

COMMITTEE STAGE NOTES

COVER PAGE

Taxi Amendment Bill 1998

MINISTER FOR TRANSPORT

CLAUSE 1

1. Short title

This Act may be cited as the *Taxi Amendment Act 1998*.

EXPLANATION

This is the formal clause titling the Bill.

CLAUSE 2

2. Commencement

(1) Except as stated in subsections (2) and (3), this Act comes into operation on the day on which it receives the Royal Assent.

(2) Section 4 comes into operation on the 28th day after the day on which this Act receives the Royal Assent.

(3) Section 5 is deemed to have come into operation immediately after the commencement of the *Principal Act*.

EXPLANATION

The date of commencement for various sections of the *Principal Act* will come into operation.

Notwithstanding section 20 (2) of the *Interpretation Act*:

- The Bill other than clauses (4) and (5) will come into operation on the day it receives the Royal Assent.
- Clause 4, which empowers the making of regulations to create an offence for fare evasion, will apply 28 days after the Bill receives Royal Assent (which reflects section 20 (2) of the *Interpretation Act*).
- Clause 5, which provides for interest deemed from the Taxi Industry Development Fund to be credited back to that Fund, will apply retrospectively from 1 April 1995, the date on which the *Taxi Act 1994* became operative.

CLAUSE 3

3. Principal Act

In this part the *Taxi Act 1994*, is referred to as the *Principal Act*.

EXPLANATION

The *Taxi Act 1994* is the *Principal Act* referred to in this Bill, including subsequent amendments, see *1997 Index to Legislation of Western Australia, Table 1, p. 230*.

The Bill will not affect the title of the *Principal Act*.

CLAUSE 4

4. Section 40 amended

Section 40 of the *Principal Act* is amended by inserting after paragraph (k) the following paragraph -

- (ka) providing that the hirer of a taxi who is obliged to pay for carriage in the taxi any fare that is in accordance with this Act commits an offence if, in prescribed circumstances, the hirer fails to pay the fare, and prescribing a fine of not more than \$1 000 that may be imposed for the commission of the offence;

EXPLANATION

This clause will enable the making of regulations requiring the hirer of a taxi, on termination of a journey and on demand of the driver, to pay the appropriate fare for the hiring.

The clause will also make fare evasion an offence in prescribed circumstances and provide a penalty of \$1 000 for offences.

Failure to comply will constitute an offence for which the regulations may prescribe a penalty not exceeding \$1 000.

PRESENT LEGISLATION

Regulations

40. The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of this Act and in particular —

- (a) prescribing parts of the State as control areas for the purposes of this Act;
- (b) prescribing classes of taxis by reference to restrictions on the manner in which or the purposes for which taxis of those classes may be operated;
- (c) prescribing the number of any particular class of taxi plates which may be issued per

- 1 000 head of population in a control area or part of a control area;
- (d) prescribing offences and modified penalties for the purposes of section 39;
 - (e) prescribing forms for the purposes of this Act;
 - (f) relating to, and prescribing fees for the re-issue of, taxi plates which have been lost, damaged or stolen;
 - (g) prescribing matters with respect to which conditions may be imposed under section 20 (1) or 29 (1);
 - (h) regulating the conduct and behaviour of taxi drivers in relation to the provision of taxi services;
 - (i) regulating the conduct and behaviour of passengers in taxis;
 - (j) prohibiting taxi drivers from refusing to accept any approved voucher or credit arrangement as payment or part-payment of a fare;
 - (k) regulating the circumstances under which a driver may refuse to accept a passenger or may terminate a hiring;
 - (l) with respect to the calculation and payment of fares and charges and the operation of fare schedules;
 - (m) with respect to the equipment, including meters, required to be carried on or installed in a taxi and with respect to the examination or testing of such equipment; and
 - (n) prescribing notices, information and other material which must, and such material which must not, be carried or displayed in taxis.

PROPOSED LEGISLATION

Regulations

40. The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of this Act and in particular —

- (a) prescribing parts of the State as control areas for the purposes of this Act;
- (b) prescribing classes of taxis by reference to restrictions on the manner in which or the purposes for which taxis of those classes may be operated;
- (c) prescribing the number of any particular class of taxi plates which may be issued per 1 000 head of population in a control area or part of a control area;

- (d) prescribing offences and modified penalties for the purposes of section 39;
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- (f) relating to, and prescribing fees for the re-issue of, taxi plates which have been lost, damaged or stolen;
- (g) prescribing matters with respect to which conditions may be imposed under section 20 (1) or 29 (1);
- (h) regulating the conduct and behaviour of taxi drivers in relation to the provision of taxi services;
- (i) regulating the conduct and behaviour of passengers in taxis;
- (j) prohibiting taxi drivers from refusing to accept any approved voucher or credit arrangement as payment or part-payment of a fare;
- (k) regulating the circumstances under which a driver may refuse to accept a passenger or may terminate a hiring;
- (ka) providing that the hirer of a taxi who is obliged to pay for carriage in the taxi any fare that is in accordance with this Act commits an offence if, in prescribed circumstances, the hirer fails to pay the fare, and prescribing a fine of not more than \$1 000 that may be imposed for the commission of the offence;
- (l) with respect to the calculation and payment of fares and charges and the operation of fare schedules;
- (m) with respect to the equipment, including meters, required to be carried on or installed in a taxi and with respect to the examination or testing of such equipment; and
- (n) prescribing notices, information and other material which must, and such material which must not, be carried or displayed in taxis.

CLAUSE 5

5. Section 41 amended

Section 41(2)(f) of the *Principal Act* is amended by inserting before “any other moneys” the following -

“ income derived from moneys standing to the credit of the Fund and “

EXPLANATION

This clause will enable interest obtained from taxi industry funds held in the Taxi Industry Development Fund, to be credited to the Fund and will allow interest payments and the calculation of interest being applied retrospectively to the date of the commencement of the fund.

This measure will ensure that, as small businesses, taxi operators will benefit from the return on investments of their industry funds.

PRESENT LEGISLATION

Taxi Industry Development Fund

41.(1) There shall be an account known as the Taxi Industry Development Fund which shall form part of the Trust Fund referred to in section 9 of the Financial Administration and Audit Act 1985 and which shall be administered by the Director General.

(2) There shall be placed to the credit of the Taxi Industry Development Fund —

- (a) all moneys standing to the credit of the Taxi Control Fund under the repealed Act immediately before the commencement day;
- (b) all moneys payable to the Minister under section 47 (2) (e);
- (c) all moneys received from the sale of taxi plates under this Act;
- (d) the moneys (if any) appropriated by Parliament to the Fund;
- (e) any borrowing's under section 44; and

- (f) any other moneys lawfully received by, made available to, or payable to, the Fund.
- (3) Section 14 of the Financial Administration and Audit Act 1985 does not apply to the Taxi Industry Development Fund.
- (4) With the approval, and at the direction of the Minister, grants may be made from moneys standing to the credit of the Taxi Industry Development Fund for the purpose of funding, or partly funding, promotional, research and development projects intended and designed to benefit the taxi industry.
- (5) There shall be paid from the moneys from time to time standing to the credit of the Taxi Industry Development Fund —
- (a) the remuneration and allowances payable to members of the Board;
 - (b) the funds referred to in section 13;
 - (c) grants made under subsection (4);
 - (d) the amounts payable for any taxi plates surrendered to the Minister under section 43; and
 - (e) repayments of, and interest payable on, any moneys borrowed under section 44.
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PROPOSED LEGISLATION

Taxi Industry Development Fund

41.(1) There shall be an account known as the Taxi Industry Development Fund which shall form part of the Trust Fund referred to in section 9 of the Financial Administration and Audit Act 1985 and which shall be administered by the Director General.

- (2) There shall be placed to the credit of the Taxi Industry Development Fund —
- (a) all moneys standing to the credit of the Taxi Control Fund under the repealed Act immediately before the commencement day;
 - (b) all moneys payable to the Minister under section 47 (2) (e);
 - (c) all moneys received from the sale of taxi plates under this Act;
 - (d) the moneys (if any) appropriated by Parliament to the Fund;
 - (e) any borrowing's under section 44; and

(f) income derived from moneys standing to the credit of the Fund and any other moneys lawfully received by, made available to, or payable to, the Fund.

(3) Section 14 of the Financial Administration and Audit Act 1985 does not apply to the Taxi Industry Development Fund.

(4) With the approval, and at the direction of the Minister, grants may be made from moneys standing to the credit of the Taxi Industry Development Fund for the purpose of funding, or partly funding, promotional, research and development projects intended and designed to benefit the taxi industry.

(5) There shall be paid from the moneys from time to time standing to the credit of the Taxi Industry Development Fund —

- (a) the remuneration and allowances payable to members of the Board;
- (b) the funds referred to in section 13;
- (c) grants made under subsection (4);
- (d) the amounts payable for any taxi plates surrendered to the Minister under section 43; and
- (e) repayments of, and interest payable on, any moneys borrowed under section 44.