

Western Australia

Taxi Act 1994

## **Taxi Regulations 1995**



## Taxi Regulations 1995

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Western Australia

Taxi Act 1994

## Taxi Regulations 1995

### 1. Citation

These regulations may be cited as the *Taxi Regulations 1995*<sup>1</sup>.

### 2. Commencement

These regulations come into operation on the day Part 6 of the *Taxi Act 1994* comes into operation<sup>1</sup>.

### 3. Terms used in these regulations

In these regulations, unless the contrary intention appears —

*driver* means taxi driver;

*fare* includes any other amount payable in relation to the hiring of a taxi that is authorised by regulation 8(1aa);

*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);

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***plying for hire*** includes the time spent waiting at a taxi rank by a driver when a vehicle is being used as a taxi by the driver;

***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*;

***substitute taxi*** means a vehicle which is fitted with a meter in order to operate as a taxi but which, as a condition of its operation, may only be operated in substitution for another taxi which is temporarily out of operation.

*[Regulation 3 amended in Gazette 25 Jun 1996 p. 2995-6; 23 Jan 2004 p. 320; 8 Dec 2006 p. 5391.]*

**4. Control area**

- (1) The area comprising the districts included within the red boundary marking on the Department of Land Administration<sup>2</sup> 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*<sup>3</sup>.

**4A. Prescribed percentage of total number of taxi plates — section 16**

For the purpose of paragraph (b) of the definition of “relevant percentage” in section 16(10), the prescribed percentage is 35%.

*[Regulation 4A inserted in Gazette 13 Apr 2006 p. 1554; amended in Gazette 22 Dec 2006 p. 5823.]*

**5. Certain classes of taxis and conditions which may be imposed prescribed**

- (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 subregulations (2), (3) and (4).
- (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.
- (3) For the purpose of section 20, the Director General may impose conditions on the operation of a multi-purpose taxi, restricting the operator and driver to one or more particular taxi dispatch service providers, selected by the Director General.
- (4) For the purpose of section 20, the Director General may impose conditions on the operation of a multi-purpose taxi in relation to the minimum number of occasions each month on which the taxi is to be hired for the transport of persons who use wheelchairs.

*[Regulation 5 amended in Gazette 22 Mar 2002 p. 1654;  
20 Feb 2004 p. 609.]*

**5A. Director General may impose conditions in relation to leasing taxis and taxi plates**

For the purposes of section 20(1), the following are matters in relation to which the Director General may impose conditions on the operation of a taxi using specified taxi plates —

- (a) the leasing of the taxi (with its taxi plates), including —
  - (i) the provision to the Director General of information about the terms and conditions of the lease and any variation of those terms and conditions; and
  - (ii) the maximum amounts that may be charged in relation to the lease;

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- (b) the leasing of the taxi plates from the plate holder who is the owner of the plates, including —
  - (i) the provision to the Director General of information about the terms and conditions of the lease and any variation of those terms and conditions; and
  - (ii) the maximum amounts that may be charged in relation to the lease.

*[Regulation 5A inserted in Gazette 10 Dec 2004 p. 5910-11.]*

*[5B. Deleted in Gazette 10 Dec 2004 p. 5910.]*

*[6. Deleted in Gazette 7 Mar 2008 p. 750.]*

**7. Fare schedule to be displayed**

- (1) Where a vehicle is being operated as a taxi the driver, the plate holder, 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.
- (2) The name of the taxi dispatch service involved is to be included on the fare schedule displayed under this regulation.

*[Regulation 7 amended in Gazette 9 Jan 2004 p. 97; 23 Jan 2004 p. 321.]*

**8. Fares**

- (1) Subject to subregulation (1aa), 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.



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- (1aa) A driver may charge in addition to a fare authorised by subregulation (1) an amount that —
- (a) is set out in the fare schedule required to be displayed in the taxi under regulation 7; and
  - (b) in accordance with that fare schedule, applies to the hiring.
- (1a) A driver shall not select a tariff for a passenger that is not the appropriate tariff as set out in the fare schedule required to be displayed in the taxi under regulation 7.
- (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.
- (2a) A driver who accepts a voucher shall not enter on the voucher any information that the driver knows to be false or misleading.
- (2b) A driver shall not accept a voucher that contains information that the driver knows or ought to know to be false in a material particular.
- (2c) A person shall not tender a voucher to which they are not entitled, or that contains information that is false in a material particular.
- (3) A plate holder, an operator or a person providing a taxi dispatch service shall not direct a driver to charge a fare or other amount other than a fare authorised by subregulation (1) or an amount authorised by subregulation (1aa) 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.

*[Regulation 8 amended in Gazette 8 Dec 1998 p. 6585;  
9 Jan 2004 p. 97; 23 Jan 2004 p. 321; 8 Dec 2006 p. 5391-2.]*

**9. Commencement and termination of hiring**

- (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.

**9A. Hirer shall pay fare at termination of hiring or as otherwise agreed**

The hirer of a taxi who is obliged to pay for carriage in the taxi any fare that is in accordance with the Act commits an offence if —

- (a) at the termination of the hiring; or
- (b) contrary to an agreement made with the driver at the commencement of the hiring,

the hirer fails to pay the fare.

Penalty: \$1 000.

*[Regulation 9A inserted in Gazette 8 Dec 1998 p. 6585.]*

**9B. Unpaid fare may be added to modified penalty and paid to driver**

- (1) If an infringement notice is given under section 39 for an offence under regulation 9A, the amount of the fare that the hirer failed to pay may be added to the amount that would otherwise be payable as the modified penalty.
- (2) If subregulation (1) has effect, the person entitled to the fare that the hirer failed to pay shall be paid, towards the discharge of that entitlement, so much of the amount added as is recovered through payment of the modified penalty.

*[Regulation 9B inserted in Gazette 8 Dec 1998 p. 6586.]*

**10. Hirer may refuse multiple hiring**

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.

**11. Route to be taken**

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

*[Regulation 11 amended in Gazette 23 Jan 2004 p. 321.]*

**12. Driver may require a deposit**

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.

**13. Driver must accept a hirer except under certain circumstances**

- (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 —
  - (aa) the driver has reasonable grounds to believe that —
    - (i) the hirer or a person accompanying the hirer; or

- (ii) the place at which the hiring is to commence or terminate,  
poses a threat to the driver's safety;
- (ab) the driver has reasonable grounds to believe that the hiring would result in a breach of a condition imposed by the Director General under section 20 on the operation of the taxi;
  - (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 aggressive;
  - (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 or aggressive;
  - (d) the driver has reasonable grounds to believe that the hirer, or a person accompanying the hirer, has evaded or attempted to evade the payment of a fare for hiring a taxi;
  - (e) the driver requires the hirer to pay a deposit under regulation 12, and the hirer does not pay it; or
  - (f) the hirer and persons accompanying the hirer aged 12 or over exceed the number of available seatbelts in the taxi.
- (2) If at any point during the period of a hiring a person begins to soil the taxi or become abusive or aggressive, 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.

- (3) A driver shall not terminate a hiring before reaching the agreed destination, for reasons other than those set out in subregulation (2).

*[Regulation 13 amended in Gazette 8 Dec 1998 p. 6586; 23 Jan 2004 p. 321-2; 10 Sep 2004 p. 3923-4; 10 Dec 2004 p. 5911.]*

**13A. Driver shall inform provider of taxi dispatch service of certain matters**

- (1) The driver of a taxi that is operated using a taxi dispatch service shall not fail to inform the provider of the taxi dispatch service on each occasion that the driver commences or completes a period during which he or she is operating the taxi.

*[(2) deleted]*

- (3) When contacting the provider of a taxi dispatch service for the purpose of complying with subregulation (1), a driver shall correctly identify himself or herself to the provider.

*[Regulation 13A inserted in Gazette 8 Dec 1998 p. 6586-7; amended in Gazette 23 Jan 2004 p. 322.]*

**13B. Driver shall not interfere with operation of camera surveillance unit**

- (1) If a taxi is fitted with a camera surveillance unit in compliance with a condition imposed by the Director General under section 20, the driver of the taxi shall not obstruct, interfere with, damage, destroy or remove the unit.

- (2) In subregulation (1) —

*camera surveillance unit* means an approved device that is fitted to a taxi for the purpose of enabling photographs to be taken of persons who enter or leave the taxi.

*[Regulation 13B inserted in Gazette 8 Dec 1998 p. 6587.]*

**14. Guide dogs**

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

**15. Display of driver identification**

A driver shall display an approved identification card, in the form and manner directed by the Director General, —

- (a) in a prominent position in the taxi he or she is driving; and
- (b) in a position and in a manner that allows a passenger in the taxi to be able to read it from the front and the back seat.

*[Regulation 15 inserted in Gazette 23 Jan 2004 p. 322.]*

**16. Conduct of drivers**

- (1) A driver shall, at all times while engaged as a driver or when plying for hire —
  - (a) conduct himself or herself in an orderly manner;
  - (b) behave in a courteous manner to passengers and prospective passengers; and
  - (c) offer reasonable assistance to assist passengers to enter or leave the taxi or to load or unload their luggage.
- (2) A driver shall, while engaged as a driver or when plying for hire, comply with any lawful and reasonable request by the hirer relating to the hirer's comfort, if that request would not interfere with the safe operation of the taxi.

*[Regulation 16 amended in Gazette 23 Jan 2004 p. 323.]*

**17. Conduct at taxi ranks**

- (1) A driver shall not obstruct the egress of another taxi from a taxi rank.
- (2) A driver shall not leave the taxi unattended while it is at a taxi rank.

*[Regulation 17 amended in Gazette 8 Dec 1998 p. 6587.]*

**17A. Approval of uniforms**

- (1) The provider of a taxi dispatch service and any operator who is independent from a taxi dispatch service must have a driver's uniform approved under subregulation (3).
- (2) The provider of a taxi dispatch service or an independent operator may apply to the Director General, in the approved form, for —
  - (a) approval of a uniform;
  - (b) approval to alter or add to a previously approved uniform; or
  - (c) approval of a new uniform in place of a previously approved uniform.
- (3) The Director General must approve a uniform, alteration or addition submitted for approval unless the Director General considers the uniform to be inappropriate, unnecessarily expensive or otherwise unsuitable for taxi drivers.
- (4) The Director General must notify an applicant, in writing —
  - (a) whether the application has been approved; and
  - (b) if the application is refused, the reasons for the refusal.
- (5) A uniform may include any or all of the following —
  - (a) summer and winter outfits;
  - (b) men's and women's outfits;
  - (c) several items of clothing that may be worn in various combinations; and
  - (d) optional extras (such as a raincoat, tie or hat).

*[Regulation 17A inserted in Gazette 25 Jun 1996 p. 2997.]*

**17B. Drivers to wear uniforms**

- (1) In this regulation —

***approved uniform*** means a uniform approved by the Director General under regulation 17A.

- (2) A driver must wear the approved uniform of —
- (a) the taxi dispatch service shown on the fare schedule required to be displayed under regulation 7; or
  - (b) the independent operator whose vehicle the driver is using as a taxi,
- at all times while engaged as a driver of a taxi or when plying for hire.
- (3) A driver must —
- (a) ensure that the driver's approved uniform is clean and in good repair; and
  - (b) must wear the approved uniform in a neat and tidy manner.
- (4) A driver may wear other items of clothing, in addition to the approved uniform, if —
- (a) the approved uniform does not include items of that nature; and
  - (b) those items are in keeping with the approved uniform.

*[Regulation 17B inserted in Gazette 25 Jun 1996 p. 2997; amended in Gazette 23 Jan 2004 p. 323.]*

**18. Taxi meters**

- (1) The Director General may appoint such number of appropriately qualified persons as he or she sees fit to be authorised meter mechanics.
- (2) A person shall not operate or drive 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 authorised meter mechanic.



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- (3) An authorised 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 authorised meter mechanic shall not issue a certificate of accuracy which is false or misleading in any particular.
  - (5) No person other than an authorised 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 holder 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.

*[Regulation 18 amended in Gazette 26 Mar 1996 p. 1483;  
9 Jan 2004 p. 97.]*

## **19. Fees and charges**

- (1) For the purposes of section 19(1), the prescribed annual fee payable by plate holders for taxi plates is \$107.75 where the fee is paid within the time allowed by section 19(2).
- (2) Subject to subregulations (3) and (3a), 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 —
- (a) the value of taxi plates for a metered taxi as declared in an application for approval of a transfer is less than the average of the values declared in the preceding 10 applications to transfer taxi plates for metered taxis received by the Director General, the fee shall be calculated on that average;
  - (b) the value of taxi plates for a multi-purpose taxi as declared in an application for approval of a transfer is less than the average of the values declared in the preceding 10 applications to transfer taxi plates for multi-purpose taxis received by the Director General, the fee shall be calculated on that average;
  - (c) the value of taxi plates, for a restricted taxi (which, as a condition of its operation, may only operate during specified times in a control area) as declared in an application for approval of a transfer is less than the average of the values declared in the preceding 10 applications to transfer taxi plates for restricted taxis with similar time restrictions received by the Director General, the fee shall be calculated on that average;
  - (d) the value of taxi plates, for a restricted taxi (which, as a condition of its operation, may only operate within specified parts of a control area) as declared in an application for approval of a transfer is less than the average of the values declared in the preceding 10 applications to transfer taxi plates for restricted taxis with similar area restrictions received by the Director General, the fee shall be calculated on that average; and
  - (e) the value of taxi plates for a substitute taxi, as declared in an application for approval of a transfer, is less than the average of the values declared in the preceding 10 applications to transfer taxi plates for substitute taxis received by the Director General, the fee shall be calculated on that average.

- (3a) If the Director General is satisfied that —
- (a) the transfer of the ownership of, or an interest in the ownership of, taxi plates arises by way of a willed transfer from a deceased estate;
  - (b) the transfer is initially —
    - (i) to the spouse, son, daughter, parent, brother or sister of the deceased, or to a person who was the de facto partner of the deceased immediately before the death of the deceased; or
    - (ii) to the spouse, son, daughter, parent, brother or sister of the deceased, or to a person who was the de facto partner of the deceased immediately before the death of the deceased, by way of a family company or trust in which the only partners, principals or trustees are one or more of the persons referred to in subparagraph (i);
- and
- (c) probate in relation to the bequest giving rise to that transfer has been granted,
- the fee payable for that transfer under section 24 is \$100.
- (4) The charge payable for the issue of taxi plates or the issue of replacements for lost, damaged or stolen taxi plates is —
- (a) \$32.50 for standard plates; and
  - (b) \$54.30 for customized plates.

*[Regulation 19 amended in Gazette 26 Mar 1996 p. 1483-4; 25 Jun 1996 p. 2996; 30 Jun 2003 p. 2634; 9 Jan 2004 p. 98; 23 Jun 2006 p. 2227; 12 Jun 2007 p. 2739; 29 Sep 2009 p. 3854.]*

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**19A. Conditions that may be imposed on taxi dispatch service providers (s. 29)**

For the purpose of section 29, the Director General may impose conditions on the provider of a taxi dispatch service in relation to the following —

- (aa) the charges that may be imposed upon hirers for services provided to them by the provider of the taxi dispatch service, including when such charges may, or may not, be imposed;
- (a) the charges that may be imposed upon multi-purpose taxi operators for using the dispatch service;
- (b) the manner in which particular types of requests for multi-purpose taxi services are allocated and distributed by a taxi dispatch service provider.

*[Regulation 19A inserted in Gazette 22 Mar 2002 p. 1654-5; amended in Gazette 8 Dec 2006 p. 5392.]*

**20. Interest on bonds**

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.

**21. Offences and penalties**

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

Penalty: \$1 000.

**22. Infringement notices and modified penalties**

- (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.

**23. Notices and documents for the purposes of sections 34 and 35**

- (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.

*[24. Omitted under the Reprints Act 1984 s. 7(4)(f).]*

**Schedule 1 — Offences for which infringement notices  
may be issued**

[r. 22(1)]

<b>Item</b>	<b>Section of Act or Regulation</b>	<b>Description of Offence</b>	<b>Modified Penalty \$</b>
1	Section 15(1)	Owner or driver of vehicle operating as a taxi within a control area without using taxi plates	500
2	Section 20(2)	(a) Failure to comply with, or ensure compliance with, conditions imposed under section 20(1), other than conditions relating to driver standards or conditions referred to in regulation 5(4)	250
		(b) Failure to comply with, or ensure compliance with, conditions imposed under section 20(1) and referred to in regulation 5(4)	500
3	Section 21(1)	Plate holder failing to ensure that plates used in manner directed	100
4	Section 21(2)	Using taxi plates on vehicle other than taxi	250
5	Section 25(1)	Failure to return taxi plates	150
6	Section 26	Provide or advertise an unregistered taxi dispatch service	250
7	Section 29(2)	Failure to comply with taxi dispatch service conditions	300
8	Section 32(5)	Operating taxi the operation of which prohibited	100

<b>Item</b>	<b>Section of Act or Regulation</b>	<b>Description of Offence</b>	<b>Modified Penalty \$</b>
9	Section 32(6)	Failure to comply with notice or rectify defect	300
10	Section 36(2) and (5)	Offences relating to the issue of receipts and statements regarding driver bonds	100
11	Section 36(8)	Failure to return driver bond within 14 days of the driver ceasing to be contracted, engaged or employed	500
12	Regulation 7	Failure to ensure display of fare schedule	100
13	Regulation 8(1)	Charge more than fare shown on meter	200
14	Regulation 8(1a)	Selecting a tariff that is not the appropriate tariff as set out in the fare schedule	200
15	Regulation 8(2)	Failure to accept fare voucher	200
16	Regulation 8(2a)	Driver entering false or misleading information on fare voucher	200
17	Regulation 8(3)	Directing driver to contravene fare regulations	200
18	Regulation 9(2) and (3)	Offences relating to setting and stopping meter	200
19	Regulation 9A	Hirer failing to pay fare at termination of hiring or as agreed	250
20	Regulation 11	Driver failing to use most economical route	100
21	Regulation 13(1)	Driver failing to accept hiring	200
22	Regulation 13(3)	Driver terminating a hiring prior to reaching the agreed destination	200

**Taxi Regulations 1995****Schedule 1** Offences for which infringement notices may be issued

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<b>Item</b>	<b>Section of Act or Regulation</b>	<b>Description of Offence</b>	<b>Modified Penalty \$</b>
23	Regulation 13A(1)	Driver failing to inform provider of taxi dispatch service as required	100
24	Regulation 13A(3)	Driver giving incorrect information regarding their identity to the provider of a taxi dispatch service	200
25	Regulation 13B(1)	Driver obstructing, interfering with, damaging etc., a camera surveillance unit	100
26	Regulation 14	Driver failing to transport a guide dog	300
27	Regulation 15	Driver failing to display approved identification card	200
28	Regulation 16(1)	Offences relating to the conduct of drivers	200
29	Regulation 17	Offences relating to conduct of driver at taxi rank	200
30	Regulation 17B	Driver failing to wear uniform, uniform not clean etc.	200
31	Regulation 18(2)	Operating or driving taxi with an unsealed meter	250
32	Regulation 18(4) and (5)	Offences relating to meters	250

*[Schedule 1 inserted in Gazette 23 Jan 2004 p. 323-5; amended in Gazette 24 Feb 2006 p. 883; 24 Apr 2009 p. 1387.]*



**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 for Planning and Infrastructure

**TAXI INFRINGEMENT NOTICE**

PART "B" This space for cash register imprint  
To be retained by Cashier.  
OFFICE COPY ONLY  
Please do not detach from Part "A"

PART "A"  
OFFICIAL RECEIPT  
DEFENDANT'S COPY

No. ....  
Issue Date ...../...../.....

Sex: [ ] Date of birth [ ]/[ ]/[ ]

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 ...../...../.....

Make ..... Model ..... Colour .....

Company .....

It is alleged that at ..... hours on ..... day of ..... 20 ..... at .....  
..... that you committed the offence indicated hereunder.

..... Penalty \$ [ ] [ ] [ ]

Description of Offence

..... No. ....

Signature of authorised 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.



**FORM 2**

*TAXI ACT 1994* — section 39(6)  
*TAXI REGULATIONS 1995* — regulation 22(3)

Western Australia  
Department for Planning and Infrastructure

**NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE**

Serial No.

Name

Address

Dear Sir/Madam

Notice of withdrawal of proceedings

Infringement

Number

INREP Case

Number

Date

Time

Code

Description

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

Director General

Date

*[Form 2 amended in Gazette 28 Feb 2003 p. 682.]*

**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<sup>7</sup> 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<sup>6</sup> 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.

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<sup>6</sup> 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)

**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 —

DATE OF OFFENCE	SECTION/REGULATION	CHARGE NUMBER	DATE OF HEARING	PENALTY

Date .....

.....

COMPLAINANT

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## Notes

- <sup>1</sup> This is a compilation of the *Taxi Regulations 1995* and includes the amendments made by the other written laws referred to in the following table <sup>1a</sup>. The table also contains information about any reprint.

### Compilation table

Citation	Gazettal	Commencement
<i>Taxi Regulations 1995</i>	10 Jan 1995 p. 75-90	10 Jan 1995 (see r. 2 and <i>Gazette</i> 10 Jan 1995 p. 73)
<i>Taxi Amendment Regulations 1996</i>	26 Mar 1996 p. 1483-5	26 Mar 1996
<i>Taxi Amendment Regulations</i> <i>(No. 2) 1996</i>	25 Jun 1996 p. 2995-6	25 Jun 1996
<i>Taxi Amendment Regulations</i> <i>(No. 3) 1996</i>	25 Jun 1996 p. 2996-8	25 Jun 1996
<i>Taxi Amendment Regulations 1997</i>	4 Feb 1997 p. 707	4 Feb 1997
<b>Reprint of the <i>Taxi Regulations 1995</i> as at 12 Dec 1997</b> (includes amendments listed above)		
<i>Taxi Amendment Regulations 1998</i>	8 Dec 1998 p. 6585-8	17 Dec 1998 (see r. 2)
<i>Taxi Amendment Regulations 2000</i>	1 Feb 2000 p. 382-3	1 Feb 2000
<i>Taxi Amendment Regulations 2002</i>	22 Mar 2002 p. 1654-5	22 Mar 2002
<i>Taxi Amendment Regulations 2003</i>	28 Feb 2003 p. 681-2	28 Feb 2003
<i>Equality of Status Subsidiary</i> <i>Legislation Amendment</i> <i>Regulations 2003 Pt. 39</i>	30 Jun 2003 p. 2581-638	1 Jul 2003 (see r. 2 and <i>Gazette</i> 30 Jun 2003 p. 2579)
<i>Taxi Amendment Regulations 2004</i>	9 Jan 2004 p. 96-8	9 Jan 2004
<i>Taxi Amendment Regulations</i> <i>(No. 2) 2004</i>	23 Jan 2004 p. 320-5	23 Jan 2004
<i>Taxi Amendment Regulations</i> <i>(No. 3) 2004</i>	20 Feb 2004 p. 608-9	20 Feb 2004
<i>Taxi Amendment Regulations</i> <i>(No. 4) 2004</i>	10 Sep 2004 p. 3923-4	10 Sep 2004

**Taxi Regulations 1995**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Taxi Amendment Regulations (No. 5) 2004</i>	10 Dec 2004 p. 5910-11	10 Dec 2004
<b>Reprint 2: The Taxi Regulations 1995 as at 4 Mar 2005</b> (includes amendments listed above)		
<i>Taxi Amendment Regulations 2006</i>	24 Feb 2006 p. 882-3	24 Feb 2006
<i>Taxi Amendment Regulations (No. 3) 2006</i>	13 Apr 2006 p. 1554	13 Apr 2006
<i>Taxi Amendment Regulations (No. 4) 2006</i>	23 Jun 2006 p. 2227	1 Jul 2006 (see r. 2)
<i>Taxi Amendment Regulations (No. 5) 2006</i>	8 Dec 2006 p. 5391-2	8 Dec 2006
<i>Taxi Amendment Regulations (No. 6) 2006</i>	22 Dec 2006 p. 5822-3	22 Dec 2006
<b>Reprint 3: The Taxi Regulations 1995 as at 25 May 2007</b> (includes amendments listed above)		
<i>Taxi Amendment Regulations 2007</i>	12 Jun 2007 p. 2738-9	1 Jul 2007 (see r. 2)
<i>Taxi Amendment Regulations 2008</i>	7 Mar 2008 p. 750	r. 1 and 2: 7 Mar 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 8 Mar 2008 (see r. 2(b))
<i>Taxi Amendment Regulations 2009</i>	24 Apr 2009 p. 1387	r. 1 and 2: 24 Apr 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Apr 2009 (see r. 2(b))
<i>Taxi Amendment Regulations (No. 2) 2009</i>	29 Sep 2009 p. 3854	r. 1 and 2: 29 Sep 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Sep 2009 (see r. 2(b))



- <sup>1a</sup> On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

### Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Taxi Amendment Regulations (No. 2) 2011</i> r. 3-4 <sup>8</sup>	17 May 2011 p. 1825	1 Jul 2011 (see r. 2(b))
<i>Taxi Amendment Regulations 2011</i> r. 3-7 <sup>9</sup>	7 Jun 2011 p. 2057-62	1 Jul 2011 (see r. 2(b))

- <sup>2</sup> Plans of the former Department of Land Administration are now held by the Western Australian Land Information Authority (see the *Land Information Authority Act 2006* s. 100).
- <sup>3</sup> Now cited as the *Local Government (Miscellaneous Provisions) Act 1960*.
- <sup>4</sup> Under the *Public Sector Management Act 1994* departments can be established and named. At the time this compilation was prepared, the designation of the department known as the Department of Justice had been altered to the Department of the Attorney General and the Department of Corrective Services is established.
- <sup>5</sup> Now known as the registrar of the Magistrates Court.
- <sup>6</sup> Under the *Courts Legislation Amendment and Repeal Act 2004* s. 58 a reference in a written law to a court of petty sessions is, unless the contrary intention appears, to be construed as if it had been amended to be a reference to the Magistrates Court.
- <sup>7</sup> Under the *Courts Legislation Amendment and Repeal Act 2004* s. 54(2) a reference in a written law to a clerk of petty sessions is, unless the contrary intention appears, to be construed as if it had been amended to be a reference to a registrar of the Magistrates Court.
- <sup>8</sup> On the date as at which this compilation was prepared, the *Taxi Amendment Regulations (No. 2) 2011* r. 3-4 had not come into operation. They read as follows:

**3. Regulations amended**

These regulations amend the *Taxi Regulations 1995*.

**4. Regulation 19 amended**

- (1) In regulation 19(3a) delete “\$100.” and insert:

\$103.

- (2) Delete regulation 19(4) and insert:
  
- (4) The charge payable for the issue of taxi plates or the issue of replacements for lost, damaged or stolen taxi plates is \$33.50.

<sup>9</sup> On the date as at which this compilation was prepared, the *Taxi Amendment Regulations 2011* r. 3-7 had not come into operation. They read as follows:

**3. Regulations amended**

These regulations amend the *Taxi Regulations 1995*.

**4. Regulation 3 amended**

In regulation 3 insert in alphabetical order:

*approved person* means a person who is approved for the purposes of the provision in which the term is used;

*camera surveillance unit* means an approved device that takes visual or audio-visual recordings;

**5. Regulation 13B replaced**

Delete regulation 13B and insert:

**13B. Requirements relating to camera surveillance units in taxis**

- (1) A person must not operate a vehicle as a taxi at any time (the *relevant time*) unless —
  - (a) a camera surveillance unit has been installed in the vehicle in an approved manner by an approved person; and
  - (b) a certificate has been given under regulation 13G(2) by an approved person in respect of the camera surveillance unit within 12 months before the relevant time; and
  - (c) the camera surveillance unit —

- (i) subject to subregulation (2), was first installed in the vehicle or in any other vehicle within 5 years before the relevant time; and
  - (ii) is in the same position as it was when installed in the vehicle in the approved manner; and
  - (iii) is in proper working order; and
  - (iv) is in operation in the vehicle whenever the vehicle is in use as a taxi.
- (2) Subregulation (1)(c)(i) applies to a camera surveillance unit that is first installed on or after 1 July 2011 in a vehicle operated as a taxi.
- (3) If an authorised officer is of the opinion that a vehicle operated as a taxi does not comply with the requirements of subregulation (1), the officer may —
  - (a) by notice in writing, direct the plate holder or the operator —
    - (i) to remedy any defect that relates to the camera surveillance unit in the vehicle, as specified in the notice; and
    - (ii) to have the vehicle inspected at a specified place by an approved person or an authorised officer, within the period specified in the notice; and
  - (b) by attaching a copy of the notice to the vehicle, prohibit the continued operation of the vehicle as a taxi until —
    - (i) it has been inspected by an approved person or an authorised officer and the camera surveillance unit found to be in a satisfactory condition; and
    - (ii) the approved person or authorised officer has removed the notice from the vehicle.
- (4) A person must not operate a vehicle as a taxi unless an approved sign stating that a camera surveillance unit is in operation in the vehicle is displayed at an approved place on each door of the vehicle.

**13C. Requirements relating to regulation 13B(3)**

- (1) A person given a direction under regulation 13B(3)(a) —
  - (a) must comply with the direction; and
  - (b) must rectify any defect relating to the camera surveillance unit in the vehicle that is found during an inspection by an approved person or an authorised officer.

- (2) A person other than an approved person or an authorised officer must not remove, interfere with or destroy a notice attached to a vehicle under regulation 13B(3)(b).
- (3) A person must not operate a vehicle as a taxi while the vehicle is subject to a prohibition under regulation 13B(3)(b).

**13D. Approved persons to install, remove and service camera surveillance units in taxis**

- (1) In this regulation —  
*service* includes repair, maintain, adjust, modify, inspect and test.
- (2) A person other than an approved person must not —
  - (a) install a camera surveillance unit in a vehicle operated as a taxi; or
  - (b) remove a camera surveillance unit from a vehicle operated as a taxi; or
  - (c) service a camera surveillance unit installed in a vehicle operated as a taxi.

**13E. Downloading etc. information stored in camera surveillance units**

- (1) A person must not view, download, copy, play, edit or erase any visual or audio-visual recording stored in a camera surveillance unit installed in a vehicle operated as a taxi.
- (2) Subregulation (1) does not apply to —
  - (a) an authorised officer; or
  - (b) an approved person who is authorised to view, download, copy, play, edit or erase the visual or audio-visual recording by an authorised officer.

**13F. Obstructing and interfering with camera surveillance units**

- (1) A person must not obstruct, interfere with or destroy a camera surveillance unit installed in a vehicle operated as a taxi.
- (2) Subregulation (1) does not apply to or in relation to —
  - (a) anything done by an approved person in accordance with regulation 13D(2); or
  - (b) anything done by an authorised officer or an approved person in accordance with regulation 13E(2).

**13G. Certificate of proper working order for camera surveillance units**

- (1) In subregulation (2) —

**current certificate** means a certificate given within 12 months before the certificate is provided to the Director General under that subregulation.

- (2) A person who operates a vehicle as a taxi must provide to the Director General each year, at the approved time and in the approved form, a current certificate given by an approved person certifying that the camera surveillance unit installed in the vehicle was inspected on the specified date by the approved person and found to be in proper working order.
- (3) An approved person must not state any false or misleading information in a certificate that is given by the person for the purposes of this regulation.

**13H. Transitional**

- (1) In this regulation —  
**commencement day** means the day on which the *Taxi Amendment Regulations 2011* regulation 5 comes into operation.
- (2) A vehicle operated as a taxi that, immediately before the commencement day, is required to comply with conditions imposed by the Director General under section 20 in relation to a camera surveillance unit installed in the vehicle is taken to be operated in compliance with the requirements of regulation 13B(1)(a), (b) and (c)(ii) if the vehicle complies with those conditions.
- (3) The Director General may publish a notice in the *Gazette* stating that subregulation (2) ceases to have effect in relation to a camera surveillance unit of a specified type on and from —
  - (a) the day after the day on which the notice is published in the *Gazette*; or
  - (b) any later day specified in the notice.
- (4) Subregulation (2) ceases to have effect as stated in a notice under subregulation (3) in relation to a camera surveillance unit of a type specified in the notice.

**6. Regulation 18 amended**

In regulation 18(2) delete “or drive”.

**7. Schedule 1 amended**

- (1) In Schedule 1 delete item 25 and insert:

25	Regulation 13B(1)	Offences relating to camera surveillance unit requirements	200
26A	Regulation 13B(4)	Failing to display approved sign	100
26B	Regulation 13C(1)	Failing to comply with direction or rectify defect	250
26C	Regulation 13C(2)	Unauthorised removal of notice	250
26D	Regulation 13C(3)	Operating a taxi subject to prohibition	250
26E	Regulation 13D(2)	Unauthorised installing, removing or servicing of camera surveillance unit	200
26F	Regulation 13E(1)	Unauthorised downloading of information from camera surveillance unit	500
26G	Regulation 13F(1)	Obstructing or interfering with camera surveillance unit	500
26H	Regulation 13G(2)	Failing to provide current certificate	200
26I	Regulation 13G(3)	Stating false or misleading information in certificate	200

(2) In Schedule 1 item 31 delete “or driving”.