
TRANSPORT

TN301*

Transport Co-ordination Act 1966

**Country Taxi-cars (Fares and Charges)
Amendment Regulations 2015**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Country Taxi-cars (Fares and Charges) Amendment Regulations 2015*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 24 February 2015.

3. Regulations amended

These regulations amend the *Country Taxi-cars (Fares and Charges) Regulations 1991*.

4. Regulation 2A amended

- (1) In regulation 2A(1) insert in alphabetical order:

non-cash payment means the payment, other than by means of cash, of any amount payable in respect of the hiring of a taxi-car;

payment terminal means a device or system used to facilitate a non-cash payment and provided in accordance with regulation 3A;

surcharge does not include a fee or charge that is imposed on a non-cash payment by —

- (a) a participant in a designated payment system within the meaning of the *Payment Systems (Regulation) Act 1998* (Commonwealth); or
- (b) a person consistently within a voluntary undertaking given by the person to, and accepted by, the Reserve Bank of Australia,

but includes any GST consequent on the payment terminal being made available.

- (2) In regulation 2A(1) in the definition of *region* delete “Schedule 1.” and insert:

Schedule 1;

5. Regulations 3A and 3B inserted

After regulation 3 insert:

3A. Providing a payment terminal

Where a payment terminal is available for use in a taxi-car —

- (a) if the licence holder was involved in requesting or enabling the use of that type of payment terminal, then the licence holder provides the terminal for the purposes of regulation 3B(2);
- (b) if the owner or another operator was involved in requesting or enabling the use of that type of payment terminal, then the owner or another operator provides the terminal for the purposes of regulation 3B(2);
- (c) in any other case, the driver provides the terminal for the purposes of regulation 3B(2).

3B. Surcharge for non-cash payment

- (1) If a surcharge is added because a fare is being paid using a non-cash payment, that surcharge is to be no more than 5% of all amounts to be paid by the hirer that relate to the hiring (except the surcharge itself).
- (2) A person who provides a payment terminal that results in the imposition of a surcharge of more than 5% commits an offence.
Penalty: a fine of \$200.
- (3) Where more than one payment terminal is available for a taxi-car, the driver must use the terminal that results in the lowest surcharge, if any, being imposed when a non-cash payment is made.
Penalty: a fine of \$200.

6. Schedule 2 amended

In Schedule 2 in the Table after item 3 insert:

4A	r. 3B(2)	Imposing excessive surcharge	50
4B	r. 3B(3)	Not using correct payment terminal	50

R. KENNEDY, Clerk of the Executive Council.
