

TR302*

Transport Co-ordination Act 1966

Transport (Country Taxi-car) Amendment Regulations 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Transport (Country Taxi-car) Amendment Regulations 2006*.

2. The regulations amended

The amendments in these regulations are to the *Transport (Country Taxi-car) Regulations 1982**.

[* *Reprint 2 as at 2 April 2004.*

For amendments to 18 January 2006 see Western Australian Legislation Information Tables for 2004, Table 4, p. 414.]

3. Regulation 4 amended

Regulation 4 is amended by deleting the definition of “Schedule”.

4. Regulation 5 amended

Regulation 5 is amended by deleting “the Schedule” and inserting instead —

“ Schedule 1 ”.

5. Regulation 8 amended

Regulation 8(2) is amended by deleting “the Schedule” and inserting instead —

“ Schedule 1 ”.

6. Regulation 10 amended

Regulation 10(1) is amended by deleting “the Schedule” and inserting instead —

“ Schedule 1 ”.

7. Regulation 11 amended

Regulation 11(3) is amended by deleting “the Schedule” and inserting instead —

“ Schedule 1 ”.

8. Regulation 26 amended

- (1) Regulation 26(1) is amended by deleting “subregulation (2)” and inserting instead —

“ this regulation ”.

- (2) Regulation 26 is amended by deleting subregulations (2) and (3) and inserting the following subregulations instead —

“

- (2) A driver is not obliged to accept a hiring where —

(a) the intending hirer or an intending passenger is intoxicated, unclean, abusive or violent;

(b) the driver has reasonable grounds to believe that —

(i) the intending hirer or an intending passenger, at the point of engagement or the destination, poses a threat to the driver’s safety;

(ii) the hiring would result in a breach of a condition imposed by the Director General under section 47ZD(3) of the Act on the operation of the taxi-car; or

(iii) the intending hirer or an intending passenger has evaded, or attempted to evade, the payment of a fare or charge for hiring a taxi-car;

(c) the driver requires the intending hirer to pay a deposit under the *Country Taxi-cars (Fares and Charges) Regulations 1991* regulation 4A and the intending hirer does not pay it; or

- (d) the number of intending passengers aged 12 or over exceeds the number of available seatbelts in the taxi-car.
- (3) If, during a hiring, a passenger begins to soil the taxi-car or become abusive or violent —
- (a) the driver may terminate the hiring;
 - (b) the driver or an authorised officer may request all passengers to alight from the taxi-car; and
 - (c) the driver may require the hirer to pay —
 - (i) the fare that would have been due if the hiring had terminated at that point in the normal course of events; and
 - (ii) in the case of soiling, a charge to cover the cost of cleaning the taxi-car, as set out in the *Country Taxi-cars (Fares and Charges) Regulations 1991* Schedule 1.
- (4) A passenger who fails to alight from a taxi-car when requested to do so under subregulation (3)(b) commits an offence.

”.

9. Regulation 26B inserted

After regulation 26A the following regulation is inserted —

“

26B. Requirement to carry guide dogs

A driver shall transport a guide dog that is accompanying a passenger who is visually or hearing impaired unless excused from doing so in writing by an authorised officer.

”.

10. Regulation 48 inserted

After regulation 47 the following regulation is inserted —

“

48. Infringement notices and modified penalties

- (1) For the purposes of section 58A of the Act, the prescribed offences against the Act and these regulations for which infringement notices may be given, and the modified penalties for those offences, are set out in Schedule 2.
- (2) For the purposes of section 58A(3), the prescribed form of infringement notice is Form 1 in Schedule 3.
- (3) For the purposes of section 58A(2), the prescribed form of notice of withdrawal of infringement notice is Form 2 in Schedule 3.

”.

11. Schedule amended

The heading to the Schedule is deleted and the following heading is inserted instead —

“

Schedule 1 — Fees

”.

12. Schedules 2 and 3 inserted

After Schedule 1 the following Schedules are inserted —

“

Schedule 2 — Modified penalties

[r. 48(1)]

Item	Section of Act or Regulation	Description of offence	Modified penalty
1	s. 50(1)(a)	Operating public vehicle to consign, send or convey goods or passengers without appropriate licence	\$500 for an individual \$1 000 for a corporation
2	s. 53	Owner or driver of public vehicle failing to comply with terms and conditions of licence	\$200
3	r. 14(2)	Failing to return number plate issued in respect of taxi-car within 14 days after licence comes to end	\$50
4	r. 24	Driver failing to be clean and neat	\$50
5	r. 25(a)	Driver failing to conduct himself in orderly manner, with civility and propriety or failing to comply with reasonable requirement of hirer or passenger	\$50
6	r. 25(b)	Driver failing to afford reasonable assistance to passenger	\$50
7	r. 25(d)	Driver failing to carry driver's licence or produce it upon request of authorised officer	\$50
8	r. 25(e)	Driver failing to be constantly in attendance on taxi-car when standing for hire	\$50
9	r. 26(1)	Driver refusing a hiring or failing to carry out a hiring otherwise than in accordance with regulations 26(2) and (3)	\$50

Item	Section of Act or Regulation	Description of offence	Modified penalty
10	r. 26(4)	Passenger failing to alight from taxi-car when requested to do so	\$50
11	r. 26B	Refusing to transport a guide dog that is accompanying a passenger who is visually or hearing impaired	\$50
12	r. 27	Driver failing to drive by shortest practicable route	\$50
13	r. 27A	Driver failing to display approved identification card in manner directed by Director General	\$50
14	r. 35	Operator of taxi-car failing to cause taximeter to be regulated to record fares and charges prescribed by <i>Country Taxi-cars (Fares and Charges) Regulations 1991</i> or to submit the vehicle for inspection, testing and sealing	\$50
15	r. 36(ba)	Owner of taxi-car removing taximeter for more than 10 days without approval of Director General	\$50
16	r. 36(d)	Owner of taxi-car making or permitting alteration to taxi-car that would affect correct operation of taximeter	\$50
17	r. 38	Operator of taxi-car manipulating taximeter in manner likely to defraud	\$50
18	r. 39	Driver setting taximeter in operation otherwise than when permitted by r. 39	\$50
19	r. 41(2)	Owner or operator of taxi-car failing to comply with terms of notice received under r. 41(1) or rectify defect found during inspection	\$50

Schedule 3 — Forms

[r. 48(2) and (3)]

FORM 1

TRANSPORT CO-ORDINATION ACT 1966 — section 58A
TRANSPORT (COUNTRY TAXI-CAR) REGULATIONS 1982 —
regulation 48(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 and 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.

.....
Description of Offence
Penalty \$ [] [] [] []
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, additional administrative charges may be incurred and
action may be taken to suspend your Motor Driver's Licence until you have paid in full the
modified penalty and any additional charges OR you have elected to have this matter heard and
determined by a court.

Payment may be made —

- (i) by post to —

[Insert appropriate address here]

- (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 for Planning and Infrastructure offices.

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

(Insert appropriate address here)

TAXI INFRINGEMENT NOTICE CREDIT CARD SLIP

Do not detach — Return complete document with payment to —

[Insert appropriate address here]

Please debit my credit card account —

Bankcard [] Mastercard [] Visacard []

Card Number []

Amount [] [] [] [] []

Cardholder Name:

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

FORM 2

*TRANSPORT CO-ORDINATION ACT 1966 — section 58A
TRANSPORT (COUNTRY TAXI-CAR) REGULATIONS 1982 —
regulation 48(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

Date

Time

Code

Description

Take notice that I, being authorised to do so, hereby withdraw proceedings under the *Transport Co-ordination Act 1966* in relation to the infringement notice issued for the above offence.

Director General

Date

”

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.