

1990 - No. 429

PASSENGER TRANSPORT ACT 1990 - REGULATION

(Passenger Transport Regulation 1990)

NEW SOUTH WALES



[Published in Gazette No. 82 of 29 June 1990]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Passenger Transport Act 1990, has been pleased to make the Regulation set forth hereunder.

B. G. BAIRD
Minister for Transport.

PART 1 - PRELIMINARY

Citation

1. This Regulation may be cited as the Passenger Transport Regulation 1990.

Commencement

2. This Regulation commences on 14 July 1990.

Definitions

3. In this Regulation:

"authorised fare", in relation to the hiring of a taxi-cab, means the amount charged for the hiring in accordance with the conditions of the licence for the vehicle or (where the conditions of the licence do not provide for the fare to be charged) in accordance with the provisions of clause 55 (4);

"sell" includes any of the following:

- (a) barter or exchange;
- (b) agree to sell, barter or exchange;
- (c) offer or expose for sale, barter or exchange;
- (d) have in possession for sale, barter or exchange;
- (e) cause to be sold, bartered, exchanged, offered for sale or exposed for sale; and
- (f) attempt to sell, barter, exchange, offer for sale or expose for sale.

"stand" means a stopping place or stand appointed under this Regulation;

"the Act" means the Passenger Transport Act 1990;

"ticket" means a passenger ticket or pass issued by or on behalf of an accredited service operator for travel on a public passenger service;

"wharf" means any wharf, jetty, pontoon or other structure used for the berthing or mooring of a ferry, and includes any adjacent land vested in, or under the control of, the State Transit Authority or the owner of the wharf.

PART 2 - OPERATORS AND DRIVERS

Retention of books and records in relation to the operation of a public passenger vehicle

4. Every person who is or has been an accredited service operator must retain any record required to be kept by the person under the Act or this Regulation for a period of not less than 2 years after the date of the last entry in it, and must on demand by any police officer or authorised officer produce it for inspection and must, if required by the Director-General in writing to do so, deliver it to the Director-General when required.

Maximum penalty: 5 penalty units.

Records of drivers

5. An accredited service operator must:

- (a) before permitting any person to drive a public passenger vehicle to which the operator's accreditation relates, ensure that the driver is authorised under Division 2 of Part 2 of the Act to drive

the vehicle and holds a driver's licence of the appropriate class under the Traffic Act 1909; and

- (b) record the full name and place of residence of any person who drives a vehicle to which the accreditation relates and the dates and times at which the vehicle was driven by the person; and
- (c) ensure that records for the purposes of paragraph (b) are kept up-to-date.

Maximum penalty: 5 penalty units.

Third party property insurance

6. (1) An accredited service operator must maintain a policy of insurance providing cover of at least \$200,000 against liability in respect of damage to property caused by or arising out of the use of each public passenger vehicle operated.

(2) Such a policy of insurance must be maintained with the Government Insurance Office or any corporation authorised under the Insurance Act 1973 of the Commonwealth to carry on insurance business.

Maximum penalty: 5 penalty units.

Categories of driver authorities

7. (1) For the purposes of section 11 of the Act, the following categories of driver authorities are created:

- (a) suitable to drive buses, except those providing long-distance or tourist services;
- (b) suitable to drive buses providing long-distance and tourist services;
- (c) suitable to drive taxi-cabs;
- (d) suitable to drive private hire vehicles;
- (e) suitable to drive other public passenger vehicles.

(2) A driver may be issued with an authority which is valid for any of the above categories or for any combination of them.

Fees

8. The fees for an application for the granting of a credential under Part 2 of the Act are as follows:

- (a) for operator accreditation - \$100;
- (b) for driver authorisation - \$20.

Taxi driver authority

9. (1) The Director-General may issue to a person who is authorised to drive a taxi-cab an authority in the form of a card (to be called an "authority card") displaying:

- (a) a photograph of that person supplied by that person; and
- (b) a number allocated by the Director-General as that person's authority number; and
- (c) any other information that the Director-General considers necessary.

(2) A driver issued with an authority card must not stand or drive on a public street a taxi-cab which is hired or is available for hire unless the card is:

- (a) contained in a holder approved by the Director-General and firmly affixed to the interior of the taxi-cab; and
- (b) displayed so that all matters on the face of the card can be conveniently seen and read, as may be appropriate, by any passenger or hirer in the vehicle.

(3) The licensee of a taxi-cab must not fail to take all reasonable precautions to prevent the taxi-cab from standing or being driven on a public street in contravention of this clause.

(4) A person must not:

- (a) stand or drive or cause or permit to stand or be driven on a public street any taxi-cab in which is displayed an authority card which:
 - (i) has been altered, mutilated or defaced in any manner; or
 - (ii) was issued in respect of any other person; or
 - (iii) contains any incorrect particulars; or
- (b) alter or deface an authority card; or
- (c) lend or (except as provided by this Regulation) part with an authority card.

Maximum penalty: 2 penalty units.

PART 3 - PUBLIC PASSENGER SERVICES

Tickets

10. (1) A person must not sell a ticket for a public passenger service unless authorised to do so by the operator of that service.

(2) A person who is issued with a ticket must not transfer the ticket to another person unless:

- (a) the ticket was purchased on behalf of that other person; or
- (b) the transfer is authorised by the relevant operator.

(3) An operator may issue a ticket for the purposes of travel on a bus or ferry subject to conditions or limitations as to the period during which, or the journey for which, the ticket is valid.

(4) A condition or limitation referred to in subclause (3) may be notified by a sign at or near the point of issue of the ticket or by printing on the ticket.

(5) A condition or limitation notified in accordance with subclause (4) is to be taken to have been properly and effectively brought to the notice of a person who buys a ticket and a person who travels in a public passenger vehicle.

(6) The holder of a ticket must, as directed by signs displayed by the relevant operator or at the request of an authorised officer, surrender the ticket at the end of the journey or period for which the ticket was issued.

(7) The holder of a ticket must, at the request of an authorised officer, make the ticket available for inspection or other dealing by the authorised officer.

(8) A person must not alter or deface a ticket or make a ticket illegible (or, in the case of a ticket with a magnetic strip, inoperative).

Maximum penalty: 2 penalty units.

Appointment of stopping places and stands

11. (1) The Director-General may appoint stopping places for buses, to be indicated by signs erected or displayed with the approval of the Roads and Traffic Authority and on which the words "Bus Stop", "Bus Stand" or "Bus Zone", or some suitable pictorial representation, appear.

(2) The Director-General may appoint stands for public passenger vehicles to be indicated by signs erected or displayed with the approval of the Roads and Traffic Authority and specifying the class or classes of public passenger vehicles which may use those stands.

(3) An operator of a bus service may appoint stopping places for buses, but only in accordance with a prior written approval of the Roads and Traffic Authority.

(4) Where times are specified on a sign referred to in this clause, the sign operates only during those times, but where no times are so specified the sign operates at all times.

Stand otherwise than at a stand

12. The driver of a public passenger vehicle on any public street must not permit the vehicle to stand at any place other than a stand, except as follows:

- (a) while loading or unloading luggage or goods or taking up or setting down passengers;
- (b) by the direction or with the consent of a police officer;
- (c) while hired;
- (d) while not being used, or intended to be used, at that time for the conveyance of passengers.

Maximum penalty: 2 penalty units.

Timetables

13. (1) The operator of a long-distance service must ensure that the timetable for the service can reasonably be met without any need for the vehicle to break the speed limit as established by the Roads and Traffic Authority for any part of the service.

(2) The operator of a long-distance service must, on request by the Director-General, provide a copy of the timetable for the service, in order that the timetable may be checked to ensure that it complies with this clause.

Maximum penalty: 5 penalty units.

School bus services

14. For the purposes of section 18 (5) of the Act, the holder of a non-commercial contract for school bus services is entitled to a contract for a 5 year period, provided that the Director-General is satisfied that:

- (a) the holder's performance under the contract is satisfactory and
- (b) the contract price is fixed at no more than the average rate of renumeration for comparable services in New South Wales.

Condition of public passenger vehicles

15. (1) The driver of a taxi-cab or private hire vehicle must not drive the vehicle unless it is clean and tidy.

(2) The operator of a bus or ferry service must not allow a bus or ferry to be used in the service unless it is clean and tidy.

Maximum penalty: 1 penalty unit.

PART 4 - RIGHTS AND OBLIGATIONS OF PASSENGERS AND DRIVERS

Smoking

16. (1) A person must not smoke tobacco or any other substance:

- (a) in any bus; or
- (b) in any other public passenger vehicle, or part of a vehicle, in which smoking is prohibited by signs displayed in the vehicle or part of the vehicle.

(2) The operator of a bus service must cause signs to be displayed in the bus indicating that smoking is prohibited in it.

Maximum penalty: 2 penalty units.

Eating and drinking

17. (1) A person must not eat or drink in any taxi-cab.

(2) A person must not eat or drink in any public passenger vehicle (other than a taxi-cab) in which eating and drinking is prohibited by signs displayed in the vehicle.

(3) Nothing in this clause prohibits a person from eating or drinking in a public passenger vehicle for medical reasons.

Maximum penalty: 2 penalty units.

Persons wearing soiled clothing

18. (1) If, in the opinion of the driver of a public passenger vehicle or an authorised officer, a person's clothing or luggage (or any other thing on or carried by the person) may:

(a) soil or damage:

- (i) a public passenger vehicle or a wharf; or
- (ii) the clothing or luggage of any other passenger; or

(b) cause annoyance to any other passenger,

the driver or authorised officer may direct the person not to enter, or to leave, the public passenger vehicle or wharf.

(2) A person must not fail to comply with such a direction.

Maximum penalty 2 penalty units.

Passengers who are intoxicated

19. (1) If, in the opinion of a driver or an authorised officer, a person is under the influence of alcohol or any other drug and is causing, or is likely to cause, a nuisance or annoyance to other passengers, the driver or authorised officer may direct the person not to enter, or to leave, any public passenger vehicle or wharf.

(2) A person must not fail to comply with such a direction.

Maximum penalty: 2 penalty units.

Carriage of bulky matter or animals prohibited

20. (1) The driver of a public passenger vehicle on any public street must not permit any person to place or carry on the vehicle any article which is of such size or has such dimensions that it cannot be accommodated in or on the vehicle without inconvenience to any other person.

Maximum penalty: 1 penalty unit.

(2) The driver of a public passenger vehicle on any public street must not permit any person to place or carry on the vehicle any dog, cat, bird or other animal.

Maximum penalty: 1 penalty unit.

(3) Subclause (2) does not apply to a dog or other animal:

- (a) accompanying a person who is physically impaired; and
- (b) that is specifically trained to give assistance to the person in relation to that impairment.

Consumption of liquor on public passenger vehicles or wharves

21. A person must not consume any alcohol in or on a public passenger vehicle or wharf unless:

- (a) the person has the prior permission in writing of the operator to do so; or
- (b) the person does so in an area of the public passenger vehicle or wharf provided for the purpose by that operator; or
- (c) the intoxicating liquor is supplied by or with the permission of that operator.

Maximum penalty: 2 penalty units.

Spitting etc.

22. A person must not, in or on a public passenger vehicle or wharf, spit, urinate or defecate except in toilet facilities provided for that purpose.

Maximum penalty: 2 penalty units.

Seats

23. (1) A person must not, without reasonable excuse, prevent another person from occupying a seat in or on any public passenger vehicle or wharf by placing any goods of any kind on the seat and refusing to move the goods when requested.

(2) An operator may, by appropriate notices, set aside seating in a bus or ferry for persons who are aged or disabled.

(3) A person who is not aged and not disabled must not continue to occupy a seat set aside for the aged or disabled if an aged or disabled person, having need of the seat, asks the person to vacate it.

Maximum penalty: 1 penalty unit.

Feet on seats

24. A person in or on a public passenger vehicle or wharf must not place his or her foot or feet on a seat or part of a seat.

Maximum penalty: 1 penalty unit.

Causing discomfort

25. A person must not, while in or on any public passenger vehicle or wharf, interfere with the comfort or safety of any other person in or on the public passenger vehicle or wharf.

Maximum penalty: 1 penalty unit.

Skateboards etc.

26. A person must not ride or operate any skateboard, skates, bicycle or other vehicle in or on a public passenger vehicle or wharf.

Maximum penalty: 1 penalty unit.

Throwing objects

27. A person must not throw any object or thing at or from a public passenger vehicle or wharf.

Maximum penalty: 2 penalty units.

Litter

28. A person must not deposit in or on any public passenger vehicle or wharf:

(a) any litter (otherwise than in a receptacle provided for that purpose); or

(b) any article or thing that may endanger any person or property.

Maximum penalty: 2 penalty units.

Graffiti and vandalism

29. A person must not:

(a) write, draw or affix any word, representation, character or poster on or to; or

(b) damage or deface,

any public passenger vehicle or a wharf or any part of a public passenger vehicle or wharf without the written permission of the operator of the vehicle or wharf.

Maximum penalty: 5 penalty units.

Commercial activities

30. (1) A person must not, except as authorised by the relevant operator:

- (a) sell or hire, or offer or expose for hire, any articles or goods of any kind; or
- (b) distribute handbills to, or solicit money from, any other person; or
- (c) play or perform on any musical instrument, in or on any public passenger vehicle or wharf.

(2) A person must not solicit for custom, hire or employment of any kind in or on any public passenger vehicle or wharf.

Maximum penalty: 2 penalty units.

Riding on steps etc. of buses

31. A person must not ride on the front or rear platform, step, stairway, roof or other part of a bus not set apart or intended for the conveyance of passengers.

Maximum penalty: 1 penalty unit.

Leaving public passenger vehicle or wharf when directed

32. (1) If, in the opinion of the driver of a public passenger vehicle or an authorised officer, a person is contravening this Regulation on a public passenger vehicle or wharf, the driver or authorised officer may direct the person to leave the public passenger vehicle or wharf as soon as practicable.

(2) A person must not fail to comply with such a direction.

Maximum penalty: 2 penalty units.

(3) A person who fails to comply with a direction under this clause to leave a bus, ferry or wharf (or any other direction lawfully given under this Regulation to leave a bus, ferry or wharf) may be removed from the bus, ferry or wharf by the driver of the vehicle or by an authorised officer.

Fares

33. (1) A passenger in a bus or ferry must pay the required fare on demand by the driver of the bus or a person collecting fares on the ferry.

(2) For the purposes of this Regulation, any child under the age of 5 years carried on the lap of a passenger is not to be taken to be a passenger, but no passenger may carry more than 1 such child on his or her lap without paying a fare for each additional child.

(3) The driver of a bus, or any person collecting fares on a ferry, must not demand any fare in excess of the fare for the journey or section of the journey on which the bus or ferry is proceeding.

(4) The driver of a bus, or any person collecting fares on a ferry, must, on receiving money of a greater value than the amount of the fare, hand to the passenger immediately (or where this is not practicable, before the completion of that passenger's journey) the correct change.

(5) A person who does any of the following is guilty of an offence:

- (a) without reasonable excuse, travels or attempts to travel on a bus or ferry without paying the fare, or without producing a ticket, when duly required to do so;
- (b) knowingly and without reasonable excuse, fails to leave a bus or ferry on arriving at the point to which he or she has paid the fare or to which the ticket applies;
- (c) knowingly uses a ticket which the person is not entitled to use or which is no longer valid to travel or attempt to travel on a bus or ferry.

Maximum penalty: 2 penalty units.

Conveyance of passengers

34. (1) When any passenger in a bus indicates to the driver his or her desire to leave the bus, or when any person indicates to the driver his or her desire to become a passenger in the bus, the driver must allow the passenger to leave or the intending passenger to enter and be conveyed in the bus:

- (a) by immediately bringing the bus to a standstill close to and parallel with the footpath; or

- (b) in the case of a bus operating along any route or portion of a route where stopping places for buses are indicated by signs or notices, by bringing the bus to a standstill at the next such stopping place.

Maximum penalty: 2 penalty units.

(2) It is not an offence for the driver of a bus to refuse to carry an intending passenger if:

- (a) the bus is already conveying the maximum number of passengers it may lawfully carry; or
- (b) the intending passenger is a person referred to in clause 18 or 19 or if the admission of the intending passenger would contravene clause 20.

(3) It is not an offence for a driver of a bus to refuse to allow a passenger to leave the bus before the first bus stop displayed on the bus as the first set down for passengers on the journey concerned.

Offensive behaviour or language

35. (1) A person must not, in or on a public passenger vehicle or wharf:

- (a) conduct himself or herself in an offensive manner; or
- (b) use any offensive language.

Maximum penalty: 2 penalty units.

(2) It is a sufficient defence to a prosecution for an offence under this clause if the defendant satisfies the court that the defendant had a reasonable excuse for conducting himself or herself in the manner alleged in the information for the offence.

Drivers of buses on regular passenger services

36. The driver of a bus or ferry on a regular passenger service must drive the bus or ferry in accordance with the timetable and the route for the service as identified and published by the operator of the service.

Maximum penalty: 2 penalty units.

Behaviour of drivers

37. The driver of a public passenger vehicle on a public street must not do any of the following:

- (a) smoke while the vehicle is conveying any passenger;
- (b) solicit for passengers or for a hiring;
- (c) move the vehicle while the doors are open;
- (d) negligently or wilfully start or cause the vehicle to be started so that any passenger or intending passenger in or on it or entering or alighting from it is subjected to the risk of injury.

Maximum penalty: 2 penalty units.

Driver to remain in vehicle

38. The driver of a public passenger vehicle on a public street must not, without reasonable excuse, leave the driving seat of the vehicle.

Maximum penalty: 2 penalty units.

Dress and conduct of drivers

39. A driver of a public passenger vehicle on a public street must not fail to do the following:

- (a) be clean and tidy and wear clean and respectable clothes;
- (b) behave in an orderly manner and with civility and propriety towards any passenger, intending passenger or authorised officer;
- (c) comply with every reasonable requirement of any passenger.

Maximum penalty: 2 penalty units.

PART 5 - SPECIAL PROVISIONS RELATING TO FERRIES

Definition

40. In this Part:

"authorised officer" includes any person authorised by the State Transit Authority for the purposes of this Part.

Sitting on side rails of ferries

41. A person must not sit or stand on the side rails of a ferry.

Maximum penalty: 1 penalty unit.

Certain persons not permitted on wharves

42. (1) A person, other than an authorised officer, must not remain on a wharf unless the person intends to undertake a journey on a ferry or to meet someone disembarking at the wharf or has some other reasonable excuse.

(2) A person, other than an authorised officer, must not remain on a wharf contrary to any sign erected by or with the approval of the State Transit Authority or the Director-General at or near the entrance to the wharf.

Maximum penalty: 2 penalty units.

Embarking and disembarking

43. (1) A person must not embark on, or disembark from, a ferry while the ferry is not moored at a wharf.

(2) A person must not embark on, or disembark from, a ferry except at a place and by a means provided by the operator of the ferry service unless:

- (a) the person has been instructed to do so by an authorised officer; or
- (b) the person is an authorised officer acting in the normal execution of his or her duties; or
- (c) the person does so in any other case with reasonable excuse.

Maximum penalty: 2 penalty units.

No entry to certain areas of ferries

44. A person must not, except with the permission of an authorised person, enter or attempt to enter the wheelhouse or engine room of a ferry or any other part of a ferry in or near which a sign bearing the words "Crew Only", or words to that effect, is displayed.

Maximum penalty: 2 penalty units.

Vessels berthing at wharves

45. A person who has the command, control or charge of a vessel (not being a ferry) must not, except with the permission of the State Transit Authority, berth the vessel at, or land any person or goods at, any wharf under the control of the Authority, unless the person has a reasonable excuse for doing so.

Maximum penalty: 2 penalty units.

Obstruction of ferries

46. A person must not, without reasonable excuse, obstruct the approaches to a wharf or otherwise impede the approach to, or departure from, a wharf by a ferry.

Maximum penalty: 2 penalty units.

PART 6 - SPECIAL PROVISIONS RELATING TO TAXI-CABS AND PRIVATE HIRE VEHICLES

Return of licences

47. The holder of a licence for a taxi or a private hire vehicle must immediately on notice of the cancellation or suspension of the licence, or on the expiration of the licence, deliver it or cause it to be delivered to the Director-General.

Maximum penalty: 2 penalty units.

Alteration of a taxi-cab or private hire vehicle

48. When a taxi-cab or private hire vehicle is altered in respect of any particulars inserted in the licence, the licensee must, before the vehicle is driven on any public street, give to the Director-General in writing full particulars of the alteration.

Maximum penalty: 2 penalty units.

Stand-by taxi-cabs

49. (1) The person who operates a stand-by taxi-cab must maintain a record of the operation of the stand-by taxi-cab in a form approved by the Director-General.

Maximum penalty: 2 penalty units.

(2) While a stand-by taxi-cab is operating as such, there must be displayed on it a sign with the words "STAND-BY TAXI" being clearly visible from the front of the vehicle.

(3) A motor vehicle that is operated as a stand-by taxi-cab must, at the time of its last registration under the Traffic Act 1909, have complied with any standards for the time being applied by the Roads and Traffic Authority for the registration of vehicles intended to be used as taxi-cabs.

(4) The requirements of subclauses (2) and (3) are prescribed for the purposes of section 40 (2) of the Act.

Information in taxi-cabs

50. The driver of a taxi-cab must not drive a taxi-cab or allow it to stand on a public street unless it displays, in a manner and form approved by the Director-General, the following:

- (a) a summary of the rights and obligations of the hirer of the taxi-cab;
- (b) the fares and charges on which the authorised fare for a hiring of the taxi-cab is calculated;
- (c) the maximum number of passengers that may be carried in the taxi-cab;
- (d) the registration number of the taxi-cab; and
- (e) the authority card (within the meaning of clause 9) issued to that driver.

Maximum penalty 2 penalty units.

Signs and lights on taxi-cabs

51. (1) A taxi-cab which is available for hire on a public street must be fitted with a roof sign:

- (a) made of opaque plastic or another substance approved by the Director-General; and
- (b) enclosing a lamp capable of showing a white light; and
- (c) displaying the word "Taxi" on the front and back of the sign in block letters at least 70 mm high.

(2) Such a roof sign must have positioned on its top an amber lamp the light from which is capable of being clearly seen in daylight at a distance of 40 m.

(3) In the case of a taxi-cab fitted with a taximeter, the lamp enclosed by the roof sign and the amber lamp must each be wired to the taximeter so that:

- (a) when the taxi-cab is engaged or not for hire, both the roof sign lamp and the amber lamp will be extinguished; and

(b) when the taxi-cab is available for hire, both the roof sign lamp and the amber lamp will be illuminated.

(4) In the case of a taxi-cab which is not fitted with a taximeter, the roof sign lamp and amber lamp must each be operated so that:

(a) when the taxi-cab is engaged or not for hire, both the roof sign lamp and the amber lamp will be extinguished; and

(b) when the taxi-cab is available for hire, both the roof sign lamp and the amber lamp will be illuminated.

(5) Except as permitted by this Regulation, a taxi-cab must not display any word, letter or sign which indicates that it is available for hire.

Maximum penalty: 2 penalty units.

Maximum age of taxi-cabs and private hire vehicles

52. (1) For the purposes of this clause, the age of a vehicle is to be measured from 6 months after the date on which a compliance plate was fitted to the vehicle in accordance with clause 4A of the Motor Traffic Regulations 1935.

(2) A person must not operate a vehicle as a taxi-cab if the vehicle is more than 6 years old.

(3) The Director-General may grant written approval to extend the period referred to in subclause (2), or may in writing exempt an operator or class of operators from the operation of that subclause.

(4) Until 1 June 1992, subclause (2) does not apply to vehicles that were registered as taxi-cabs immediately before the commencement of this clause.

(5) The operator of a private hire vehicle must not operate a vehicle that is older than the maximum age specified, in a notice published in the Gazette by the Director-General for the purposes of this clause, with respect to motor vehicles of the same make and model as the vehicle concerned.

(6) An approval, exemption or notice under this clause may be revoked or varied by the Director-General in the same manner as it was granted or given.

Maximum penalty: 5 penalty units.

Taxi-meters

53. (1) The operator of a taxi-cab must not allow the taxi-cab to be driven or to stand on a public street unless the vehicle is fitted with a taxi-meter which complies with the guidelines for taxi-meters published by the Director-General.

(2) The Director-General may by instrument in writing exempt a taxi-cab from the provisions of subclause (1) and may in the same manner vary or revoke any such exemption at any time.

(3) Where any such exemption is granted, the licence for the taxi-cab is to be endorsed accordingly.

(4) A person must not interfere with, or permit any interference with, a taxi-meter fitted to a taxi-cab or any portion of the mechanism controlling the taxi-meter so as to prevent the proper working of the taxi-meter.

Maximum Penalty: 5 penalty units.

Operation of meter by taxi-cab driver

54. (1) The driver of a taxi-cab to which a taxi-meter is affixed:

- (a) must not set the taxi-meter in motion before the taxi-cab is hired; and
- (b) as soon as the taxi-cab is hired, must set the taxi-meter in motion; and
- (c) during any hiring, must keep the taxi-meter in motion; and
- (d) during any hiring, must stop the taxi-meter for as long as may be necessary to prevent it from registering a charge for any period during which the vehicle is delayed for a reason mentioned in clause 55 (5); and
- (e) immediately on the termination of any hiring, must operate the taxi-meter so that the fare indicators return to zero or the taxi-meter registers only the amount authorised to be charged for the hiring charge.

(2) Before receiving payment in respect of any hiring (not being a contract hiring), the driver of a taxi-cab to which a taxi-meter is affixed:

- (a) must cause the amount recorded on the taxi-meter to be displayed so that it may be easily read by the hirer (and, where necessary for that purpose, must cause the face of the taxi-meter to be illuminated); and

(b) must state the amount of any extra charge for luggage, goods, tolls or ferry charges.

Maximum penalty: 2 penalty units.

Fares for taxi-cabs and private hire vehicles

55. (1) The driver of a taxi-cab must not demand more than the authorised fare for any hiring of the taxi-cab, except in respect of any portion of a journey travelled beyond the area within which the taxi-cab may lawfully ply for hire.

(2) The hirer of a taxi-cab must, on demand after the termination of the hiring, pay the authorised fare for the hiring.

(3) On receiving money of greater value than the amount of the authorised fare for any hiring of a taxi-cab, the driver must immediately hand to the person tendering the money the correct and proper change.

(4) If the conditions of the licence for a taxi-cab do not specify the fares and charges for any hiring of the vehicle, the driver of the vehicle:

(a) must, prior to any hiring, notify the prospective hirer of the amount that will be charged for the hiring, including any charge for the conveyance of luggage or goods; and

(b) must not demand for the hiring more than the amount so notified or, if a lesser amount is agreed on between the hirer and the owner or driver of the vehicle, more than that lesser amount.

(5) The driver of a taxi-cab or private hire vehicle must not demand the amount of a charge made for any period during which the vehicle is delayed:

(a) because of any shortage of fuel or any accident to the tyres, mechanism or any other portion of the vehicle; or

(b) from any cause which it is in the power of the driver to prevent.

(6) If a passenger soils a taxi-cab in such a manner that it would cause a driver to contravene clause 15, the driver of the taxi-cab is entitled to collect a cleaning fee equivalent to one hour of the waiting time fee specified in the conditions document of the taxi-cab licence.

Maximum penalty: 2 penalty units.

Journey by taxi-cab to a picking-up point

56. (1) If a taxi-cab travels to a specified place to convey a hirer or the hirer's luggage or goods from that place, the following provisions apply:

- (a) the driver must, on arrival at the specified place, advise the hirer personally of such arrival or arrange for the hirer to be advised by telephone of the actual or imminent arrival of the taxi-cab at that place;
- (b) the hiring is to be regarded as commencing at the time the taxi-cab has arrived at the specified place and the hirer has been advised of its arrival, or at the time appointed for the arrival of the taxi-cab at the specified place, whichever of those times is the later;
- (c) if a taxi-meter is affixed to the taxi-cab, the driver must set the taxi-meter in operation at the time the hiring commences;
- (d) if the fares and charges specified in the conditions of the licence for the taxi-cab include a booking fee, the booking fee is payable.

Maximum penalty: 2 penalty units.

(2) Nothing in this clause requires the driver of a taxi-cab to comply with the request of a person to travel to another place to pick up a passenger, luggage or goods unless that person agrees to commence the hiring immediately.

(3) While a taxi-cab is travelling to a specified place as referred to in subclause (1), the taxi-cab is to be taken for the purposes of clause 51 to be not hired and not available for hire.

Driver of taxi-cab to accept and carry out hiring

57. (1) The driver of a taxi-cab which is on a public street and available for hire must accept a hiring immediately when offered.

(2) The driver of a taxi-cab

- (a) must not refuse or fail to carry out punctually any hiring accepted; and
- (b) must drive the vehicle by the shortest practicable route to any place specified by the hirer, unless the hirer requests that the vehicle be driven to that place by some other route; and

- (c) may refuse to carry any person who cannot satisfy the driver that he or she is able to pay the estimated fare.

(3) Nothing in this clause requires a driver to accept a hiring in circumstances where this Regulation prohibits the driver from doing so or expressly permits the driver to decline to do so.

Maximum penalty 2 penalty units.

Display of destination sign on taxi-cab at end of driving shift

58. (1) A taxi-cab which is available for hire may, in addition to any other device, word, letter or sign required or permitted by this Regulation, display a sign approved by the Director-General showing the name of the locality to which the driver is proceeding for the purpose of terminating a driving shift.

(2) Such a sign:

- (a) may be displayed only when the driver is proceeding between the hours of 2 p.m. and 4 p.m. in the general direction of the locality shown on the sign for the purpose of terminating a driving shift; and
- (b) must be so affixed that the name shown on it is clearly visible and legible from the front of the vehicle.

(3) The driver on affixing any such sign to the taxi-cab must immediately proceed in the general direction of the locality shown on the sign and must remove the sign when the vehicle is hired or on arrival at the place in that locality or at 4 p.m., whichever is the sooner.

(4) While proceeding as referred to in subclause (3), the driver is not bound to accept a hiring unless the hirer specifies, as his or her destination, a place that is at or near, or that may be reached on the way to, the locality shown on the sign.

Driver waiting or instructed to return

59. (1) If the hirer of a taxi-cab requests the driver to wait, the driver must wait for a period not exceeding 15 minutes, unless a shorter or longer period is agreed on, in which case the driver must wait for the period agreed.

Maximum penalty 2 penalty units.

(2) On arriving at a point at which the hirer requests the driver to wait, the driver may refuse to wait unless the hirer pays the authorised fare to that point and the authorised fare for waiting time.

(3) The driver of a taxi-cab, on being discharged at any place and instructed to return, may claim the authorised fare to the time of discharge and is not obliged to accept the hiring to return.

(4) Nothing in this clause requires the driver of a taxi-cab to wait at any place contrary to the provisions of any law relating to the standing or waiting of motor vehicles.

Carriage of luggage and goods

60. (1) The driver of a taxi-cab or private hire vehicle must, when requested by a hirer, convey in or on the vehicle any luggage or goods.

(2) The driver of a taxi-cab or private hire vehicle must not:

- (a) except with the consent of the hirer, convey any luggage or goods on the roof of the vehicle;
- (b) convey in any portion of the vehicle which is provided for the accommodation of passengers, any goods (except luggage) of an aggregate weight exceeding 25 kg.

(3) The driver of a taxi-cab or private hire vehicle must afford every reasonable assistance in loading and removing luggage or goods from or to any door or entrance of any house, station, wharf or place where the hiring of the vehicle commences or terminates, as the case may be, or in the near vicinity of it, and must take due care with and of the luggage or goods.

(4) The driver of a taxi-cab or private hire vehicle removing luggage or goods must promptly deliver the luggage or goods in the condition in which he or she receives them.

(5) Nothing in this clause requires a driver to accept a hiring in circumstances where this Regulation prohibits the driver from doing so or expressly permits the driver to decline to do so.

Maximum penalty 2 penalty units.

Stands

61. (1) The driver of a taxi-cab must not place or keep a taxi-cab on a stand if the taxi-cab is hired or if it is not available for hire.

(2) Unless otherwise directed by a police officer or an authorised officer, the driver of a taxi-cab, on arriving at a stand which comprises positions for 2 or more vehicles, must place and keep the taxi-cab in the first available vacant position on the stand.

(3) If more than one taxi-cab is on a stand, the first taxi-cab on the stand has a right to the hiring unless the person hiring selects a particular taxi-cab.

(4) At any place where public passenger vehicles are congregated, a police officer may appoint temporary stands and every driver must use the stands as directed by a police officer.

Maximum penalty 2 penalty units.

Driver bound by police direction

62. (1) Despite anything to the contrary in this Regulation, the driver of a public passenger vehicle on a stand is bound to accept any hiring for the conveyance of any person or goods when requested to do so by a police officer.

Maximum penalty 2 penalty units.

(2) In the circumstances referred to in subclause (1), the police officer is liable to pay the driver, in addition to the authorised fare, reasonable compensation for any damage, injury, loss of time or other detriment consequent on the engagement.

Seat belts in taxi-cabs to be used by young children

63. (1) The driver of a taxi-cab to which seat belts have been fitted who has agreed to take a hiring may terminate the hiring if, at any time, a person:

(a) who is in the taxi-cab; and

(b) who is not less than 1 and not more than 14 years of age, is not wearing a seat belt that is properly adjusted and securely fastened.

(2) If the driver terminates a hiring under this clause, the hirer must, on demand, pay the authorised fare to the place where the hiring was terminated.

Maximum penalty 2 penalty units.

Hirer may terminate or vary hiring

64. (1) The hirer of a taxi-cab or private hire vehicle may discharge the hire at any time.

(2) Subject to this Regulation, the hirer of a taxi-cab or private hire vehicle may at any time direct the driver to carry him or her to any place, notwithstanding that place was not originally specified by the hirer, and the driver must not, without reasonable excuse, fail to comply with that direction.

Maximum penalty 2 penalty units.

Rights of hirer

65. (1) The driver of a taxi-cab or private hire vehicle must not permit any person to ride in the vehicle without the consent of the hirer.

(2) The driver of a taxi-cab must not do or suffer to be done any act or thing designed or calculated to result in any person's entering or riding in the taxi-cab in contravention of this clause.

Maximum penalty 2 penalty units.

Authorised taxi-service radio communication network

66. (1) In this clause:

"network" means a taxi-service radio communication network authorised under section 41 of the Act;

"radio unit" means a radio unit that is fitted to a taxi-cab and is capable of transmitting messages to and receiving messages from a network base.

(2) A person seeking authorisation to operate a network must satisfy the Director-General that the network:

- (a) has suitable contingency arrangements in place so that, in the event of a breakdown of the network, continuous access to radio units forming part of the network is provided; and
- (b) is capable of meeting any specified performance criteria for taxi-service radio communication networks published by the Director-General.

(3) A person must not carry on a public passenger service using a taxi-cab unless it is fitted with a radio unit that is operated as part of a network.

(4) The driver of a taxi-cab must utilise the radio unit of the taxi-cab in accordance with procedures established by the operator of the network of which the radio unit is a part and must otherwise observe the published rules of the authorised network.

Maximum penalty 2 penalty units.

PART 7 - MISCELLANEOUS

Time for lodging appeals

67. For the purposes of section 52 (6) of the Act, the prescribed time is 21 days after the intending appellant is notified of the decision against which the appeal is to be brought.

Exemptions

68. (1) The Director-General may, by instrument in writing:

- (a) exempt a person accredited under section 7 or authorised under section 11 of the Act, or a service or services carried on by a person so accredited, from all or any of the provisions of the Act or this Regulation; or
- (b) exempt a person from any requirement to be so accredited or authorised.

(2) The Director-General may, by notice published in the Gazette:

- (a) exempt a class of persons accredited under section 7 or authorised under section 11 of the Act from all or any of the provisions of the Act or this Regulation; or
- (b) by notice published in the Gazette, exempt a class of persons from any requirement to be so accredited or authorised.

(3) The Director-General may, by instrument in writing, exempt the holder of a licence for a taxi-cab or private hire vehicle from any requirement to be accredited under section 7 of the Act if the Director-General is satisfied that the licensee is of good repute and otherwise fit and proper to hold a licence.

(4) An exemption under this clause may be expressed to be conditional on the observance, by the exempted person, of certain conditions specified in the exemption and, where the exemption is given in those terms, it ceases to have effect if the conditions are not observed.

(5) Any exemption granted under this clause (and any conditions for the time being attached to the exemption) may, in the same manner as the exemption was granted, be revoked or varied by the Director-General at any time.

Credentials

69. (1) In this clause, "credential" means:

(a) any document issued by the Director-General for the purposes of evidencing the accreditation of an accredited service operator, or the authority of any driver, under Part 2 of the Act; or

(b) any licence for a taxi-cab or private hire vehicle.

(2) A person must not:

(a) alter or deface any credential;

(b) lend or part with any credential.

(3) A credential that has been altered or defaced is void.

(4) Every illegible credential must be returned to the Director-General.

(5) On the return of any such credential, or on proof to the satisfaction of the Director-General that a credential has been destroyed, stolen or lost, the Director-General may cause a duplicate of it to be issued, and any such duplicate then becomes, for all the purposes of the Act and this Regulation, the credential in respect of which the duplicate is issued, and the original credential becomes void.

Maximum penalty: 2 penalty units.

Change of address of operator or driver

70. An accredited service operator or a driver must, within 7 days after any change of address, give written notice of the fact and of the new address to the Director-General.

Maximum penalty 2 penalty units.

Lost property

71. Any article left on or found in a public passenger vehicle is to be dealt with according to directions given by the Director-General and may, if the Director-General thinks fit, be disposed of in accordance with directions given in that behalf.

Court may acquit in case of accident or unavoidable cause

72. No person is to be held guilty of a contravention of this Regulation if the court hearing the case is satisfied that the occurrence which is the subject of the case was the result of accident or could not have been avoided by any reasonable efforts on the person's part.

Service of notices

73. Any notice required to be served or given under this Regulation is sufficiently served on any person if it is:

- (a) served personally; or
- (b) left at the last known place of residence or business of the person to be served; or
- (c) sent by prepaid letter of post to the person at his or her last known place of residence or business (in which case notice is to be taken to be served on the date on which the letter would in the ordinary course of post be delivered to the place to which it is addressed).

Buses registered interstate

74. A person must not carry on a public passenger service using a bus that is not registered under the Traffic Act 1909 unless there is displayed on the bus, in a manner and form approved by the Director-General, an indication that the person is an accredited service operator.

Maximum penalty: 5 penalty units.

Security devices

75. (1) A person must not operate a public passenger service using a taxi-cab that is not fitted with a device whereby the driver can in a discreet manner notify his or her whereabouts to another person.

(2) A person must not operate a public passenger service using a vehicle that is not fitted with a security device declared by the Director-General, by order published in the Gazette, to be a mandatory security device for vehicles of that type.

Maximum penalty: 2 penalty units.

Penalty notice offences

76. (1) For the purposes of section 59 of the Act, the offences specified in Schedule 1 are declared to be penalty notice offences.

(2) The amount of penalty to be specified in a penalty notice is the amount specified in Schedule 1 opposite the offence concerned.

**SCHEDULE 1 - PRESCRIBED OFFENCES AND PENALTIES
FOR THE PURPOSES OF SECTION 59 OF THE ACT**

(Cl. 76)

PART 1 - Offences relating to passenger behaviour

<i>Offence</i>	<i>Penalty</i>
	\$
An offence arising from a contravention of any of the following clauses:	
Clause 16 (1) (a) Smoke on a bus	50
Clause 16 (1) (b) Smoke in a public passenger vehicle contrary to signs	50
Clause 17 (1) Eat or drink in a taxi	50
Clause 17 (2) Eat or drink in a public passenger vehicle contrary to sign	50
Clause 18 (2) Person with soiled clothing - fail to leave public passenger vehicle	50
Clause 19 (2) Intoxicated person - fail to leave vehicle	50
Clause 28 Consume alcohol on public passenger vehicle or wharf	50
Clause 22 Spitting etc. on a public passenger vehicle or wharf	50
Clause 23 Fail to allow a person to occupy seat	50
Clause 24 Placing feet on a seat	50
Clause 25 Interfere with the safety or comfort of another person	50
Clause 26 Riding or operating skateboard, skates etc.	50
Clause 27 Throwing object at or from a public passenger vehicle or wharf	100
Clause 28 Littering on a public passenger vehicle or wharf	50
Clause 29 (a) Place graffiti on a public passenger vehicle or wharf	50
Clause 38 Unauthorised commercial activities	50

Clause 31 Riding on steps etc. of a bus	50
Clause 32 (2) Fail to leave public passenger vehicle or wharf when directed	50
Clause 33 (5) Fail to pay fare	50
Clause 35 Offensive behaviour or language	50
Clause 41 Sit or stand on side rails of ferry	50
Clause 42 Remain on wharf	50
Clause 43 Wrongfully embark on or disembark from a ferry	50
Clause 44 Enter prohibited area on a ferry	50
Clause 45 Unauthorised berthing of vessel	50
Clause 46 Obstruction of ferry	50
Clause 55 (2) Fail to pay taxi fare	50

PART 2 - Offences relating to drivers and operators

Clause 9 (2) Taxi driver - fail to display authority card correctly	50
Clause 9 (4) Taxi driver - display incorrect or defaced authority card	50
Clause 10 (1) Unauthorised sale of ticket	50
Clause 10 (3) Illegal transfer of ticket	50
Clause 12 Stand at a place not a stand	75
Clause 13 (1) Fail to keep timetable	100
Clause 15 Drive dirty or untidy vehicle	75
Clause 16 (2) Bus operator fail to display no-smoking signs	100
Clause 34 (1) Bus driver - fail to allow passenger to get on or off	75
Clause 36 Fail to drive according to timetable	75
Clause 37 (a) Smoke while conveying passenger	75
Clause 37 (b) Solicit for passengers	75
Clause 37 (c) Move vehicle with doors open	75
Clause 37 (d) Risk the safety of passengers	100
Clause 38 Driver leave vehicle	75
Clause 39 (a) Driver not clean and tidy	75
Clause 39 (b) Driver fail to act with civility and propriety	75
Clause 39 (c) Fail to comply with requirement of passenger	75

Clause 48 Fail to notify of modification to taxi or hire car	100
Clause 50 Taxi driver - fail to display information	75
Clause 51 (5) Fail to display correct roof signs or lights	100
Clause 52 (2) Operate a taxi beyond maximum age	100
Clause 52 (5) Operate a hire car beyond maximum age	100
Clause 53 (1) Operate a taxi without a meter or with a meter that does not conform to guidelines	200
Clause 53 (4) Interfere, or permit interference, with a taxi-meter	200
Clause 54 (1) Fail to operate meter correctly	75
Clause 55 (1) Taxi driver - demand more than correct fare	75
Clause 55 (3) Taxi driver - fail to issue change	75
Clause 55 (4) Charge more than agreed fare	75
Clause 57 (1) Fail to accept hiring	75
Clause 57 (2) (a) Fail to carry out hiring	75
Clause 57 (2) (b) Fail to drive by shortest route	75
Clause 58 (2) Improper display of destination sign	75
Clause 59 (1) Taxi driver - fail to wait	75
Clause 60 Fail to convey luggage or convey luggage incorrectly	75
Clause 61 (1) Illegally place or keep taxi at a stand	75
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SCHEDULE 1 - PRESCRIBED OFFENCES AND PENALTIES FOR THE PURPOSES OF SECTION 59 OF THE ACT

EXPLANATORY NOTE

This Regulation is the principal regulation under the Passenger Transport Act 1990. It makes provision with respect to rights and obligations of drivers of public passenger vehicles and their passengers, the keeping of records and other matters relating to that Act.
