

Taxi Amendment Bill 2007

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Western Australia

LEGISLATIVE ASSEMBLY

(As amended in Committee)

Taxi Amendment Bill 2007

A Bill for

An Act to amend the *Taxi Act 1994*.

The Parliament of Western Australia enacts as follows:

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1. Short title

This is the *Taxi Amendment Act 2007*.

2. Commencement

This Act comes into operation as follows:

- 5 (a) sections 1 and 2 — on the day on which this Act
 receives the Royal Assent (“**assent day**”);
- (b) the rest of the Act — on the day after assent day.

3. The Act amended

The amendments in this Act are to the *Taxi Act 1994**.

10 [* *Reprint 2 as at 4 August 2006.*
 For subsequent amendments see Act No. 77 of 2006.]

4. Section 3 amended

- (1) Section 3(1) is amended by inserting in the appropriate
alphabetical position —

15 “

 “**conventional taxi plates**” means taxi plates used, or
 to be used, on a taxi except —

 (a) a taxi operated subject to conditions
 restricting the operation of the taxi to

20 specified times or areas; and

 (b) a multi-purpose taxi as defined in
 section 30A(1);

”.

- 25 (2) Section 3(1) is amended in the definition of “taxi plates” by
 inserting after “section 18” —

 “ or 30I(2)(b) ”.

5. Section 16 amended

(1) Section 16(3) is amended as follows:

- (a) by deleting “Taxi” and inserting instead —
“ Conventional taxi ”;
- 5 (b) by deleting “taxi” in both places where it occurs and inserting instead —
“ conventional taxi ”.

(2) Section 16(10) is amended in the definition of “relevant percentage” as follows:

- 10 (a) in paragraph (a), by deleting “20%” and inserting instead —
“ 35% ”;
- (b) in paragraph (b) —
 - (i) by deleting “another” and inserting instead —
15 “ a higher ”;
 - (ii) by deleting “other”.

6. Section 18 amended

Section 18(1)(c) is amended by deleting “operating” and inserting instead —

- 20 “ being operated ”.

7. Section 21 amended

After section 21(2) the following subsections are inserted —

“

- 25 (3) Where the Director General decides that a plate holder has not, for a period of at least 60 days, used taxi plates owned or leased by him or her on a vehicle being operated as a taxi in accordance with this Act, the Director General may serve notice on that person —
 - 30 (a) stating the reason the Director General made that decision; and

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- 5
- (b) requiring the plate holder —
- (i) in the case of an owner of taxi plates —
to divest himself or herself of any
interest in the ownership of the taxi
plates within 45 days after the day of
service of the notice (the “**divestment
period**”); or
- 10
- (ii) in the case of a lessee of taxi plates —
advising him or her of the effect of the
relevant provisions of subsections (4)
and (5).
- 15
- (4) Where a person fails to divest himself or herself of his
or her interest in the ownership of taxi plates within the
divestment period or a person is served with a notice
under subsection (3)(b)(ii) in relation to the leasing of
taxi plates —
- (a) his or her right to the plates is forfeited to the
Director General —
- 20
- (i) if he or she has applied under
subsection (5) for a review — on the
making of a decision that confirms the
Director General’s decision or that
otherwise results in the forfeiture of that
right; or
- 25
- (ii) otherwise on the expiry of —
- (I) in the case of an owner of taxi
plates — the divestment
period; or
- 30
- (II) in the case of a lessee of taxi
plates — the period specified in
subsection (5);
- and

(b) the plates may then be offered for sale or lease, as the case requires, in accordance with section 16.

5 (5) Where the Director General serves notice on a person under subsection (3), the person may within 14 days after the day of service of that notice apply to the State Administrative Tribunal for a review of the Director General's decision that he or she has not, for a period of at least 60 days, used taxi plates owned or leased by
10 him or her on a vehicle being operated as a taxi in accordance with this Act.

(6) In this section —
“plate holder”, in relation to a plate holder that is a partnership, means each member of the
15 partnership.

”.

8. Section 24 amended

(1) Section 24(2) is amended by inserting after “divest under section” —
20 “ 21(3) or ”.

(2) After section 24(5) the following subsection is inserted —
“
(6) Taxi plates issued under section 30I(2)(b) are not transferable for a period of one year after the day on
25 which they are issued.

”.

9. Section 25 amended

Section 25(1)(c) is amended by inserting after “forfeiture under” —
30 “ subsection (4) of section 21 or ”.

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10. Section 30A amended

Section 30A(1) is amended in paragraph (a) of the definition of “transferable MPT plates” by deleting “that operates” and inserting instead —

5 “ operated ”.

11. Part 3 Division 4 inserted

After section 30H the following Division is inserted in Part 3 —

“

Division 4 — Exchange of restricted hours taxi plates

10 **30I. Restricted hours taxi plates may be exchanged for conventional taxi plates**

(1) In this section —

“**restricted hours taxi**” means a taxi the operation of which —

- 15 (a) is subject to a condition restricting the hours during which the taxi is operated; and
- (b) is not subject to a condition restricting the transfer of the relevant RHT plates, except a condition restricting the transfer of those
- 20 plates within 3 years after they were acquired;

“**RHT owner**” means a person who is the owner, or has an interest in the ownership, of RHT plates;

25 “**RHT plates**” means taxi plates that are used on a restricted hours taxi.

(2) The Director General may enter into an agreement, on such terms and conditions as the Minister approves, with a person who is an RHT owner for —

- 30 (a) the surrender and cancellation of the RHT plates in respect of which the person is an RHT owner; and

- (b) the issue to the person of conventional taxi plates that are to be owned by that person, or that the person is to have an interest in owning, as the case requires.
- 5 (3) Without limiting subsection (2), an agreement under that subsection may provide for an amount to be paid by the RHT owner to the Director General as part of the consideration for the issue to the person of conventional taxi plates.
- 10 (4) One set of conventional taxi plates is to be issued under subsection (2)(b) in respect of each set of RHT plates surrendered and cancelled under subsection (2)(a).
- (5) If an RHT owner that —
- 15 (a) is a party to an agreement under subsection (2); and
- (b) would, but for this subsection, be issued with conventional taxi plates under subsection (2)(b),
- 20 so agrees, the plates may be issued instead to another person who, in the opinion of the Director General, has an interest in the ownership of the RHT plates that are the subject of the agreement.
- (6) Except as otherwise expressly provided in this section, this section does not limit any other provision of this
- 25 Act in relation to the offering for sale or issuing of taxi plates.
- ”.

12. Section 41 amended

- 30 Section 41(2)(c) is amended by deleting “sale or lease” and inserting instead —
- “ sale, lease or issue ”.