

Mr Kirk

TAXI DRIVERS' SAFETY DEVICES

ANALYSIS

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A BILL INTITULED

An Act to set up a Taxi Industry Safety Board, and to amend the Land and Income Tax Act 1954 to provide for deduction for depreciation of approved safety devices installed in taxicabs

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. **Short Title and commencement**—(1) This Act may be cited as the Taxi Drivers' Safety Devices Act 1976.

(2) Except as provided in subsection (3) of this section, this Act shall come into force on the date of its passing.

(3) Part II of this Act shall come into force on a date to be fixed by Order in Council.

No. 52—1

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2. Act to affect approved safety devices—This Act shall affect all safety devices that have been approved and certified by the Taxi Industry Safety Board established by section 3 of this Act.

PART I

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TAXI INDUSTRY SAFETY BOARD

3. Constitution of Taxi Industry Safety Board—(1) There is hereby established a Board which shall be known as The Taxi Industry Safety Board.

(2) The Board shall consist of: 10

(a) Five members appointed by the New Zealand Taxi Proprietors' Federation:

(b) One person appointed by the Minister of Police:

(c) One person appointed by the Minister of Transport:

(d) One person appointed by the Minister of Trade and Industry: 15

(e) One person appointed by the Commissioner of the Inland Revenue.

(3) Each member shall hold office for a term of 3 years but may from time to time be reappointed. 20

(4) A member may at any time resign his office by writing addressed to the Secretary.

(5) If a member dies, resigns, or is removed from office, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made, and every person appointed under this subsection shall hold office for the remainder of the term for which his predecessor was appointed. 25

(6) Notwithstanding subsection (3) of this section, unless he sooner vacates his office under subsection (4) of this section, a member shall continue in office until his successor comes into office. 30

(7) The powers of the Board shall not be affected by a vacancy in its membership.

4. Functions of the Board—The functions of the Board shall be— 35

(a) To advise and provide certification in respect of matters relating to the approval of taxicab safety devices to the Commissioner of Inland Revenue under this Act; and 40

(b) To issue safety certificates for safety devices that the Board approves; and

(c) To promote greater standards of safety in the Taxi Industry.

5. Chairman of the Board—The Board shall at its first meeting held after the commencement of this Act, and at its first meeting held after the 31st day of March in each year thereafter, appoint one of its members to be its Chairman.

6. Meetings of the Board—Meetings of the Board shall be held at such times and places as the Chairman and the majority of the Board decide.

7. Remuneration and Travelling Expenses—The Board and every Committee of the Board are hereby declared to be Statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951.

8. Secretary of the Board—(1) There shall from time to time be appointed under the State Services Act 1962 a Secretary to the Board and such other officers as may be necessary for the efficient performance of the Board's functions.

(2) Any person appointed under subsection (1) of this section shall be paid such salary and allowances as shall be fixed from time to time by the Board after consultation with the State Services Commission.

PART II

TAX EXEMPTION PROVISIONS

9. Land and Income Tax Act 1954 amended—The Land and Income Tax Act 1954 is hereby amended by inserting after section 113E, the following new section:

“113F. Deduction for depreciation of approved safety devices installed in taxicabs—(1) For the purposes of this section—

“Taxicab’ means a taxicab as defined in section 2 of the Transport Act 1962:

“Safety device’ means a safety device in respect of which a Certificate of Approval has been issued under section 4 (b) of the Taxi Drivers’ Safety Devices Act 1976 by the Taxi Industry Safety Board.

“(2) Subject to the provisions of this section, where a taxpayer engaged in a taxicab business in New Zealand has on or after the 1st day of January 1970,—

“(a) Acquired a safety device and installed it in a taxicab which is used predominantly for the purposes of the business; or

“(b) Acquired a taxicab which is for use predominantly for the purposes of the business and to which a safety device is attached or of which it forms part,—

the Commissioner may in his discretion, subject to sections 113A and 117 of this Act, in calculating the assessable income derived by the taxpayer from the business allow in respect of the safety device a deduction by way of depreciation in accordance with this section of an amount equal to the cost of the safety device (including the cost of attaching it to the taxicab).

“(3) Unless the Commissioner otherwise determines, the amount of any deduction allowed under this section in respect of any safety device shall be as follows:

“(a) In any case to which paragraph (a) of subsection (2) of this section applies, the amount of the deduction shall be in respect of the income derived by the taxpayer from the business in the income year in which the safety device is attached by the taxpayer to the taxicab:

“(b) In any case to which paragraph (b) of subsection (2) of this section applies, the amount of the deduction shall be in respect of the income derived by the taxpayer from the business in the income year in which the taxicab is first used by the taxpayer wholly for the purposes of the business.

“(4) Where a taxpayer elects to receive a deduction by way of depreciation under this section in respect of any safety device, no deduction by way of depreciation shall be allowed to that taxpayer under any other provision of this Act in respect of that safety device.

“(5) Where a deduction has been allowed under this section to any taxpayer in respect of any safety device, no further deduction shall be allowed under this section to the same or any other taxpayer in respect of that safety device.

“(6) If any question arises under this section as to the cost of any safety device that is attached to or forms part of a taxicab, that question shall be determined by the Taxi Industry Safety Board.”