



Government Gazette

OF

WESTERN AUSTRALIA

(Published by Authority at 3.30 pm)

No. 3]

PERTH: THURSDAY, 15 JANUARY

[1987

TAXI-CAR CONTROL ACT 1985

TAXI-CAR CONTROL
REGULATIONS 1986

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TAXI-CAR CONTROL ACT 1985

TAXI-CAR CONTROL REGULATIONS 1986

MADE by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Taxi-car Control Regulations 1986*.

Commencement

2. These regulations shall come into operation on the day that they are published in the *Government Gazette*.

Definitions

3. In these regulations unless the contrary intention appears—
“form” means a form in the Schedule.

Number plates to be displayed

4. The owner of a taxi-car shall ensure that one of the number plates issued under section 37 of the Act in respect of the taxi-car or any vehicle operated in substitution for the taxi-car is affixed horizontally in a conspicuous position on the front of the taxi-car and the other of the number plates horizontally in a conspicuous position on the rear of the taxi-car.

Replacement number plates

5. (1) An application for a replacement number plate shall be accompanied by a statutory declaration setting out the facts relevant to the application.
(2) Subregulation (1) does not apply in relation to an application for replacement number plates where the application is in respect of number plates that are damaged and returned to the Board.

Label to be displayed

6. The operator of a taxi-car shall cause to be displayed on the lower left hand side of the windscreen in such a position that vision is not obstructed a label in the form of Form 1.

Taxi-meters

7. (1) A person shall not operate a vehicle as a taxi-car unless the vehicle is fitted with a taxi-meter that is of a type approved by the Board and that has been tested by a person authorized by the Board.
(2) A vehicle shall not be operated as a taxi-car unless the taxi-meter fitted to the vehicle when operated is accurate—
 - (a) when measured over a distance of 2 kilometres, to within .025% of that distance;
 - (b) when measured over a period of 10 minutes, to within 3% of that time.

- (3) The owner of a taxi-car shall ensure that the taxi-meter fitted to a taxi-car is—
- (a) tested at intervals of not more than 12 months; and
 - (b) repaired whenever not functioning accurately.
- (4) A person, other than a taxi-meter mechanic approved by the Board, shall not interfere with a taxi-meter.
- (5) A taxi-meter mechanic shall not interfere with a taxi-meter for the purposes of rendering the taxi-meter inaccurate.
- (6) A person, other than a taxi-meter mechanic approved by the Board, shall not interfere with any seal or mark affixed to the taxi-meter on the direction of the Board.
- (7) This regulation does not apply to a private taxi-car.

Qualifications and restrictions under section 26 (2) (e) of the Act for licences issued for a premium

8. The following qualifications and conditions are prescribed under section 26 (2) (e) of the Act in relation to an applicant for a taxi-car licence issued for a premium—
- (a) the applicant is and shall have been engaged full-time as a taxi-car driver or as a taxi-car service radio operator for a period of 2 years immediately prior to the making of the application; and
 - (b) the applicant is not the holder of a taxi-car licence that was issued for a premium and the applicant has not in the period of 5 years immediately prior to the making of the application been the holder of a taxi-car licence that was issued for a premium.

Owner to notify the Board of termination of agreement

9. Where an agreement that is registered with the Board under section 47 of the Act is varied or terminated the owner of the taxi-car referred to in the agreement shall notify the Board of that happening within 7 days.

Seating accommodation to be displayed

10. The owner of a taxi-car shall cause to be displayed in a conspicuous position on the outside of the taxi-car the maximum seating accommodation of the taxi-car as specified in the licence issued in respect of the taxi-car.

False information

11. The owner or driver of a taxi-car and any person operating a taxi-car pursuant to an agreement registered under section 47 of the Act shall not give or furnish any information that is false in a material particular to the Board.

Taxi-car not to be removed from control area

12. (1) The owner or operator of a taxi-car shall not cause or permit or suffer the taxi-car to be removed from or operated outside, the control area, or where the taxi-car is licensed to operate in only a portion of the control area, outside that portion of the control area without the written consent of the Board.

- (2) Subregulation (1) does not apply to a hiring of the taxi-car from a place inside the control area.

Hours of operation

13. The owner or operator of a taxi-car shall ensure that the taxi-car is available for hire—

- (a) at least 5 days in each week;
- (b) at least 40 hours in each week; and
- (c) at least 48 weeks in each year.

Notification by owner intending to be absent from the State

14. The owner of a taxi-car who proposes to leave the State for a period exceeding 42 days shall—

- (a) notify the Board of his intention to leave the State not less than 7 days before the day of his intended departure; and
- (b) appoint a person on whom notices under the Act can be served during the period of his absence from the State.

Separate fares

15. Subject to section 54(1) of the Act the operator of a taxi-car shall not directly or indirectly cause, permit or suffer the taxi-car to be used for the carrying of passengers at separate fares.

Notification required to be given to the Board

16. (1) An owner or operator of a taxi-car shall within 7 days of the happening of any of the following events notify the Board of—

- (a) the change of address of any person with whom the owner has an agreement referred to in section 47 of the Act;
- (b) the change of an engine of a taxi-car owned by him.

(2) An owner of a taxi-car shall not cause, permit or suffer any alteration or modifications to be made to the vehicle without the approval of the Board.

Requirements to be complied with by an applicant for registration as a taxi-car driver

17. The following requirements are prescribed under section 44 (2) (c) of the Act in respect of an applicant for registration as a taxi-car driver.

- (a) the applicant shall undergo a medical examination by a medical practitioner authorized by the Board; and
- (b) the applicant shall have completed a training programme approved by the Board.

Advertisements

18. The owner of a taxi-car shall not cause, permit or suffer any sign or advertisement to be exhibited on the taxi-car other than—

- (a) a sign or advertisement that is required or permitted under these regulations;
- (b) a sign or advertisement that is approved by the Board.

Record of drivers

19. (1) The owner of a taxi-car shall maintain a record of the name and address of every person who drives the taxi-car and the day and the times during which it is driven by any such person.

(2) A record required to be maintained under subregulation (1)—

- (a) shall be retained by the owner of the taxi-car for a period of 6 months; and
- (b) shall be produced whenever required by an inspector or the Board.

Register of taxi-car drivers

20. The particulars to be entered in the Register of Taxi-car Drivers under section 44 (4) (c) of the Act in respect of each registered taxi-car driver are as follows—

- (a) Residential address;
- (b) Identification number;
- (c) Date of birth;
- (d) Sex;
- (e) Date of first registration;
- (f) Date of last registration.

Certificate of registration of taxi-car driver

21. A certificate of registration of a person as a taxi-car driver shall be endorsed with the following particulars—

- (a) the full name and residential address of the taxi-car driver;
- (b) the registration number of the taxi-car driver;
- (c) the date of birth of the taxi-car driver;
- (d) the fee payable;
- (e) the date on which the taxi-car driver's medical examination is due;
- (f) whether the person is a full time or part time taxi-car driver;
- (g) the amount of the fee paid; and
- (h) the conditions and restrictions applicable in relation to his registration.

Prescribed offences under section 45 (3) of the Act

22. Any offence in respect of which a term of imprisonment exceeding one year can be imposed is a prescribed offence for the purposes of the cancellation of the registration of a taxi-car driver under section 45 (3) of the Act.

Medical fitness

23. (1) A person who is registered as a taxi-car driver who attains the age of 60 years shall as soon as practicable after that day and on every second anniversary of that day furnish to the Board a medical certificate signed by a medical practitioner as to his fitness to be a taxi-car driver.

(2) Notwithstanding anything in this regulation a taxi-car driver shall on request made by the Board at any time furnish to the Board a medical certificate as to his fitness to be a taxi-car driver.

General duties of a taxi-car driver or operator

24. (1) A taxi-car driver shall—
- (a) conduct himself in an orderly manner;
 - (b) behave with courtesy to the public and any hirer or person proposing a hiring;
 - (c) afford such assistance as is necessary to a hirer or person proposing a hiring;
 - (d) whenever necessary assist a hirer or person proposing a hiring with the loading and unloading of luggage.
- (2) A taxi-car driver shall take a hirer to the destination specified by the hirer by the shortest practicable route unless directed otherwise by the hirer.
- (3) A taxi-car driver shall not solicit or importune a person to hire a taxi-car.
- (4) A taxi-car driver shall maintain a neat and clean personal appearance.
- (5) On arriving at a place for the purposes of a hiring a taxi-car driver shall indicate his arrival by calling on the hirer in person.
- (6) A taxi-car driver shall ensure that the taxi-car is stationary while any person is entering or alighting from the taxi-car.
- (7) A taxi-car driver shall not consume or permit or suffer a person to consume any food or drink in the taxi-car during a hiring.
- (8) A taxi-car driver shall not sleep in the taxi-car.
- (9) A taxi-car driver who has agreed to undertake a hiring on the radio shall, on accepting the hiring, proceed to the place appointed for the hiring as soon as is practicable and if it is not possible to proceed to the place so appointed notify his radio station of that fact so that other arrangements may be made for the hiring.
- (10) A person operating a taxi-car shall not obstruct or hinder the operator of any other taxi-car from accepting or carrying out a hiring.
- (11) Where a hirer engages a taxi-car for a single hiring the operator of the taxi-car shall not require the hirer to accept the hiring together with any other person.
- (12) The operator of a taxi-car shall cause to be carried in the taxi a current edition of a detailed street directory including the control area.
- (13) Subject to regulation 25 a person operating a taxi-car shall not refuse a hiring at any time during which the taxi-car displays a "VACANT" sign.
- (14) The driver of a taxi-car who is required to stand the taxi-car while a passenger leaves the taxi-car—
- (a) is not required to wait for the passenger for a period exceeding 15 minutes unless a longer period is agreed upon;
 - (b) may require a passenger leaving a taxi-car for any period of time to pay the charge for any fare incurred by the passenger up to that time and any further time, if any, during which the taxi-car may be required to wait for the passenger.
- (15) Where a taxi-car driver is discharged by a passenger after a hiring the taxi-car driver is not required to undertake any further hiring from the passenger.
- (16) Notwithstanding the fact that a passenger has nominated a particular destination at the commencement of a hiring a taxi-car driver shall not—
- (a) refuse to allow a passenger to terminate a hiring at any time; or
 - (b) refuse to drive a passenger to a destination to which the passenger requires to be taken after the hiring has commenced.

“NO SMOKING” signs

25. (1) The owner of a taxi-car may cause a “NO SMOKING” sign of a size and type that is approved by the Board to be displayed in the taxi-car in a position approved of by the Board.

(2) Where a “NO SMOKING” sign is displayed in a taxi-car—

- (a) a “NO SMOKING” sign of a size and type approved by the Board shall be displayed on the outside of the taxi-car;
- (b) the person operating the taxi-car may refuse to accept and may terminate a hiring if a person proposing to hire or who has hired, as the case requires, desires to smoke or smokes in the taxi-car;
- (c) the person operating the taxi-car shall not smoke in the taxi-car at any time.

(3) A person operating a taxi-car shall not display a “NO SMOKING” sign in the taxi-car after a hiring has been accepted.

Drivers not to carry unclean or infected persons

26. (1) A taxi-car driver shall not knowingly carry in the taxi-car a person who is—

- (a) suffering from an infectious disease; or
- (b) so unclean that he may cause a nuisance to any other passenger or he may soil the vehicle or the apparel of any other passenger.

(2) An owner of a taxi-car that has been used for the purpose of carrying a person suffering from an infectious disease shall not cause, permit or suffer the taxi-car to be used for the purposes of carrying passengers unless and until the taxi-car has been disinfected in accordance with section 265 of the Health Act 1911.

Documents prescribed for the purposes of section 49 of the Act

27. The following documents shall be carried in a taxi-car pursuant to section 49 of the Act, namely—

- (a) taxi-car drivers identification card;
- (b) current edition of a street directory of the Perth Metropolitan area;
- (c) a current fare schedule card.

Limit to passengers and luggage

28. (1) A taxi-car driver shall not accept a hiring if the number of passengers to be carried by the taxi-car would exceed the number that the taxi-car is authorized to carry under the terms of the licence issued in respect of the taxi-car or contrary to the conditions or restrictions applicable in relation to the taxi car under the Act.

(2) A taxi-car driver shall not load the taxi-car with luggage or goods in excess of the luggage or goods limits imposed by these regulations or the conditions or restrictions applicable in relation to the taxi-car under the Act.

Fare schedule to be displayed

29. (1) A person who is operating a taxi-car shall display in a position near to the taxi-meter in the taxi-car a copy of the latest fare schedule issued by the Board.

(2) A person shall not operate a taxi-car in which a fare schedule is not displayed in accordance with subregulation (1).

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(3) Where the Board directs that a fare schedule conversion chart be displayed in addition to the fare schedule referred to in subregulation (1) a person who is operating a taxi-car shall not operate that taxi-car unless the fare schedule conversion chart is displayed in the manner directed by the Board.

(4) A person who is operating a taxi-car shall not display a fare schedule conversion chart in a taxi-car after the Board has directed that the fare schedule conversion chart be removed.

(5) A person who is operating a taxi-car shall not display a fare schedule in the taxi-car unless the fare schedule is current in terms of a fare determination then in force under the Act.

Carriage of goods

30. A taxi-car driver shall not carry any goods on a taxi-car except—

- (a) serum or plasma for the purposes of the Red Cross Blood Bank or any hospital;
- (b) items of luggage of a passenger;
- (c) any parcel or package not exceeding a mass of 5 kilograms.

Taxi-stands and bus stops

31. (1) The driver of a taxi-car shall not park the taxi-car at any place that is within 30 metres of a taxi-stand.

(2) The driver of a taxi-car—

- (a) shall when driving the taxi-car to a taxi-stand position the taxi-car in a space nearest to the front of the taxi-stand that is available; and
- (b) if the space nearest to the front of the taxi-stand is occupied, shall when that space becomes available, position his taxi-car in the space that so becomes available.

(3) Except where a person proposing to hire a taxi-car selects another taxi-car the driver of the taxi-car that is nearest to the front of the taxi-stand shall accept the hiring requested by a hirer.

(4) The driver of a taxi-car that is not nearest to the front of a taxi-stand shall not accept a hiring unless the person proposing the hiring selects his taxi-car for the hiring.

(5) The driver of a taxi-car shall not accept a hiring that is requested—

- (a) within 30 metres of a taxi-stand or bus stop in the city area; or
- (b) within 45 metres of a taxi-stand or bus stop outside the city area.

(6) Subregulation (5) does not apply to a pre-arranged hiring.

(7) In subregulation (5) "city area" means the area enclosed in the border in the map in the Appendix.

Taxi meter to be properly set

32. A taxi-car driver shall not operate the taxi-car with the meter set to record a tariff other than the tariff that is then appropriate.

Private taxi-cars

33. The operator of a private taxi-car shall not—
- (a) operate the private taxi-car from a taxi-stand;
 - (b) use the private taxi-car to ply for hire;
 - (c) accept or offer to accept a hiring from a place other than the place specified in the licence issued in respect of the taxi-car as the place at which hiring will be accepted.

Fares and charges

34. (1) Subject to these regulations a taxi-car driver shall not refuse to accept a hiring if the person proposing the hiring tenders a reasonable portion of the fare or charge payable as a deposit in respect of the proposed hiring.

(2) A taxi-car driver shall not require a police officer or an inspector to tender a deposit before accepting a hiring from the police officer or inspector.

Evasion of fares and charges

35. (1) A person shall not evade or attempt to evade the payment of fares or charges for taxi-car services.

(2) Where a person has not paid a fare or charge that is payable under a hiring the taxi-car driver shall report the fact to the Board as soon as is practicable.

Recovery of fares and charges by Board

36. The Board may, on behalf of a taxi-car driver, recover any fares or charges or both for taxi-car services by summary proceedings in a court of summary jurisdiction.

Lost articles

37. The driver or operator of a taxi-car shall, as soon as possible after becoming aware that an article has been left in the taxi-car by a passenger, deliver over the article to a police officer at the nearest police station and report to the radio base facilities provided in respect of his taxi-car the fact of such delivery and the address of the police station at which the delivery was made.

Misrepresentation of an inspector

38. A person shall not falsely represent himself as being, and shall not falsely personate himself as, an inspector.

Penalty

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

Penalty: \$40.00.

Fees

40. The fees set out in the Table below are payable in respect of the matters set out in the Table.

**TABLE
FEES**

Licence—	\$
Unrestricted licence	75.00
Restricted licence	45.00
Duplicate licence	2.00
Plate—	
Single	6.00
Pair	6.00
Duplicate registration	2.00
Application for registration as a taxi-car driver	5.00
Driver's identification photograph or duplicate photographs	6.00
First registration of a driver	50.00
Renewal of driver's registration	50.00
Meter testing	5.00
Section 48 (1) permit for substitute vehicle fee	4.00
Replacement vehicle	2.00
Registration of lease, owner only	7.00

Forms

41. The forms numbered in column 1 of the Table to this regulation are prescribed for the purposes referred to in column 2 of the Table opposite and corresponding to that numbered form.

TABLE

Column 1 <i>Form Number</i>	Column 2 <i>Purposes</i>
1.....	Label evidencing currency of licence (Reg. 6).
2.....	Notice to defendant relating to alternative procedure (section 61).
3.....	Notice to defendant under alternative procedure setting out alleged prior convictions (section 62).

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SCHEDULE
Form 1

TAXI CONTROL BOARD

Make: _____ **Reg. No.** _____

.....

12 **EXPIRY DATE**
..... day of
..... 19.....

.....
CHAIRMAN

Form 2
Taxi-car Control Act 1985

(Section 61)

PART 1

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.....

THIS IS TO ADVISE you that under section 61 of the *Taxi-car Control Act 1985* you may by an election in writing in the prescribed form (copies of 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 your will not appear at the hearing.

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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 and this notice 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 complaints as would, under the laws of evidence apart from section 61 of the *Taxi-car Control Act 1985*, be admissible if given orally before the Court, and not on any other particulars.

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

PART II
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-car Control Act 1985*, together with a notice that I may, under section 61 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	—TO APPEAR AT THE HEARING.
ARE MAKING BY	
DELETING WHICHEVER	—NOT TO APPEAR AT THE HEARING
DOES NOT APPLY	

.....
(Signature of Defendant)

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Form 3
Taxi-car Control Act 1985

(Section 62)

PART 1
NOTICE RELATING TO ALLEGED PRIOR CONVICTIONS

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 notice is served or delivered; and
- (b) you are convicted of the offence alleged in that complaint,

the document set out below shall be admissible evidence under section 62 of the *Taxi-car Control Act 1985* that you were convicted of the offences alleged in the document and of the particulars relating to those convictions.

PART 2
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—

DATE OF OFFENCE	SECTION	CHARGE NUMBER	DATE OF HEARING	FINE

.....

Complainant

By His Excellency's Command,
G. PEARCE,
Clerk of the Council.