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TAXI ACT 1994

TAXI REGULATIONS 1995

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Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Taxi Regulations 1995*.

Commencement

2. These regulations come into operation on the day Part 6 of the *Taxi Act 1994* comes into operation.

Interpretation

3. In these regulations, unless the contrary intention appears —

“**driver**” means taxi driver;

“**fare schedule**” means a schedule, in an approved form, setting out the fares and other charges which, or the manner of calculating the fares and other charges which, as a condition of the operation of a taxi, are to be charged for, or in relation to, the hiring of the taxi;

“**hirer**” includes prospective hirer;

“**metered taxi**” means a vehicle, other than a multi-purpose taxi or a restricted taxi, which is fitted with a meter in order to operate as a taxi;

“**multi-purpose taxi**” has the meaning given by regulation 5 (1);

“**restricted taxi**” means a vehicle, other than a metered taxi or a multi-purpose taxi, which is fitted with a meter and which, as a condition of its operation, may only operate during specified times or within specified parts of a control area;

“**section**” means section of the *Taxi Act 1994*.

Control area

4. (1) The area comprising the districts included within the red boundary marking on the Department of Land Administration Miscellaneous Plan No. 850 is prescribed as a control area.

(2) In subregulation (1) “**district**” has the same meaning as it has in the *Local Government Act 1960*.

Certain classes of taxis and conditions which may be imposed prescribed

5. (1) A multi-purpose taxi is a vehicle which —
- (a) is fitted with a meter in order to operate as a taxi;
 - (b) is intended principally for the transport of persons who have a disability and any wheelchairs or other aids required by those persons; and
 - (c) the operation of which is subject to conditions referred to in subregulation (2).

(2) For the purpose of section 20 the Director General may impose conditions on the operation of a multi-purpose taxi requiring the operator and driver of that taxi to give priority to the transport of persons who have a disability and any wheelchairs or other aids required by those persons.

Prescribed numbers for different classes of taxis

6. (1) The number of sets of taxi plates which may be issued for metered taxis operating in a control area is 0.86 per 1 000 head of population resident in that control area.

(2) The number of sets of taxi plates which may be issued for multi-purpose taxis and restricted taxis combined, operating in a control area, is 0.14 per 1 000 head of population resident in that control area.

Fare schedule to be displayed

7. Where a vehicle is being operated as a taxi the driver, the plate owner, the operator and the person providing the taxi dispatch service involved, if any, shall ensure that the fare schedule is displayed in an approved position from where it is clearly visible from the outside of the front passenger window and from the front passenger seat.

Fares

8. (1) A driver shall charge not more than —
- (a) the fare which is shown on the meter at the termination of the hiring; or
 - (b) where the hiring involves travelling outside the control area, a fare calculated in the manner set out in the fare schedule in relation to such travelling.

(2) A driver shall not refuse to accept a voucher as payment or part-payment of a fare in accordance with guidelines published by the Director General.

(3) A plate owner, an operator or a person providing a taxi dispatch service shall not direct a driver to charge a fare other than a fare authorized by subregulation (1) or to refuse to accept a voucher referred to in subregulation (2).

(4) In this regulation "voucher" means a voucher issued under an approved State or Commonwealth Government scheme which is intended to make taxi travel available to persons who have a disability or who are financially disadvantaged.

Commencement and termination of hiring

9. (1) A period of hiring of a taxi commences —

- (a) where the taxi is engaged at a taxi rank or as a result of being hailed, upon the entry into the taxi of the hirer, or a person accompanying the hirer;
- (b) where the taxi is engaged to commence the hiring at a specified place, as soon as the hirer, a person accompanying the hirer or a person apparently acting on behalf of the hirer acknowledges the driver after arrival at that place; or
- (c) where the taxi is engaged to commence the hiring at a specified place and at a specified time, on arrival of the taxi at that place at, or after, that time,

and terminates when the taxi is free to resume plying for hire.

(2) A driver shall set the meter to zero at the commencement of a hiring and stop the meter at the termination of a hiring.

(3) If a driver stops the taxi during the period of a hiring to refuel the taxi, consult a road directory or for some other purpose not requested by the hirer, he or she shall pause the meter until the journey is recommenced.

Hirer may refuse multiple hiring

10. The hirer of a taxi may refuse to consent to the carriage of passengers, other than those accompanying the hirer, during the period of the hiring.

Route to be taken

11. Unless otherwise directed by the hirer, a driver shall take the hirer to his or her destination by the most economical route.

Driver may require a deposit

12. Prior to accepting a hiring, a driver may require a hirer to pay a deposit equal to the anticipated fare as estimated by the driver.

Driver must accept a hirer except under certain circumstances

13. (1) At any time during which a driver is plying for hire that driver must accept any hirer, and any person accompanying a hirer, as a passenger in the taxi he or she is driving unless —

- (a) the hirer or a person accompanying the hirer is in such an unclean condition that he or she will soil the taxi;
- (b) the hirer or a person accompanying the hirer is abusive; or
- (c) the hirer or a person accompanying the hirer appears to be under the influence of alcohol or drugs to such an extent that he or she is likely to soil the taxi or become abusive.

(2) If at any point during the period of a hiring a person begins to soil the taxi or become abusive the driver may terminate the hiring and require the hirer to pay —

- (a) the fare that would have been due if the hiring had terminated at that point in the normal course of events; and
- (b) a charge to cover the cost of cleaning the taxi, as set out in the fare schedule.

Guide dogs

14. A driver shall transport a guide dog which is accompanying a passenger who is visually impaired.

Display of driver identification

15. A driver shall, in the manner directed by the Director General, display an approved identification card in a prominent position in the taxi he or she is driving.

Conduct of drivers

16. A driver shall, at all times while engaged as a driver —

- (a) conduct himself or herself in an orderly manner;
- (b) behave in a courteous manner to passengers and prospective passengers; and
- (c) if requested, assist passengers to enter or leave the taxi or to load or unload their luggage.

Conduct at taxi ranks

17. A driver shall not obstruct the egress of another taxi from a taxi rank.

Taxi meters

18. (1) The Director General may appoint such number of appropriately qualified persons as he or she sees fit to be authorized meter mechanics.

(2) A person shall not operate a vehicle as a taxi unless that vehicle is fitted with a meter of an approved type which has been tested, certified as accurate and sealed by an authorized meter mechanic.

(3) An authorized meter mechanic who adjusts, repairs or tests a taxi meter shall seal the meter in the approved manner and issue a certificate of accuracy in the approved form certifying that the meter accurately calculates fares in accordance with the applicable fare schedule.

(4) An authorized meter mechanic shall not issue a certificate of accuracy which is false or misleading in any particular.

(5) No person other than an authorized meter mechanic shall break the seal on, adjust, repair, test or in any other way interfere with a meter.

(6) The Director General shall not accept payment of an annual fee for taxi plates referred to in regulation 19 (1) until the plate owner produces a certificate of accuracy which relates to the meter used in the vehicle being operated using those plates and which was issued —

- (a) after the latest change to the meter rates set out in the fare schedule; or
- (b) since the last annual fee was paid,

whichever is most recent.

Fees and charges

19. (1) For the purposes of section 19 (1), the prescribed annual fee payable by plate owners for taxi plates is —

- (a) \$85 where the fee is paid in one instalment within the time allowed by section 19 (2); or
- (b) where the fee is paid in 2 instalments —
 - (i) \$50 within the period allowed by section 19 (2); and
 - (ii) \$50 within 6 months of the expiry of that period.

(2) Subject to subregulation (3), the fee payable in respect of the transfer of the ownership of, or an interest in the ownership of, taxi plates, under section 24 is 2.5% of the value of those plates, or of the transferor's interest in those plates, as the case may be, as declared in the application for approval of the transfer.

(3) Where the value of taxi plates as declared in an application for approval of a transfer is less than the average of the values declared in the last preceding 10 applications received by the Director General, the fee shall be calculated on that average.

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(4) The charge payable for the issue of taxi plates or the issue of replacements for lost, damaged or stolen taxi plates is —

- (a) \$30 for standard plates; and
- (b) \$50 for customized plates.

Interest on bonds

20. For the purpose of section 36 (8) the prescribed rate of interest is that specified for bank transactions and investment accounts of less than \$2 000 in the current Reserve Bank of Australia Bulletin Table F3 Interest Rates.

Offences and penalties

21. A person who contravenes a provision of these regulations commits an offence.

Penalty: \$1 000.

Infringement notices and modified penalties

22. (1) For the purposes of section 39 the offences for which infringement notices may be given and the modified penalties for those offences are prescribed in Schedule 1.

(2) For the purposes of section 39 (2) the prescribed form of infringement notice is Form 1 in Schedule 2.

(3) For the purposes of section 39 (6) the prescribed form of notice of withdrawal of infringement notice is Form 2 in Schedule 2.

Notices and documents for the purposes of section 34 and 35

23. (1) For the purposes of section 34 (1) (b) —

- (a) the prescribed form of notice is Form 3 in Schedule 2; and
- (b) the prescribed form of election is Form 4 in Schedule 2.

(2) For the purposes of section 35 (1) the prescribed form of document is Form 5 in Schedule 2.

Repeal of various regulations

24. The *Taxi Control Board (Elections) Regulations 1964*, the *Taxi (Minor Offences) Regulations 1967* and the *Taxi-Car Control Regulations 1986* are repealed.

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SCHEDULE 1

[Regulation 22 (1)]

OFFENCES FOR WHICH INFRINGEMENT NOTICES
MAY BE ISSUED

Section of Act or Regulation	Description of Offence	Modified Penalty \$
Section 20 (2)	Failure to comply or ensure compliance with conditions imposed under section 20 (1)	250
Section 21 (1)	Owner failing to ensure that plates used in manner directed	100
Section 21 (2)	Using taxi plates on vehicle other than taxi	250
Section 25 (1)	Failure to return taxi plates	150
Section 29 (2)	Failure to comply with taxi dispatch service conditions	250
Section 32 (5)	Operating taxi the operation of which prohibited	100
Section 32 (6)	Failure to comply with notice or rectify defect	100
Regulation 7	Failure to ensure display of fare schedule	100
Regulation 8 (1)	Charge fare more than fare shown on meter	200
Regulation 8 (2)	Failure to accept fare voucher	100
Regulation 8 (3)	Directing driver to contravene fare regulations	100
Regulation 9 (2) and (3)	Offences relating to setting and stopping meter	200
Regulation 11	Driver failing to use most economical route	100
Regulation 13 (1)	Driver failing to accept hiring	175
Regulation 14	Driver failing to transport guide dog	175
Regulation 15	Driver failing to display approved identification card	200
Regulation 16 and 17	Offences relating to the conduct of drivers	100
Regulation 18 (2)	Operating taxi with an unsealed meter	250
Regulation 18 (4) and (5)	Offences relating to meters	250

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SCHEDULE 2

[Regulations 22 (2) and (3) and 23 (1) and (2)]

FORM 1

TAXI ACT 1994 — section 39

TAXI REGULATIONS 1995 — regulation 22 (2)

Western Australia
Department of Transport

TAXI INFRINGEMENT NOTICE

PART "B"
To be retained by Cashier.
OFFICE COPY ONLY
Please do not detach from Part "A"

This space for cash register imprint

PART "A"
OFFICIAL RECEIPT
DEFENDANT'S COPY

No.

Issue Date . . . / . . . /

Sex: [] Date of birth [M M]

M
Surname (Block Letters) Other Names in full MDL Number

Address
Number of Street Town or Suburb Postcode

Particulars of Taxi: Plate No. Annual fee due . . / . J . .

Make Model Colour

Company

It is alleged that at hours on day of 19 at
. that you committed the offence indicated hereunder.

. Description of Offence Penalty \$ [] [] []

. No.
Signature of authorized person

Take notice that —

If you do not wish to have a complaint of the alleged offence heard and determined by a court, you may pay to an officer specified on the reverse side of this notice, within 28 days, the total amount specified.

If that amount is not paid within 28 days, further action will be taken in respect of the alleged offence(s) under the INREP system or by a prosecution. Procedures under the INREP system will give rise to charges payable by you additional to the penalty amount.

Payment may be made —

- (i) by post to —

Accountant
Ministry of Justice
GPO Box F317
PERTH WA 6001

- (ii) by hand to —

Clerk of Courts —

Albany, Armadale, Broome, Bunbury, Busselton, Carnarvon, Collie, Derby, Esperance, Fremantle, Geraldton, Harvey, Kalgoorlie, Karratha, Katanning, Kununurra, Mandurah, Manjimup, Merredin, Moora, Midland, Narrogin, Northam, Pinjarra, Port Hedland, Roebourne, Rockingham and Perth — Court of Petty Sessions, Level 2, Central Law Courts, 30 St George's Terrace.

A receipt will not be mailed unless requested.

Payments will not be accepted at any Department of Transport offices.

Inquiries should be made in writing and forwarded by post to —

The Director General
Department of Transport
P.O. Box 53
NEDLANDS WA 6009

TAXI INFRINGEMENT NOTICE CREDIT CARD SLIP

Do not detach — Return complete document with payment to —

Ministry of Justice
Box F317 G.P.O.
PERTH WA 6001

Please debit my credit card account —

Bankcard [] Mastercard [] Visacard []

Card Number [] Amount [] [] [] [] [] [] []

Cardholder Name:

Signature: Expiry Date: . . . / . . . / . . .

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FORM 2

TAXI ACT 1994 — section 39 (6)*TAXI REGULATIONS 1995* — regulation 22 (3)Western Australia
Department of Transport

NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No.

Name

Address

Dear Sir/Madam
Notice of withdrawal of proceedings
Infringement
NumberINREP Case
Number

Date

Time

Code

Description

Take notice that I, being authorized to do so hereby withdraw proceedings under the *Taxi Act 1994* in relation to infringement notice issued for the above offence.

Director General

Date

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FORM 3

TAXI ACT 1994 — section 34 (1) (b)

TAXI REGULATIONS 1995 — regulation 23 (1) (a)

Notice to Defendant

NOTICE TO DEFENDANT RELATING TO ELECTING TO APPEAR OR NOT TO APPEAR AT A HEARING

TO (DEFENDANT)

OF (ADDRESS)

Charge/Reference

Date of Hearing

Court

- 1. THIS IS TO ADVISE you that under section 34 of the *Taxi Act 1994* you may by an election in writing in the prescribed form (copies which are attached to this notice) elect to appear or not to appear on the hearing of the complaint referred to in the summons which this notice accompanies.
- 2. If you wish to make an election please complete the copies of the form of election accompanying this notice so as to indicate either that you will appear at the hearing of the complaint contained in the summons or that you will not appear at the hearing.
- 3. For an election to be properly made under the Act one copy of the form of election should be delivered by post or otherwise to the clerk of petty sessions at the place appointed in the summons for the hearing and one copy should be delivered by post or otherwise to the complainant whose address is

.....
.....

so as to reach each addressee not later than 21 days before the time appointed in the summons for the hearing of the complaint.

- 4. If you DO NOT APPEAR, whether you elect to do so or not, the court of petty sessions hearing the complaint may under the alternative procedure provided for in the Act proceed —
 - (a) to hear and determine the complaint in your absence;
 - (b) to permit the affidavits accompanying the summons to be tendered in evidence; and
 - (c) to determine the complaint on such particulars in the affidavits in support of the matters alleged in the complaint as would, under the laws of evidence apart from section 34 of the *Taxi Act 1994* be admissible if given orally before the Court, and not on any other particulars.

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5. If you DO APPEAR at the hearing having elected not to appear or having made no election at all, the Court hearing the complaint is required, on the application of the complainant, to adjourn the hearing of the complaint for at least such time as is shown to the satisfaction of the Court to be necessary to enable the complainant to proceed otherwise than by the procedure referred to in paragraph 4 of this notice.

.....
Complainant

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FORM 4

TAXI ACT 1994 — section 34 (1) (b)

TAXI REGULATIONS 1995 — regulation 23 (1) (b)

ELECTION BY DEFENDANT

I
of

having been served with a summons at least 28 days before the date appointed in the summons for the hearing of a complaint of an offence under the *Taxi act 1994* together with a notice that I may, under section 34 of the Act, elect to appear or not to appear at the court of petty sessions on the hearing of the complaint hereby NOTIFY you that I elect--

PLEASE INDICATE THE ELECTION YOU ARE MAKING BY DELETING WHICHEVER DOES NOT APPLY

--TO APPEAR AT THE HEARING

--NOT TO APPEAR AT THE HEARING

.....
(Signature of Defendant)

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FORM 5

TAXI ACT 1994 — section 35 (1)

TAXI REGULATIONS 1995 — regulation 23 (2)

DOCUMENT RELATING TO ALLEGED PRIOR CONVICTIONS

NOTICE

TO (Defendant)

(Address)

THIS IS TO ADVISE you that if —

- (a) you do not appear on the hearing of the complaint referred to in the summons with which this document is served or delivered; and
(b) you are convicted of the offence in that complaint,

this document shall be admissible evidence under section 35 of the Taxi Act 1994 that you were convicted of the offences alleged, and of the particulars relating to those convictions.

PARTICULARS OF ALLEGED PRIOR CONVICTIONS

It is alleged that the defendant in this case has previously been convicted of certain offences particulars of which are as follows —

Table with 5 columns: DATE OF OFFENCE, SECTION/REGULATION, CHARGE NUMBER, DATE OF HEARING, PENALTY

Date COMPLAINANT

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

