) and (7B) and substituting the following subsection:—

(7A) A cab licence may be converted to a perpetual taxi licence as provided by Part 3 of the *Taxi Industry Act 1995* but, if not so converted—

(a) it is reclassified as a restricted cab licence under this Act; or

(b) it ceases to have any force or effect as provided by section 16 (2) of that Act.

(e) by omitting from subsection (10) “or a prescribed licence”.

Section 16 amended (Temporary licences)

6—Section 16 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:—

(2) The Commission may not issue a cab licence or a temporary cab licence for a vehicle in respect of a taxi area within the meaning of the *Taxi Industry Act 1995*.

Section 16A amended (Applications for issue, &c., of licences)

7—Section 16A (2) of the Principal Act is amended by omitting “or a prescribed licence”.

Section 16B amended (Period of licences)

8—Section 16B of the Principal Act is amended as follows:—

- (a) by omitting from subsection (2) “, a prescribed licence, ”;
- (b) by omitting subsections (2A) to (2D) (both inclusive);
- (c) by omitting from subsection (5) “and, in the case of a prescribed licence, the levy”.

Section 16C amended (Fees)

9—Section 16C of the Principal Act is amended as follows:—

- (a) by omitting from subsection (1) “, other than a prescribed licence, ”;
- (b) by omitting subsections (2), (3) and (4);
- (c) by omitting from subsection (7) “other than a prescribed licence ”;
- (d) by omitting subsections (8) and (9);
- (e) by omitting from subsection (10) “, a prescribed licence ”;
- (f) by omitting subsection (13).

Section 16D amended (Surrender of licences)

10—Section 16D of the Principal Act is amended by omitting subsections (2) and (3).

Section 17 amended (Conditions in relation to licences)

11—Section 17 of the Principal Act is amended by omitting subsections (4), (5) and (6).

Section 19 amended (Transfer of licences)

12—Section 19 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:—

(1) A licence may be transferred as provided by this section, but this section does not apply to a cab licence that is in force in a taxi area within the meaning of the *Taxi Industry Act 1995*.

Section 22 amended (Cancellation of licences)

13—Section 22 of the Principal Act is amended as follows:—

- (a) by omitting from subsection (6D) “and a levy ”;
- (b) by omitting subsections (6E), (6F) and (6G).

Section 24 amended (Offences and penalties in relation to use of public vehicles)

14—Section 24 of the Principal Act is amended by inserting before subsection (1) the following subsection:—

(1AA) In this section, a reference to a licence is taken as including a reference to a perpetual taxi licence.

Section 25 amended (Inspection and search of public vehicles)

15—Section 25 of the Principal Act is amended by inserting before subsection (1) the following subsection:—

(1AA) In this section, a reference to a licence is taken as including a reference to a perpetual taxi licence.

Sections 28, 28A and 28B repealed

16—Sections 28, 28A and 28B of the Principal Act are repealed.

Section 30B amended (Appeals)

17—Section 30B (1) (a) of the Principal Act is amended as follows:—

- (a) by omitting from subparagraph (i) “(other than the refusal of the Commission to re-issue him a prescribed licence where that licence has previously been surrendered by another person or cancelled) ”;
- (b) by omitting from subparagraph (ia) “or a prescribed licence”.

Section 57 repealed

18—Section 57 of the Principal Act is repealed.

Schedule 4 omitted

19—Schedule 4 to the Principal Act is omitted.

PART 3

AMENDMENTS OF *TRANSPORT ACT 1981*

Section 28A inserted

20—After section 28 of the *Transport Act 1981** the following section is inserted:—

Continuation of Cab and Hire-Car Trust Fund

28A—The Cab and Hire-Car Trust Fund as in force under section 17B immediately before the commencement of the *Transport Amendment Act 1995* is, notwithstanding the repeal effected by that Act, continued as an account in the Special Deposits and Trust Fund as mentioned in section 14 of the *Taxi Industry Act 1995*.

[*Second reading presentation speech made in:—*
House of Assembly on 21 June 1995
Legislative Council on 9 August 1995]

* No. 20 of 1981. Amended by No. 62 of 1981, No. 10 of 1982, No. 18 of 1983, No. 29 of 1984, Nos. 52 and 62 of 1986, No. 34 of 1987, No. 5 of 1990, No. 40 of 1991, Nos. 39 and 84 of 1993, Nos. 5 and 68 of 1994 and No. 12 of 1995.

