

1991

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

TAXI AND PRIVATE HIRE CAR REGULATIONS (AMENDMENT)

EXPLANATORY MEMORANDUM

**Circulated by Authority of the Minister For Finance and Urban
Services**

Craig Duby MLA

TAXI AND PRIVATE HIRE CAR REGULATIONS (AMENDMENT)

The Taxi and Private Hire Car Regulations ("the Principal Regulations") are made under section 218 of the Motor Traffic Act 1990 ("the Principal Act"). The Principal Regulations provide for such matters as the conduct of taxi and private hire car drivers, obligations of licence holders, the use of taxi meters and levels of taxi fares.

The Principal Act was amended by the Motor Traffic (Amendment) Act (No.5) 1990 ("the Amendment Act") the effect of which was to enable the level of taxi fares to be determined by the Minister instead of being prescribed by way of Regulations.

The Taxi and Private Hire Car Regulations (Amendment) ("the Amending Regulations") make consequential amendments to the Principal Regulations to accord with the new method of setting taxi fares by Ministerial determination in order to ensure consistency between the Principal Act and the Principal Regulations.

The Amending Regulations have no effect on revenue.

Details of the Amending Regulation are included in the Attachment.

MINISTER FOR FINANCE AND URBAN SERVICES

ATTACHMENT

Taxi And Private Hire Car Regulations (Amendment)

Regulation 1 provides that any references in the Amending Regulations to the "Principal Regulations" are to be read as the Taxi and Private Hire Car Regulations.

Regulation 2 amends paragraph 14(1)(a) of the Principal Regulations which requires a taxi driver to set the taximeter so as to register the kilometre rate set under the Principal Regulations, for the whole duration of a journey. The words "prescribed by these Regulations" are substituted with "determined under section 36 of the Act" as a consequence of the Amendment Act and regulation 6 of the Amending Regulations which repeals regulation 24 under which taxi fares were previously set.

Regulation 3 similarly makes consequential amendments to paragraph 18(1)(c) of the Principal Regulations by replacing "prescribed by regulation 24" with "determined under section 36 of the Act" as a consequence of the Amendment Act and regulation 6 of the Amending Regulations. Paragraph 18(1)(c) provides that a taximeter must be capable of registering the rates of fares prescribed by the Principal Regulations.

Regulation 4 amends regulation 19 of the Principal Regulations which provides for the use of a fare card pending the installation of a taximeter by adding to subregulation (1) the words "which is not the subject of a multiple hiring" given that subregulation 24(4) is to be repealed by regulation 6 of the Amending Regulations. Subregulation 24(4) prescribes the kilometre rate for a journey which is not the subject of a multiple hiring.

Subregulation 19(1) is further amended by omitting "specified in subregulation 24(4)" and substituting "determined under section 36 of the Act" as a consequence of the Amendment Act and regulation 6 of the Amending Regulations.

Regulation 5 also amends paragraphs (a), (b) and (c) of subregulation 19A(1) and subregulation 19A(1A) of the Principal Regulations as a consequence of the Amendment Act and regulation 6 of the Amending Regulations. Subregulation 19A(1) provides that, where there has been a change to the hire rates as set out under the Principal Regulations and that there will be some delay before the taximeter can be adjusted, the holder of a taxi licence shall be issued with a conversion card indicating the new rates. Subregulation 19A(1A) provides that where the hire rates set out in the Principal Regulations have been changed and the taximeter has yet to be adjusted to register the new rate, a taxi must not be made the subject of a multiple hiring.

Regulation 6 repeals regulation 24 of the Principal Regulations, under which taxi fares were set, to accord with the amendment to section 36 of the Principal Act which provides that taxi fares shall be determined by the Minister by notice published in the Gazette.

Regulation 7 amends regulation 26 of the Principal Regulations which requires a notice to be displayed in taxis stating the rates in such form as prescribed in Schedule 2 of the Principal Regulations. References to the Schedule are substituted with references to the rates of fare determined pursuant to section 36 of the Principal Act as a consequence of the Amendment Act and regulations 6 and 11 of the Amending Regulations.

Regulation 8 also makes amendments to paragraphs (1) (b) and (2) (d) of regulation 28 of the Principal Regulations as a consequence of the Amendment Act and regulation 6 of the Amending Regulations. Paragraph 28(1) (b) provides that a taxidriver shall set the taximeter in motion upon giving notice of his arrival to the hirer so as to register the rate of fare set out by regulation 24 of the Principal Regulations. Paragraph 28(2) (d) provides that where a person , on behalf of the prospective hirer, requests a taxi to travel to a certain place where the hirer is and the latter fails to complete the hiring, the person must pay the driver the fare to that place as prescribed in regulation 24 of the Principal Regulations.

Regulation 9 makes a further consequential amendment to subregulation 38(2) of the Principal Regulations as a consequence of the Amendment Act and regulation 6 of the Amending Regulations. Subregulation 38(2) provides that it is a defence to a prosecution for failure to pay the fare at the end of a journey if the hirer proves that the fare exceeds that which is prescribed by the Principal Regulations.

Regulation 10 amends subregulation 50(1) of the Principal Regulations consequentially in accordance with the Amending Act and regulation 6 of the Amending Regulations. Subregulation 50(1) states that a taxidriver shall not demand or receive an amount which exceeds the maximum fare prescribed by the Principal Regulations for that journey.

Regulation 11 repeals Schedule 2 of the Principal Regulations to accord with Regulations 6 and 7 of the Amending Regulations. Schedule 2 sets out the form of notice in relation to rates of fare which is to be exhibited in a taxi.