

INQUIRY INTO TAXI FARES

The Tasmanian Economic Regulator (TER) recently finalised its inquiry into the methodology for setting and indexing taxi fares in Tasmania.

The Inquiry commenced in late 2012. The TER released its consultation paper, supported by the Draft Report prepared by its consultant (the Centre for International Economics), in February 2013. Four written submissions were received in response to the draft report.

DIER is currently considering the recommendations of the Inquiry. The TER's Final Report is available from the TER's website <http://www.economicregulator.tas.gov.au/>

AMENDMENTS TO TAXI INDUSTRY LEGISLATION

From 1 July 2013 a number of changes to the taxi industry legislation will be introduced. The impact of the changes to the day-to-day business of the taxi and luxury hire car (LHC) industries should be minimal, but operators are advised of the following important amendments:

RESTRICTED HIRE VEHICLES

Limited Passenger Services formerly provided under the *Passenger Transport Act 1997* and provided in small passenger vehicles (that is, vehicles with nine or fewer seats, including the driver's seat) will be regulated under the *Taxi and Hire Vehicle Industries Act 2008* and the *Restricted Hire Vehicle Regulations 2013*.

From 1 July 2013, these services will be referred to as restricted hire vehicle (RHV) services and operators will be required to hold RHV licences to operate these services.

There will be two types of RHV services and two types of licence number plates, as shown below:

- RHVs for specific services (red plate) can only be hired out for events such as weddings, funerals, school/college/university balls, formals or leavers functions, and tours*. Any type of small passenger vehicle can be used to provide Specific RHV services. The services must be pre-booked unless otherwise authorised.



- RHVs for general services (blue plate) are restricted to a limited range of vehicles that, for most categories, must meet strict age and/or quality criteria (such as vintage and classic cars). Most of these vehicles can be hired out for any purpose (i.e. "general hire") and RHVs providing a General RHV service must be pre-booked unless otherwise authorised.



* Tours are defined in the *Taxi and Hire Vehicle Industries Act 2008* (see below).

Taxis operating as Restricted Hire Vehicles

If a taxi operator wishes to operate a vehicle that they use as a taxi to also provide a RHV service, they must obtain a RHV licence for **Specific RHV services**. Under this licence, they can provide RHV services using that vehicle for weddings, funerals, school/college/university balls, formals or leavers' functions, and tours only.

The RHV licence fee will be waived for existing taxi operators who hold accreditation on 1 July 2013 who wish to obtain a RHV licence, but they will have to pay the \$29.20 application fee for a new RHV licence number plate.

Conditions of using a taxi on a RHV licence:

- While operating as an RHV, the vehicle must not appear to be a taxi. That is, the taxi roof sign, tariff indicator lights, and any other external markings that could lead a potential customer to believe the vehicle is a taxi, must be removed.
- The taximeter must be covered over and must not be operated.
- The taxi licence number plate must be removed (as the vehicle will not be a taxi).
- An RHV number plate must be affixed in place of the taxi plate.
- If the vehicle has a security camera system installed, the camera system must be operating correctly, as required by the Taxi Industry Regulations.
- As an RHV, the vehicle cannot stand on a taxi rank or be hailed.

Note that taxis do not have to operate as RHVs to provide tours. They can operate as taxis and provide a tour with a set fare agreed with the passenger/s. However, the taximeter must be operating for the entire journey, and the fare charged must not be more than the fare shown on the meter at the end of the tour.

Former luxury hire cars operating as Restricted Hire Vehicles

At present, former LHCs that exceed the age limits for this type of service may operate limited passenger services for weddings and funerals (and tours) under the *Passenger Transport Act 1997*. From 1 July 2013, this group of vehicles will not be a separate category of RHV. Those operators wishing to continue to operate former LHCs must do so under a RHV licence for Specific RHV services. This means that these vehicles can be hired for weddings, funerals, school/college/university balls, formals or leavers functions, as well as for tours. This applies to standard luxury vehicles and stretched vehicles that are above the maximum operating age for the relevant LHC Group. The application fee and the licence fee apply.

LICENCE NUMBER PLATES

The amendments to the *Taxi and Hire Vehicle Industries Act 2008* make it clear that a vehicle will not be a legally recognised taxi unless it is displaying the taxi licence number plate that relates to the taxi licence under the authority of which the vehicle is operating.

This means that if a vehicle is operating as a taxi without the correct taxi licence plate, the operator could be prosecuted for operating unlicensed. This is a serious offence. It will not be a defence for

an operator to claim that the plate is lost or is unusable. The plate must be displayed at all times when the vehicle is operating as a taxi.

If the taxi licence plate is not affixed, the vehicle will not be recognised as a taxi.

This is because standard taxi licences are not linked to vehicles, so the plate is the way in which the taxi licence is identified. If there is no plate, there is no evidence that the vehicle is operating under the authority of a taxi licence. In the case of WATs, the vehicle used to operate the service must be the vehicle specified in the WAT licence. The licence plate must be affixed to that vehicle, unless a substitute vehicle has been approved.

To avoid the possibility of the driver and/or operator of a vehicle without a plate being prosecuted for operating unlicensed, a vehicle without a plate must have a not-for-hire sign displayed.

STANDING ON A PUBLIC STREET

Taxis (unless parked on a designated taxi rank), LHCs and RHVs cannot be parked in any location for the purpose of being hired on demand and the driver of one of these vehicles (or any other person) is forbidden from soliciting customers to hire the vehicle for on-demand transport.

As is currently the case, under no circumstances are LHCs and RHVs permitted to stand on a taxi rank or be hailed in the street by a passer-by. Only taxis may be hired from ranks or street hails.

A taxi must not stand on a public street (except on a taxi rank) unless it is:

- i. about to pick up passengers or
- ii. dropping off passengers.

If a taxi driver has to park the taxi on a public street (other than at a taxi rank) and is not either waiting to begin a pre-booked hiring or tour, or dropping off passengers, the vehicle must display a not-for-hire sign (see below for additional circumstances when taxis must display a not-for-hire sign).

LHCs and RHVs can only operate pre-booked services. Therefore, if an LHC or RHV is standing on a public street, it must display a not-for-hire sign unless it is:

- i. waiting to begin a pre-booked hiring,
- ii. dropping off passengers, or
- iii. about to commence a tour.

The purpose of the not-for-hire sign is to show that the vehicle is not standing for hire and makes it clear to any passers-by that, when the vehicle is parked in a location where it is not authorised to accept a hiring, it cannot accept customers.

Not for hire signs (taxis)

If a vehicle is a taxi, is used or intended to be used as a taxi, or if it has any external features that may lead a person to think that the vehicle is a taxi (regardless of whether it is operating as a taxi or not), it must carry a not-for-hire sign.

The sign must be displayed in the vehicle in the following situations:

- The vehicle is parked on a public street (unless it is a taxi standing on a taxi rank) and is not either waiting to begin a pre-booked hiring or dropping off passengers (as outlined above);
- The vehicle is not actually operating as a taxi;
- The vehicle does not have a taxi licence number plate affixed; and
- Any or all of the vehicle's taxi equipment (meter, roof sign, tariff lights, security camera) are not installed, or are not operating correctly.

The only exception to this is if the vehicle is operating as an RHV in accordance with the Act – specifically it must have an RHV licence number plate affixed, have all external signs that it is a taxi removed and the driver must not operate the taximeter, as described above.

DESCRIBING A VEHICLE AS A TAXI

If a vehicle is not a taxi (or used as a taxi), it cannot be described as a taxi and the service it provides cannot be described as a taxi service. This means that a vehicle that is not a taxi cannot have:

- a taximeter;
- a top light or roof sign with words such as “taxi”, “cab” or “taxi-cab”;
- the words “taxi”, “cab” or “taxi-cab” or similar words anywhere on the vehicle; or
- a sign that suggests or implies that the vehicle is a taxi, or is providing a taxi service.

If the vehicle is normally used as a taxi, but isn't currently operating as a taxi, or if the vehicle is in the process of being fitted out to be a taxi, the vehicle must display a not-for-hire sign when it is being used on a public street.

The sign will ensure that there is no confusion around whether or not the vehicle is operating as a taxi. The driver or operator cannot provide, or offer to provide, a taxi service unless the vehicle is a taxi and has a valid taxi licence number plate affixed to it.

NEW TAXIMETER OFFENCES

It will be an offence for a taxi operator to have a taximeter programmed for Tariff 3 or 4 installed in a taxi that is not a wheelchair accessible taxi (WAT), or has not otherwise been authorised to charge these tariffs by the Transport Commission.

It will also be an offence to program a meter with these tariffs, or to seal a meter programmed with these tariffs, unless the taxi is a WAT or otherwise authorised to charge Tariffs 3 or 4.

TOURS

For the purposes of the Taxi Act, a tour is a passenger transport service operated exclusively for tourists (including sightseers), not commuters or passengers undertaking everyday transport. A tour must be conducted according to a publicly advertised route or itinerary.

It is possible that some parts of a “package” service could be considered to be a tour and that other parts of the same service would not.

The following factors may be taken into account when determining whether a service, or a part of a service, is a tour:

- whether tourism is a major and regular feature or focus of the service or merely a minor or incidental feature or focus of the service
- whether the service stops at or diverts to points of relevant interest (e.g. points of cultural, historic, professional, scenic, scientific or sporting interest) or whether the transport is largely uninterrupted and direct to the destination
- whether the route is largely designed to take in points of relevant interest, or whether those points are incidental to the route
- the passenger profile (e.g. whether passengers appear to be pursuing mainly tourism activities or whether they are simply seeking personal transportation)
- whether the passengers are taken on to or back to tourist accommodation or a tourism travel connection, or on to or back to a place of no tourism significance
- the scale and nature of any associated promotional activities including, in particular, whether the service is advertised as a tour or merely as passenger transport
- whether the service appears to be regarded as a tour by the tourism industry

DIER has prepared information sheets on the new provisions. These, together with application forms for licences, can be found at the Transport [website](#), under the “operator information” and “operator forms” links.

Fees for various passenger transport services are detailed at this [link](#).

VEHICLE INSPECTION LABELS

Accredited transport operators are advised that from 1 July 2013, vehicle examiners will be affixing the vehicle inspection label to the front windscreen in the left upper corner. They will no longer affix it to the rear window.
