

TN302*

Taxi Act 1994

Taxi Amendment Regulations 2015

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Taxi 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 *Taxi Regulations 1995*.

4. Regulation 3 amended

- (1) In regulation 3 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;

payment terminal means a device or system used to facilitate a non-cash payment and provided in accordance with regulation 8A;

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 3 in the definition of *substitute taxi* delete “operation.” and insert:

operation;

5. **Regulations 8A and 8B inserted**

After regulation 8 insert:

8A. Providing a payment terminal

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

- (a) if the provider of a Taxi Dispatch Service was involved in requesting or enabling the use of that type of payment terminal, then that Taxi Dispatch Service provider provides the terminal for the purposes of regulation 8B(2);
- (b) if the plate holder was involved in requesting or enabling the use of that type of payment terminal, then the plate holder provides the terminal for the purposes of regulation 8B(2);
- (c) if another operator who is not the taxi driver was involved in requesting or enabling the use of that type of payment terminal, then that operator provides the terminal for the purposes of regulation 8B(2);
- (d) in any other case, the driver provides the terminal for the purposes of regulation 8B(2).

8B. Surcharge for non-cash payment

- (1) If a surcharge is added because a fare calculated using the fare schedule 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 \$1 000.

- (3) Where more than one payment terminal is available for a taxi, the driver must use the terminal that results in the lowest surcharge, if any, being imposed when the non-cash payment is made.

Penalty: a fine of \$1 000.

6. Schedule 1 amended

In Schedule 1 in the Table after item 17 insert:

18A	Regulation 8B(2)	Imposing excessive surcharge	200
18B	Regulation 8B(3)	Not using correct payment terminal	200

R. KENNEDY, Clerk of the Executive Council.
