

## TABLING NOTE FOR SUBORDINATE LEGISLATION

## SUBORDINATE LEGISLATION NO. 33 OF 2016

**COMMERCIAL PASSENGER VEHICLE LEGISLATION AMENDMENT  
REGULATIONS 2016****Purpose**

To cap the electronic payment surcharge for all commercial passenger vehicles to 5 %.

To allow taxi drivers the discretion to request prepayment of taxi fares in accordance with a government-issued schedule between the hours of 10PM and 5AM, on Friday and Saturday nights.

To reduce red tape for industry through clarification and repeal of redundant or duplicated regulations.

**Summary of key provisions**

The regulations amend a number of other regulations including the *Taxis Regulations*, *Motor Omnibus Regulations*, *Passenger Bus Regulations*, and *Commercial Passenger (Miscellaneous) Regulations*.

The offence for using a payment terminal in a commercial passenger vehicle to charge a surcharge in excess of 5 percent of a fare is at clause 8, and amends the *Commercial Passenger (Miscellaneous) Regulations* as it applies to all categories of commercial passenger vehicles. The offence covers drivers, operators and persons who administer the system under which the payment terminal is programmed (i.e. Cabcharge and Cabfare).

The maximum penalty is 25 penalty units. There is provision for the offences to be dealt with through infringement notices, with penalties of 2 penalty units for an individual and 10 penalty units for a body corporate.

The prepayment scheme at clause 24 pertains to taxis only, and is therefore an amendment to the *Taxis Regulations*. The scheme creates a number of offences with a maximum penalty of 25 penalty units (equivalent to \$38 500) including:

- driver failing to provide hirer a receipt for the deposit;
- driver failing to refund the excess paid for the hiring (where the deposit exceeds the fare);
- hirer failing to pay the driver the balance outstanding for hiring where the fare exceeds the estimate; and
- driver must not require prepayment from a person using the Taxi Subsidy Scheme.

**Legislative Authority**

Section 87(k) of the *Commercial Passenger (Road) Transport Act*; and  
Section 138 of the *Motor Vehicles Act*.