

South Australia

# Passenger Transport (Taxi Fares) Variation Regulations 2017

under the *Passenger Transport Act 1994*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Passenger Transport (Taxi Fares) Variation Regulations 2017*.

### 2—Commencement

These regulations will come into operation on the day on which Part 8 of the *Statutes Amendment (Budget 2016) Act 2016* come into operation.

### 3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## **Part 2—Variation of *Passenger Transport Regulations 2009***

### **4—Variation of regulation 3—Interpretation**

- (1) Regulation 3(1)—after the definition of *fleet safety support service* insert:

*legal charge*, in relation to the hiring of a taxi, means the total amount payable for the hiring of a taxi, being the sum of—

  - (a) the legal fare; and
  - (b) the levy (if any) required to be collected under Schedule 2 of the Act;
- (2) Regulation 3—after subregulation (6) insert:
  - (7) In these regulations, a term defined in Schedule 2 clause 1 of the Act has the same meaning as in that clause.

### **5—Variation of heading**

Heading to Part 3 Division 4—delete "fares" and substitute:

**charges for hiring taxis**

### **6—Variation of regulation 63—Operation of meter by taxi driver**

Regulation 63(1)(c)—delete paragraph (c) and substitute:

- (c) must not charge an amount for the hiring that exceeds the sum of—
  - (i) the amount displayed by the taxi-meter at the end of the hiring; and
  - (ii) the levy (if any) required to be collected under Schedule 2 of the Act; and

### **7—Variation of regulation 64—Charges for hiring taxis**

- (1) Regulation 64(1)—delete "fare" and substitute:

charge
- (2) Regulation 64(2)—delete "fare" and substitute:

charge
- (3) Regulation 64(4)—delete "fare" wherever occurring and substitute in each case:

legal charge
- (4) Regulation 64(5)—delete "fare" and substitute:

charge
- (5) Regulation 64(6)—delete "fare" and substitute:

charge

## **8—Variation of regulation 64A—Payment by electronic means for hiring of taxi**

- (1) Regulation 64A(4)(a)—delete "fares" and substitute:  
charges for the hiring of the taxi
- (2) Regulation 64A(5)—delete "fares" and substitute:  
charges for the hiring of the taxi
- (3) Regulation 64A(6)—delete "fare" first occurring and substitute:  
charge for the hiring of the taxi
- (4) Regulation 64a(6)(h)—delete "fare" and substitute:  
charge for the hiring of the taxi
- (5) Regulation 64A(6)(i)—delete "of the fare"

## **9—Substitution of regulation 65**

Regulation 65—delete the regulation and substitute:

### **65—Display of information relating to charges for hiring taxis**

The relevant person for a taxi must ensure that the legal charges that may be demanded or recovered for the hiring of the taxi are displayed in the taxi in a manner approved by the Minister together with other information (whether or not relating to charges) that the Minister determines should be displayed in the public interest.

Maximum penalty: \$750.

Expiation fee: \$105.

## **10—Variation of regulation 68—Duty to accept or continue hiring**

- (1) Regulation 68(3)(b)—delete "fare" and substitute:  
legal charge
- (2) Regulation 68(6)—delete subregulation (6) and substitute:
  - (6) A driver may, instead of taking action under subregulation (4) in a circumstance where the driver believes that the legal charge for the hiring of the taxi will not be paid, require the passenger to pay a deposit, or the estimated charge, in advance.

## 11—Insertion of regulations 150D, 150E, 150F, 150G and 150H

After regulation 150C insert:

### **150D—Records to be kept by relevant providers during assessment periods**

For the purposes of Schedule 2 clause 4(2)(a) of the Act, the following records must be kept by a person who is a relevant provider during an assessment period:

- (a) in the case of a relevant provider who is the operator of a booking service—
  - (i) the total number of point to point transport service journeys booked by the relevant provider that commenced in the Adelaide Metropolitan area; and
  - (ii) the registration number and licence number (if any) of each vehicle that provided point to point transport services in consequence of bookings made by the relevant provider; and
  - (iii) the total number of requests for bookings for point to point transport services that were received by the relevant provider; and
  - (iv) the total number of bookings for point to point transport services that were completed by the relevant provider; and
  - (v) the total number of journeys completed by vehicles that provided point to point transport services in consequence of bookings made by the relevant provider; and
  - (vi) in the case of the operator of a booking service for taxis—the total number of taxi-meter activations made in consequence of bookings for point to point transport services taken by the relevant provider; and
  - (vii) in relation to journeys completed by vehicles that provided a point to point transport service in consequence of bookings made by the relevant provider—information about the place of departure, destination and route of such journeys;
- (b) in the case of a relevant provider who is not the operator of a booking service—
  - (i) the total number of point to point transport service journeys provided by the relevant provider that commenced in the Adelaide Metropolitan area; and

- (ii) the registration number and licence number (if any) of each vehicle used by the relevant provider to provide a point to point transport service; and
- (iii) the total number of journeys completed by vehicles used by the relevant provider to provide a point to point transport service; and
- (iv) in relation to journeys completed by vehicles used by the relevant provider to provide a point to point transport service—information about the place of departure, destinations and routes of such journeys.

### **150E—Preparation and lodgment of returns by relevant providers**

A person who is a relevant provider during an assessment period must—

- (a) prepare a return, in a form determined by the Minister, that contains such information as is necessary for an accurate assessment of the person's liability to the levy for that assessment period; and
- (b) lodge the return with the Minister within 14 days after the end of that assessment period.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **150F—Exemptions from point to point transport service transaction levy**

- (1) On application by a relevant provider, the Minister may, by notice given to the relevant provider, exempt the relevant provider from liability to the whole or part of the levy for a specified period if the Minister is satisfied that—
  - (a) the relevant provider has previously made an overpayment of the levy; or
  - (b) it is not possible for the relevant provider to produce, or it would be unfair or unreasonable to require that the relevant provider produce, such records as may be required for the correct assessment of the levy to which the relevant provider is liable.
- (2) On application by a relevant provider, the Minister may, by notice given to the relevant provider, exempt the relevant provider from liability to the whole or part of the levy if satisfied that—
  - (a) the relevant provider has made all reasonable attempts to collect the levy from persons using point to point transport services; and
  - (b) further attempts by the relevant provider to collect the levy from such persons are likely to be unsuccessful.

### **150G—Calculation of levy payable on estimated basis**

For the purposes of Schedule 2 clause 2(6) of the Act, the amount of the levy payable to the Minister by a relevant provider for an assessment period may be calculated on an estimated basis as if the number of actual point to point transport service transactions engaged in by the relevant provider during the assessment period was equal to the average number of such transactions engaged in by all relevant providers during that assessment period (disregarding any other relevant provider in relation to whom clause 2(6) is being applied for the purposes of determining the levy payable for that assessment period).

### **150H—Interest payable on default of payment of point to point transport service transaction levy**

- (1) Subject to subregulation (4), if a person fails to pay a levy as required under Schedule 2 clause 2 of the Act, interest is payable on the amount of levy unpaid calculated on a daily basis from the end of the last day for payment until the day it is paid.
- (2) The rate at which interest which is payable under subregulation (1) is the rate determined by the Minister from time to time by notice in the Gazette.
- (3) The Minister must, in making a determination under subregulation (2), have regard to the cash rate published by the Reserve Bank of Australia in the calendar month immediately preceding the month in which the determination is made.
- (4) If the amount of interest payable for the time being in respect of a default in payment of a levy would, apart from this regulation, be less than \$20, no interest is payable in respect of that default.

## **12—Variation of Schedule 3—Maximum fares (metropolitan taxis)**

Schedule 3, clause 1(3)—delete subclause (3) and substitute:

- (3) For a journey by metropolitan taxi within Metropolitan Adelaide, and for a journey that begins and ends in Metropolitan Adelaide, that is—
  - (a) between the hours of 12.01 am and 5.59 am on a Saturday or public holiday; or
  - (b) on a day during a declared period,

the fare calculated in accordance with this clause may include an additional amount of \$2.

#### **Note—**

All Sundays are public holidays under the *Holidays Act 1910*.

#### **Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 28 March 2017

No 27 of 2017

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