



TAXI INDUSTRY ACT 1995

No. 27 of 1995

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TAXI INDUSTRY ACT 1995

No. 27 of 1995

AN ACT to provide with respect to certain areas of the State for the capping of taxi licence values, for converting them to perpetual assets, for the effective administration of a modernised taxi industry and for related purposes

[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 Act 1995*.

Commencement

2—This Act commences on the day on which it receives the Royal Assent.

Interpretation

3—In this Act, unless the contrary intention appears—

“**accredited taxi group**” means a group of persons accredited as such under Part 5;

“**application date**” means the date on which the regulations provide for this Act to apply to a taxi area;

“**Board**” means the Taxi Industry Advisory Board established under section 9;

“**buy back**” means surrender an existing cab licence or a perpetual taxi licence for an amount paid by the Commission;

“**capped value**” means the amount determined under section 11 as the capped value of a perpetual taxi licence;

“**Commission**” means the Transport Commission;

“**existing cab licence**” means a cab licence in force under section 15 of the *Traffic Act 1925* or a prescribed licence within the meaning of section 14AB (1) of that Act as in force on 30 June 1995;

“**expiry date**” means a date fixed by the regulations for the purposes of the application of sections 16 and 18 to the conversion of existing cab licences in a taxi area;

“**fund**” means a fund established under section 13 or continued under section 14 for a taxi area;

“**Hobart taxi area**” means the taxi area specified in the regulations as the taxi area for Hobart;

“**human rights legislation**” means the following Acts of the Commonwealth:—

(a) the *Racial Discrimination Act 1975*;

(b) the *Sex Discrimination Act 1984*;

(c) the *Disability Discrimination Act 1992*;

“**market price**” means the amount determined as the market price under section 19 (2) (a);

“**perpetual taxi licence**” means a perpetual taxi licence in force under Part 4;

“**regulations**” means regulations made and in force under this Act;

“**taxi area**” means an area of Tasmania specified in the regulations as an area to which this Act applies;

“**temporary taxi licence**” means a temporary taxi licence in force under section 23.

Objects of Act

4—The objects of this Act are, in respect of each taxi area—

- (a) to ensure the provision of adequate, safe and efficient taxi services to the public; and
- (b) to ensure that the taxi industry is competitive, professional and responsive to the needs of consumers by providing services required by the public at a price determined by market forces; and
- (c) to ensure that in the provision of taxi services the needs of disadvantaged persons in the community, such as the elderly and persons with disabilities, are taken into account; and
- (d) to enable the taxi industry to respond to changes in technology and work practices; and
- (e) to provide for the conversion of all existing cab licences to perpetual taxi licences within a limited period; and
- (f) to provide for the issue of perpetual taxi licences at capped values and of temporary taxi licences for limited periods.

Application of Act

5—(1) Subject to subsection (2), this Act applies only in taxi areas.

(2) Section 10 and Schedule 2 apply throughout Tasmania.

Application of *Traffic Act 1925* and *Metropolitan Transport Act 1954*

6—(1) If a provision of this Act is inconsistent with a provision of the *Traffic Act 1925* or the *Metropolitan Transport Act 1954*, the provision of this Act prevails and the provision of that Act is, to the extent of the inconsistency, invalid.

(2) Subject to subsection (1), nothing in this Act affects the application of the *Traffic Act 1925* to cabs as public vehicles, to taxis operated under a perpetual taxi licence or to the drivers of any such cabs or taxis.

Act to bind Crown

7—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

Division 1—Control of Minister

Commission subject to control of Minister

8—(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)—

(a) is not to be exercised so as—

(i) to require the Commission to do anything that it is not empowered to do by this Act; or

- (ii) to prevent the Commission from performing any function that it is expressly required by this Act to perform, whether conditionally or unconditionally; or
- (iii) 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; and

(b) does not extend to any matter concerning a contract or agreement to which the Commission is a party and which is in force on 1 July 1995.

(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 of a perpetual taxi licence or a temporary taxi licence.

Division 2—Taxi Industry Advisory Board

Establishment of Board

9—(1) A board, to be known as the Taxi Industry Advisory Board, is established and is to consist of 7 members appointed by the Minister.

(2) The members of the Board are to include—

- (a) a person nominated by the Secretary of the responsible Department in relation to the *Constitution Act 1934*; and
- (b) a person nominated by the Secretary of the responsible Department in relation to the *Transport Act 1981*; and
- (c) a person nominated by the Director of Consumer Affairs; and

- (d) 3 persons with knowledge of, or experience in, the taxi industry nominated by the Taxi Industry Association of Tasmania Limited; and
- (e) one other person who is to be chairperson of the Board.

(3) Schedule 1 has effect with respect to the membership and meetings of the Board.

Functions of Board

10—The functions of the Board are to advise the Minister and the Commissioner for Transport on the matters specified in Schedule 2.

Division 3—Capping of licence values

Capping of licence values

11—On the application date, the regulations are to provide, in accordance with section 27 (3), for an amount to be the capped value of a perpetual taxi licence for the relevant taxi area.

Division 4—Area funds and general administration fund

Funds for administration of this Act

12—For the purposes of the administration of this Act, funds are to be established as accounts in the Special Deposits and Trust Fund.

Funds for taxi areas

13—(1) A fund is to be established for each taxi area consisting of—

- (a) money paid for the issue of perpetual taxi licences; and
- (b) conversion fees paid for perpetual taxi licences; and

- (c) fees payable on the grant of temporary taxi licences; and
- (d) money borrowed by the Commission for the purposes of the fund on terms and conditions approved by the Treasurer; and
- (e) money provided by the Parliament—

where in each case the money is derived from, or appropriated to, the taxi area to which the fund relates.

(2) A fund established under this section for a taxi area is to be applied—

- (a) in payments for the buy back of existing cab licences or perpetual taxi licences in accordance with section 17; and
- (b) for the purposes of promotion and development of the taxi industry in the taxi area if the Minister is satisfied that those purposes are supported by the industry; and
- (c) otherwise in the administration of this Act in respect of the taxi area, as may be directed by the Minister.

Special fund for Hobart taxi area

14—(1) The money standing to the credit of the fund formerly established and maintained under section 17B of the *Transport Act 1981* and known as the Cab and Hire-Car Trust Fund is to become an additional area fund for the purposes of the Hobart taxi area but, subject to subsection (2), may be applied only in payment for the buy back of existing cab licences or perpetual taxi licences.

(2) The regulations may provide that any balance in the fund referred to in subsection (1) on a date specified in the regulations is to be applied as provided by section 13 for the purposes of the Hobart taxi area.

General administration fund

15—A separate fund is to be established consisting of the annual fees payable for perpetual taxi licences and is to be applied for the general administration of this Act.

PART 3

TRANSITIONAL ARRANGEMENTS

Transitional arrangements

16—(1) During a period commencing on the application date and ending on the expiry date—

- (a) the holder of an existing cab licence, other than a restricted cab licence, may convert that licence to a perpetual taxi licence in the relevant taxi area; and
- (b) the existing cab licence continues in force until the conversion is effected.

(2) During such period as may be prescribed by the regulations—

- (a) the holder of a perpetual taxi licence or an existing cab licence, other than a restricted cab licence, may apply to the Commission for the buy back of that licence; and
- (b) the licence continues in force until the buy back is effected; and
- (c) the number of licences to be bought back is to be determined by the Commission having regard to the amount of the fund relating to the relevant taxi area and in accordance with section 17.

Administration of funds for buy back of licences

17—(1) In this section, “**tender**” means an offer to surrender an existing cab licence or a perpetual taxi licence for an amount paid by the Commission.

(2) The Commission must administer a fund for the buy back of existing cab licences or perpetual taxi licences in a taxi area in accordance with this section.

(3) During a period of 3 months after the application date or such other date as may be fixed by the regulations, tenders are to be sought from the holders of existing cab licences or perpetual taxi licences for the buy back of their licences.

(4) In seeking tenders, the Commission must state that the maximum price to be paid for buy back will be the lesser of—

- (a) the market price in force at that time for any such licence; and
- (b) the capped value for that licence.

(5) If the fund is sufficient to give effect to all tenders received, the Commission must buy back all relevant licences for the amount specified in the tenders.

(6) If the fund is insufficient to give effect to all tenders received, the Commission must buy back progressively starting with the lowest tender received until the fund is insufficient for the remaining buy backs.

(7) If the fund is insufficient for buy back of 2 or more existing cab licences at a particular price, a ballot is to be conducted in accordance with the regulations to determine the licence holders entitled to buy back at that price.

(8) For the purposes of this section, any tender received for a price that exceeds the price determined under subsection (4) is taken to be for that price and buy back is to be effected accordingly.

(9) All buy backs under this section are to be effected during a period of one month following the period of 3 months referred to in subsection (3).

(10) Any licence holder whose tender is unsuccessful is, during a period of 3 months next following the period of one month referred to in subsection (9), entitled to convert his or her existing cab licence to a perpetual taxi licence.

(11) If the fund is not exhausted after giving effect to the provisions of this Part, the Commission must purchase a perpetual taxi licence from any holder who wishes to sell it at the price determined under subsection (4) so long as the amount in the fund permits.

(12) If the holder of an existing cab licence fails to convert it to a perpetual taxi licence as mentioned in subsection (10), the licence becomes subject to section 18 (2).

Time limit for conversion and buy back

18—(1) In this section, “restricted cab licence” means a restricted cab licence in force under the *Traffic Act 1925*.

(2) In each taxi area—

- (a) the conversion of existing cab licences is to be effected before the expiry date and in accordance with this Part; and
- (b) the buy back of licences is to be effected in accordance with this Part.

(3) An existing cab licence which has not been converted to a perpetual taxi licence or offered for buy back as mentioned in section 16 (2)—

- (a) is reclassified as a restricted cab licence and has effect as such but only until the expiry date; and
- (b) on that date ceases to have any force or effect and is not to be re-issued by the Commission.

PART 4

PERPETUAL TAXI LICENCES

Issue of perpetual taxi licences

19—(1) The Commission may, in accordance with this section, issue perpetual taxi licences for each taxi area.

(2) The Commission must, within 7 days after the application date—

- (a) determine an amount which in its opinion a willing buyer would pay to a willing seller in a normal commercial transaction for a perpetual taxi licence for the relevant taxi area and give such notice to the public as it thinks fit of that amount; and

- (b) determine the number of perpetual taxi licences that may be issued in each year for that taxi area while the market price determined under paragraph (a) is less than the capped value—

and, in making a determination, the Commission must take into account any advice given by the Board.

- (3) In issuing perpetual taxi licences—

- (a) the Commission must ensure that, where the market price for perpetual taxi licences is less than the capped value, the number of licences issued in a period of 12 months does not exceed the number of licences determined under subsection (2) (b); and
- (b) if the market price exceeds the capped value, the Commission may issue licences without limit at the capped value.

Requirements for issue of perpetual taxi licences

20—The Commission must not issue a new perpetual taxi licence for a taxi area unless—

- (a) the motor vehicle proposed to be used as a taxi is a new vehicle; and
- (b) the applicant has been given information on the operation of a taxi business as mentioned in section 26—

and in any event must not do so if a conversion or buy back of an existing cab licence or perpetual taxi licence in the taxi area may be effected under Part 3.

Effect of perpetual taxi licences

21—A perpetual taxi licence—

- (a) authorises the use of a vehicle specified in the licence to ply or stand for hire within, to or from a public street in the taxi area to which the licence relates for the purpose of carrying passengers or carrying parcels not exceeding 50 kg in the aggregate in that area; and
- (b) is the personal property of the person to whom it is issued and is capable of assignment.

Use of substituted vehicles

22—Where a vehicle for which a perpetual taxi licence has been issued ceases for any reason to be available, or to be used, for the purposes of the licence, the Commission may, in accordance with the regulations, permit another vehicle to be used for that purpose in place of that vehicle.

Temporary taxi licences

23—(1) The Commission may, after taking into account the advice of the Board, issue a temporary taxi licence to an accredited taxi group for a limited period.

(2) A temporary taxi licence—

(a) may be subject to any conditions that the Commission thinks fit; and

(b) has the effect of a perpetual taxi licence during the period for which it is in force.

PART 5

ACCREDITATION OF TAXI GROUPS

Accreditation of groups of taxi operators

24—For the purposes of this Part, where the Commission is satisfied that any persons holding perpetual taxi licences are able to operate as an organised group ensuring an acceptable level of taxi services in the whole or a part of a taxi area, that group is taken to be an accredited taxi group.

Agreements with accredited taxi groups

25—(1) The Commission may make an agreement with an accredited taxi group requiring it—

(a) to present annual business plans; and

- (b) to maintain records and establish rules as to its membership, including rules as to—
 - (i) average maximum customer response times, membership fees and charges; and
 - (ii) any measures taken to maintain or assess standards for vehicles and drivers consistent with standards prescribed under the *Traffic Act 1925*; and
 - (iii) discipline, control and compliance with any human rights legislation; and
- (c) to provide taxi services of such types and standards as may be agreed with the Commission; and
- (d) to satisfy the Commission as to the group's compliance with that agreement; and
- (e) to provide taxi services under a temporary taxi licence on terms and conditions specified by the Commission.

(2) The Commission may make an agreement with an accredited taxi group authorising it—

- (a) to specify its own fares; and
- (b) to charge different fares; and
- (c) to use different tariff hours; and
- (d) to seal its own meters; and
- (e) to specify standards as to taxi drivers and vehicles used for the provision of taxi services so long as the standards are approved by the Commission and it is satisfied as to how the standards will be maintained.

(3) Subsection (2) does not prevent the Commission from regulating a standard fare or from continuing to inspect taxis, both as provided by the *Traffic Act 1925* and randomly, in accordance with the prescribed standards or such alternative standards as may be agreed with the accredited taxi group.

(4) The Commission may make different agreements with different accredited taxi groups in order to provide an appropriate level of benefits and responsibilities as to self-regulation for each group.

(5) If an accredited taxi group fails to discharge its responsibilities arising from an agreement made under this Part, the agreement may be cancelled or varied by the Commission.

PART 6

MISCELLANEOUS AND SUPPLEMENTAL

Information as to taxi industry

26—The Commission must, in consultation with the Board, prepare and make available on request by any person information as to the viability, the operations and the requirements of the taxi industry.

Regulations

27—(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 provide for the matters specified in Schedule 3.

(3) The Minister must not submit to the Governor any regulations for the purposes of section 11 unless the proposed regulations are accompanied by a certificate given by the Commission that, having regard to the provisions of Schedule 4, the proposed capped price is reasonable.

(4) The Minister must not submit to the Governor any regulations which seek to vary the capped price of a perpetual taxi licence unless the variation has been recommended by the Board and the Commission.

(5) Any regulations which seek to vary the capped value of a perpetual taxi licence do not take effect until publication of a notice in the *Gazette* by the Minister that they have been approved by both Houses of Parliament but, if so approved, the regulations are not subject to disallowance as provided by section 47 of the *Acts Interpretation Act 1931*.

(6) For the purposes of subsection (5), a House of Parliament is taken to have approved the regulations if a copy of them has been laid on the table of that House and—

- (a) the regulations are approved by that House; or
- (b) at the expiration of 21 sitting days of that House after the copy was laid on the table of that House, no motion to disallow the regulations has been passed.

(7) For the purposes of this section, where a motion to disallow a regulation or a section, division or part of a regulation is passed by a House of Parliament—

- (a) the motion has the effect of annulling only that regulation or that section, division or part, as the case may be; and
- (b) the remainder of the regulations is taken to be approved by that House.

(8) The regulations may contain provisions of a savings or transitional nature consequent on the conversion of an existing cab licence to a perpetual taxi licence and, without limitation, may provide that any functions, powers, rights, duties and authorities conferred by, or arising from, an existing cab licence are to continue in force with such modifications as may be provided by the regulations.

(9) 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.

(10) 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 10 penalty units and, in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.

Administration of Act

28—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 Transport; and
 - (b) the Department responsible to the Minister for Transport in relation to the administration of this Act is the Department of Transport.
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SCHEDULE 1

Section 9 (3)

MEMBERSHIP AND MEETINGS OF BOARD**Term of office**

1—(1) A member of the Board is to be appointed for such term, not exceeding 3 years, as is specified in the instrument of appointment and, if otherwise qualified, is eligible for re-appointment from time to time for a term, not exceeding 3 years, specified in the instrument of his or her re-appointment.

(2) A member of the Board may resign from office by notice in writing delivered to the Minister.

Deputy chairperson

2—(1) The Board is to appoint one of its members to be the deputy chairperson.

(2) The deputy chairperson must perform the functions of the chairperson when the chairperson is unable to do so by reason of illness, absence or other cause or when the office of chairperson is vacant.

Provisions relating to members

3—Where, by or under any Act, provision is made requiring the holder of an office to devote the whole of his or her time to the duties of his or her office, that provision does not operate to disqualify him or her from holding that office and also the office of a member of the Board.

Remuneration, &c., of members

4—A member of the Board is to be paid such remuneration, expenses and allowances as the Minister may determine but no such determination applies in respect of a member of the Board who holds an office in the State Service unless the Commissioner for Public Employment approves of the determination.

Tasmanian State Service Act 1984 not to apply

5—The provisions of the *Tasmanian State Service Act 1984* do not apply to, or in respect of, the appointment of a member of the Board and a member of the Board is not, in his or her capacity as such a member, subject to the provisions of that Act during his or her term of office.

Appointment of substitute to act during absence of member of Board

6—(1) The Minister may appoint any person (including a member of the Board other than the chairperson of the Board) to act in the office of the chairperson or appoint any person to act in the office of a member of the Board other than the chairperson while the chairperson or that member of the Board, as the case may be, is absent from his or her office through illness or any other cause.

(2) A member of the Board other than the chairperson is, for the purposes of subclause (1), taken to be absent from his or her office if the member is acting in the office of chairperson pursuant to that subclause.

(3) A member of the Board is, for the purposes of subclause (1), taken to be absent from his or her office if there is a vacancy in that office which has not been filled in accordance with clause 9.

(4) A person is not concerned to inquire whether or not any occasion has arisen requiring or authorising a person to act in the office of a member of the Board and all things done or omitted to be done by that person while so acting are as valid, and have the same consequences, as if they had been done or omitted to be done by that member.

Vacation of office

7—(1) The office of a member of the Board becomes vacant—

(a) when the member dies; or

- (b) if the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration or estate for their benefit; or
- (c) if the member is absent from 3 consecutive ordinary meetings of the Board of which reasonable notice has been given to him or her, either personally or in the ordinary course of post, unless on leave granted by the Minister or unless, before the expiration of 3 weeks after the last of those meetings, the member is excused by the Minister for his or her absence from those meetings; or
- (d) if the member is convicted in the State of a crime or an offence which is punishable by imprisonment for a period of not less than 12 months, or if the member is convicted elsewhere than in the State of an offence which, if committed in the State, would be a crime or an offence so punishable; or
- (e) if the member resigns his or her office by writing under his or her hand addressed to the Minister and the Minister accepts the resignation; or
- (f) if the member is removed from office by the Minister under subclause (2).

(2) The Minister may remove from office a member of the Board if the Minister is satisfied that the member—

- (a) has ceased to be actively engaged in the taxi industry; or
- (b) has been convicted of an offence under clause 19; or
- (c) is unable to perform adequately or competently the duties of his or her office.

(3) A member of the Board must not be removed from office otherwise than in accordance with this clause.

Nominations by Taxi Industry Association of Tasmania Limited

8—(1) Where the Governor is satisfied, on the recommendation of the Board, that the company mentioned in paragraph (d) of section 9 (2) has changed its name, the Governor may, by order published in the *Gazette*, permit the nomination required by that paragraph to be made by the company under its new name.

(2) Where the Governor is satisfied, on the recommendation of the Board, that the company mentioned in paragraph (d) of section 9 (2) has ceased to represent the taxi industry, the Governor may, by order published in the *Gazette*, permit the nomination required by that paragraph to be made by a body or organisation which in the opinion of the Governor represents that industry.

Filling of casual vacancies

9—On the occurrence of a vacancy in the office of a member of the Board otherwise than by the expiration of the term for which the member was appointed, the Minister may appoint a person to the vacant office for the balance of his or her predecessor's term of office.

Protection of members of Board

10—A member of the Board is not personally liable for an honest act or omission in the performance or the purported performance of functions, or exercise or purported exercise of powers, under this Act.

Validity of proceedings, &c.

11—(1) No act or proceeding of the Board or of any person acting pursuant to any direction of the Board is invalidated or prejudiced by reason only of the fact that, at the time when the act or proceeding was done, taken or commenced, there was a vacancy in the membership of the Board.

(2) All acts and proceedings of the Board or of any person acting pursuant to any direction of the Board are, notwithstanding the subsequent discovery of any defect in the appointment of any member of the Board or that any person was disqualified from acting as, or incapable of being, a member of the Board, as valid as if the member had been duly appointed and was qualified to act, or capable of being, a member, and as if the Board had been fully constituted.

Presumptions

12—In any proceedings by or against the Board, unless evidence is given to the contrary, no proof is required of—

- (a) the constitution of the Board; or
- (b) any resolution of the Board; or
- (c) the appointment of any member of the Board; or
- (d) the presence of a quorum at any meeting of the Board.

Convening of meetings of Board

13—Meetings of the Board may be convened by the chairperson of the Board or by any 3 members of the Board.

Meetings

14—(1) Subject to this clause, the Board is to determine the procedure for convening and conducting its meetings.

(2) At a meeting of the Board—

- (a) the chairperson or, in his or her absence, the deputy chairperson is to preside; and
- (b) in the absence of both those members, a member elected by the members present is to preside; and
- (c) the chairperson or other member presiding has a deliberative vote only.

(3) The Board must keep minutes of its meetings and provide the Minister with a copy of the minutes of each meeting.

Telephone conferences, &c.

15—The Board may permit members to participate in a particular meeting or all meetings by—

- (a) telephone; or
- (b) closed circuit television; or
- (c) any other means of communication.

Resolutions of Board

16—A proposed resolution of the Board—

- (a) of which notice is given to all members of the Board in accordance with procedures determined by the Board; and
- (b) in which all members of the Board express their concurrence in writing—

is taken to be a decision of the Board.

Procedure at meetings

17—(1) Four members of the Board form a quorum at any meeting of the Board.

(2) Questions arising at a meeting of the Board are to be determined by a majority of votes of the members of the Board present and voting.

Provision of secretariat services

18—The Minister may provide the Board with secretariat and other services for the purposes of this Act.

Disclosure of interest

19—(1) A member who has a pecuniary interest in a matter under consideration by the Board—

- (a) must disclose the nature of the interest to the Board; and
- (b) unless the Board otherwise resolves, must not take part in any deliberations or decision of the Board in relation to that matter.

Penalty: Fine not exceeding 10 penalty units.

(2) Subclause (1) does not apply in the case of a member if his or her interest is not greater than that of any other member.

(3) It is a defence to a charge for an offence against subclause (1) if the defendant can show that he or she was not, at the time of the alleged offence, aware of his or her interest in the matter.

(4) A disclosure under this clause is to be recorded in the minutes of the Board.

General procedure

20—The procedure for the calling of, and for the conduct of business at, meetings of the Board is, subject to any procedure that is specified in this Schedule, to be as determined by the Board.

SCHEDULE 2

Section 10

DUTIES OF TAXI INDUSTRY ADVISORY BOARD

The duties of the Board are to provide advice to the Minister and the Commissioner for Transport on the following matters:—

- (a) measures for enhancing the provision of taxi services; and
- (b) implementation of such of the recommendations contained in a report submitted in April 1993 by the Working Party established in 1992 to review the taxi industry as have been accepted by the Minister; and
- (c) the accreditation of taxi groups; and
- (d) the control of maximum standard taxi fares, vehicles, drivers and services; and
- (e) the capped value and the conversion fee for each taxi area and, in the case of any amalgamation of areas, conversion fees to be paid; and
- (f) criteria for hire cars and community transport vehicles having regard to the criteria in force from time to time for taxi licensing; and
- (g) the means by which accredited organisations can offer services to meet the transport needs for persons with disabilities that comply with human rights legislation; and
- (h) the contents of a comprehensive information package for all persons proposing to enter the taxi industry, having regard to all known information regarding the viability of the industry with realistic expectations as to profitability of providing a taxi service; and
- (i) the economics and viability of the taxi industry; and
- (j) policies and plans for improvement of the taxi industry; and
- (k) the administration of a fund; and
- (l) the amounts to be paid, having regard to the state of the taxi industry and to market forces, for the buy back of existing cab licences; and
- (m) the amounts to be paid for the issue of perpetual taxi licences; and
- (n) the boundaries of taxi areas; and

- (o) the exercise of the Minister's powers under section 8 for the resolution of any complaints or disputes; and
 - (p) generally on the operation of taxi services, as may be directed by the Minister from time to time.
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SCHEDULE 3

Section 27 (2)

MATTERS TO WHICH REGULATIONS MAY APPLY

The regulations may—

- (a) prescribe parts of Tasmania as areas to which this Act applies; and
- (b) prescribe fees to be paid on the issue of perpetual taxi licences or temporary taxi licences and annually for perpetual taxi licences; and
- (c) provide for registration of holders of perpetual taxi licences and other persons having a present or contingent interest in any such licence; and
- (d) prescribe classes of vehicles for the purposes of this Act; and
- (e) prescribe conditions which may be imposed on the holder of a perpetual taxi licence or an accredited taxi group relating to—
 - (i) areas; and
 - (ii) fare schedules; and
 - (iii) qualifications for drivers; and
 - (iv) standards for determining whether the drivers are fit and proper persons; and
 - (v) insurance requirements; and
 - (vi) the keeping and production of records; and
 - (vii) the control of property lost in taxis; and
 - (viii) service standards for customers including compliance with human rights legislation; and
 - (ix) administration and standards for taxis; and
 - (x) the conduct, behaviour, rights and obligations of taxi drivers in providing taxi services; and
 - (xi) the conduct, behaviour, rights and obligations of passengers in taxis; and
- (f) prescribe circumstances under which multiple hiring of taxi services may be permitted; and
- (g) regulate circumstances under which a taxi driver may refuse to accept a passenger or to terminate a hiring; and

- (h) provide for the calculation of payment of fares and charges and the operation of fare schedules; and
 - (i) provide for equipment, including meters, required to be carried on or installed in a taxi and also provide for the examination and testing of that equipment; and
 - (j) provide for notices and other material which are to be carried or displayed in taxis and any notices and material which are not to be so displayed; and
 - (k) provide for the health of the passengers and the safety of taxi services; and
 - (l) provide for the enforcement of an agreement made for the purposes of Part 5.
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SCHEDULE 4

Section 27 (3)

DETERMINATION OF CAPPED VALUE OF LICENCES

1—For the purposes of this Schedule, stamp duty is to be taken into account in determining the cost of transfer of a licence.

2—The value of an investment in the taxi industry by each holder of an existing cab licence is to be preserved.

3—In a taxi area where there is an established market, the value is to be based on the highest value of cab licences under the *Traffic Act 1925* transferred during the period of 5 years commenced on 1 July 1989.

4—In a taxi area where there is no established market, the value is to be the initial cost of acquiring the licence plus the average increase in value of existing cab licences in established markets from the date of acquisition until 31 December 1994.

5—In the Hobart taxi area the value is to include the prescribed transfer fee as in force on 30 June 1995.

6—In other areas the value is to include the prescribed fee payable to the Commission for conversion of an existing cab licence to a perpetual taxi licence.

7—(1) In this clause, “**Consumer Price Index**” means the Consumer Price Index published by the Australian Statistician under the *Census and Statistics Act 1905* of the Commonwealth.

(2) A premium is to be added to the licence value at 30 June 1994, as assessed by the Commission, and is to be limited to one-half of the increase in the Consumer Price Index for Hobart for the preceding 3 years.

*[Second reading presentation speech made in:—
House of Assembly on 21 June 1995
Legislative Council on 8 August 1995]*

