



Taxi and Hire Vehicle Industries Act 2008

PERPETUAL TAXI LICENCE

NOTIFICATION of COMMENCEMENT or TERMINATION of a LEASE

If advice of a new lease arrangement is being provided Sections 1 and 3 must be completed. An application fee applies which must be paid at Service Tasmania when lodging the application.

If advice of a termination of an existing lease is being provided Sections 1 and 4 must be completed. No fee is payable for advising of a termination of an existing lease.

SECTION 1 – LICENCE and LICENSEE DETAILS

Name(s) of Licence Owner(s): _____

Address: _____

Phone: _____

Licence number: _____

Email: _____

SECTION 2 – THE RESPONSIBLE OPERATOR and ACCREDITATION

The "Responsible Operator" of a perpetual taxi licence is either:

- the owner (licensee) of a perpetual taxi licence; or
- if a perpetual taxi licence is leased, the lessee of the licence.

The Responsible Operator is legally responsible for the day-to-day operation of the taxi service, including compliance with all relevant legislation. The Transport Commission can only record a single person as the lessee.

The Responsible Operator MUST be accredited by the Commission BEFORE he or she can provide a taxi service. Information on accreditation is available on the Department of State Growth's [website](#). Significant penalties exist if a Responsible Operator operates a taxi before accreditation is approved by the Commission. An extract from the relevant legislation is detailed under:

Section 11 of the *Taxi and Hire Vehicle Industries Act 2008* states:

11. Responsible operator of leased perpetual taxi licence

- (1) Subject to this section, the responsible operator of a perpetual taxi licence is –
 - (a) the owner of the licence; or
 - (b) if the owner of the licence has leased it, the person who is leasing the licence.
- (2) A person who is leasing a perpetual taxi licence is not capable of being recorded on the register of licences as the responsible operator of the licence unless the person holds relevant accreditation.
- (3) An entry purportedly made in the register of licences contrary to subsection (2) is null and void.
- (4) If the owner of a perpetual taxi licence leases it to a person who does not hold relevant accreditation, the owner of the licence is taken to remain the responsible operator of the licence.

Regulation 8 of the *Taxi Industry Regulations 2008* states:

- (1) 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 of the lease –
 - (a) provide to the Commission a written notice –
 - (i) stating the name and address of the person leasing, the licence;
 - (ia) stating the day the lease commenced; and
 - (ii) signed by each party to the lease; and
 - (b) pay the specified fee.

Penalty: Fine not exceeding 10 penalty units.
- (2) The Commission is to record the information provided under subregulation (1)(a) in the register of licences.
- (3) A lease takes effect on the date, recorded in the register of licences under subregulation (2), as the date it takes effect.
- (4) Each party to a lease under this regulation must notify the Commission in writing of the termination of the lease within 7 days after that termination.

Penalty: Fine not exceeding 10 penalty units.
- (5) It is a defence in proceedings for an offence under subregulation (4) if the defendant establishes that he or she was unaware of the termination of the lease.

The Commission will only recognise and record a lease notification that is signed by both the owner of the perpetual taxi licence and the proposed lessee.

The Commission will not enter into any dispute over the termination or terms of any lease.

Taxi legislation may be viewed at the Government's consolidated [legislation website](#).

SECTION 3 – NOTIFICATION of the COMMENCEMENT of a PERPETUAL TAXI LICENCE LEASE

Complete this section when advising of a new lease arrangement between the above licence owner(s) and the Responsible Operator nominated below. It is the responsibility of the licence owner to advise the Department of this arrangement within 14 days of the commencement of the lease. Please refer to section 2 above for information on the Responsible Operator.

The Department will not accept this notification unless both parties to the lease have signed it.

RESPONSIBLE OPERATOR (LESSEE) DETAILS:

The following person is confirmed as the Responsible Operator of perpetual taxi licence number _____ effective from _____ (date).

Name of Responsible Operator: _____

Accreditation Number: _____

Address: _____

Phone: _____

Email: _____

SIGNATURES:

Licence Owner (Licensee)

Signed: _____

Please print name: _____

Date: _____

Incoming Responsible Operator

Signed: _____

Please print name: _____

Date: _____

SECTION 4 – NOTIFICATION of the TERMINATION of a PERPETUAL TAXI LICENCE LEASE.

It is the responsibility of BOTH the outgoing lessee AND the licence owner to advise the Department of this termination within **7 days** after the termination takes effect. In the event that one party's signature is unable to be obtained, the other party is still required to inform the Department within 7 days of the termination of the lease.

TERMINATION OF LEASE DETAILS:

The lease between the licence owner and the Responsible Operator for licence number _____ was terminated on _____ (date).

SIGNATURES

Licence Owner (Licensee):

Signed: _____

Please print name: _____

Date: _____

Outgoing Responsible Operator (Lessee):

Signed: _____

Please print name: _____

Date: _____

PERSONAL INFORMATION PROTECTION STATEMENT

Personal information we collect from you for Registration and Licensing processes will be used by the Registrar of Motor Vehicles and the Transport Commission for that purpose and may be used for other purposes permitted by the [Vehicle and Traffic Act 1999](#), the [Passenger Transport Services Act 2011](#) and the [Taxi and Hire Vehicle Industries Act 2008](#) and associated laws. Your personal information may be disclosed to contractors and agents of the Registrar of Motor Vehicles and the Transport Commission, law enforcement agencies, the Motor Accident Insurance Board, vehicle manufacturers (safety recalls only), courts and other public sector bodies or organisations authorised to collect it. This information will be managed in accordance with the [Personal Information Protection Act 2004](#) and may be accessed by you on request to this Department. You may be charged a fee for this service. Failure to provide this information may result in your application not being processed or records not being properly maintained.