



New South Wales

Passenger Transport (Taxi-cab Services) Amendment Regulation 1996

under the
Passenger Transport Act 1990

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Passenger Transport Act 1990*.

BRIAN LANGTON
Minister for Transport

Explanatory note

The object of this Regulation is to amend the *Passenger Transport (Taxi-cab Services) Regulation 1990* for the following purposes:

- (a) to allow vehicles with seating accommodation for up to 11 passengers to be used as taxi-cabs (Schedule 1 [4]),
- (b) to require taxi-cabs to be fitted with vehicle tracking devices (Schedule 1 [9], proposed clause 7A),
- (c) to require taxi-cabs to be fitted with driver security screens (Schedule 1 [9], proposed clause 7B),
- (d) to require taxi-cabs to be fitted with air conditioning (Schedule 1 [9], proposed clause 7C), and to require taxi-drivers to operate the air conditioning on request (Schedule 1 [32], proposed clause 32A),
- (e) to require taxi-cabs to display their current certificate of inspection (Schedule 1 [12], proposed clause 9A),
- (f) to require taxi-cabs to be fitted with universal bolts for child restraints (Schedule 1 [13]),

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- (g) to require taxi-cabs to bear their radio network decals and to be painted in their radio network colours (Schedule 1 [15], proposed clause 11A),
- (h) to require taxi operators to supply, and taxi drivers to wear, uniforms of the design and style appropriate to their radio network (Schedule 1 [20], proposed clause 15A and Schedule 1 [29], proposed clause 24A),
- (i) to require taxi operators to supply, and taxi drivers to complete, taxi drivers' worksheets (Schedule 1 [21], proposed clause 16 (2A) and Schedule 1 [23], proposed clause 19A),
- (j) to allow dogs, cats, birds and other animals to be carried in taxi-cabs if they are suitably confined in boxes, baskets or other containers (Schedule 1 [26] and [37]),
- (k) to totally prohibit smoking in taxi-cabs (Schedule 1 [27] and [36]),
- (l) to deregulate the fares that may be charged for the use of a maxi-cab (that is, a taxi-cab that accommodates 6 or more passengers) that has been specifically requested by the hirer (Schedule 1 [33], proposed clause 40 (1A)),
- (m) to provide for the suspension of a driver's authority and driver's authority card while the driver's driving licence is cancelled or suspended (Schedule 1 [38], proposed clause 50 (4)),
- (n) to require the licensee for a taxi-cab to notify the Director-General of the Department of Transport whenever a new operator is appointed for the taxi-cab (Schedule 1 [40], proposed clause 53A),
- (o) to extend the range of offences that may be dealt with by means of a penalty notice (Schedule 1 [44]),
- (p) to make other minor amendments.

This Regulation is made under the *Passenger Transport Act 1990*, including section 63 (the general regulation making power).

Passenger Transport (Taxi-cab Services) Amendment Regulation 1996

1 Name of Regulation

This Regulation is the *Passenger Transport (Taxi-cab Services) Amendment Regulation 1996*.

2 Commencement

This Regulation commences on 1 August 1994.

3 Explanatory note

The explanatory note does not form part of this Regulation.

4 Amendment

The *Passenger Transport (Taxi-cab Services) Regulation 1996* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 3 Definitions

Insert in alphabetical order:

maxi-cab means a taxi-cab that has seating accommodation for 6 or more adult persons other than the driver.

special purpose taxi means a taxi-cab that has wheelchair access and that operates under a licence that authorises it to be used as a special purpose taxi.

transport district means a transport district referred to in section 108 of the *Transport Administration Act 1988*.

[2] Clause 3, definition of “driver’s authority card”

Omit “issued”. Insert instead “in force”.

[3] Clause 3, definition of “taxi stand”

Insert “of this Regulation or a taxi stand or taxi zone established under Regulation 84 (1) of the *Motor Traffic Regulations 1935*” after “clause 51”.

[4] Clause 4 Accommodation standard for taxi-cabs

Omit “7” from clause 4 (2). Insert instead “11”.

[5] Clause 4 (3)

Omit “unless it has wheelchair access and unless the licence under which it is operating as a taxi-cab authorises it to be used as a special purpose taxi”.

[6] Clause 4 (3A)

Insert after clause 4 (3):

- (3A) Subclause (2) does not apply to a maxi-cab and subclauses (2) and (3) do not apply to a special purpose taxi.

[7] Clause 6 Taxi-meters

Insert “, any seal attached to the taxi-meter” after “fitted to a taxi-cab” in clause 6 (4).

[8] Clause 7 Security devices

Insert “, that has a distinctively coloured and easily accessible handle” after “inside the compartment” in clause 7 (3).

[9] Clauses 7A, 7B, 7C

Insert after clause 7:

7A Vehicle tracking devices

- (1) This clause commences:
- (a) in relation to taxi-cabs operating within the Metropolitan transport district, on 1 July 1997, and
 - (b) in relation to taxi-cabs operating within:
 - (i) the Newcastle or Wollongong transport district, or
 - (ii) the Gosford or Wyong local government area.
- on 1 July 1998.
- (2) The operator of a taxi-cab that is connected to a taxi radio network must ensure that the taxi-cab is fitted with an approved vehicle tracking device.

Maximum penalty: 10 penalty units.

- (3) In this clause, ***approved vehicle tracking device*** means a device by which the whereabouts of a taxi-cab can be followed by means of the vehicle tracking system operated by the taxi radio network to which the taxi-cab belongs, being a device that complies with the requirements established for the time being by the Director-General by order published in the Gazette.

7B Security screens

- (1) This clause commences:
- (a) in relation to taxi-cabs operating within the Metropolitan transport district, on 1 July 1997, and
 - (b) in relation to taxi-cabs operating within:
 - (i) the Newcastle or Wollongong transport district, or
 - (ii) the Gosford or Wyong local government area,on 1 July 1998.

- (2) The operator of a taxi-cab must ensure that the taxi-cab is fitted with an approved driver protection screen.

Maximum penalty: 10 penalty units.

- (3) In this clause, ***approved driver protection screen*** means a screen that protects the driver of a taxi-cab from attack by other persons in the taxi-cab, being a screen that complies with the requirements established for the time being by the Director-General by order published in the Gazette.

7C Air conditioning

- (1) This clause Commences on 1 July 1998.
- (2) The operator of a taxi-cab must ensure that the taxi-cab is fitted with air conditioning that is fully operational and in good repair.

Maximum penalty: 10 penalty units.

[10] Clause 8

Omit the clause. Insert instead:

8 Condition of taxi-cabs

The operator of a taxi-cab must ensure that, while the taxi-cab is being driven for hire:

- (a) its interior (including the interior of the boot compartment), and
- (b) its exterior (including the body and door panels, the bumper bars, the trim and the wheels), and
- (c) its fittings (including the seats, the seat covers, the floor coverings and any device required to be fitted to the taxi-cab),

are clean and undamaged and (in the case of its fittings) are duly fitted and securely in place.

Maximum penalty: 5 penalty units.

[11] Clause 9 Information in taxi-cabs

Insert after clause 9 (2):

- (3) The reference to a registration number in subclause (1) (d) is, in the case of a stand-by taxi-cab, a reference to the normal registration number of the vehicle that is being used as a stand-by taxi-cab.

[12] Clause 9A

Insert after clause 9:

9A Certificate of inspection to be displayed

The operator of a taxi-cab must ensure that the current certificate of inspection (that is, the certificate issued by or on behalf of the RTA in connection with the periodic inspections carried out on the taxi-cab) is prominently affixed next to the taxi-cab's registration label.

Maximum penalty: 10 penalty units.

[13] Clause 10 Child restraint anchorage bolts in taxi-cabs

Omit “bolt that complies with the Australian Design Rules”.
Insert instead “bolt or bolts that is or are capable of securing any child restraint that complies with the Australian/New Zealand Standard entitled *Child restraint systems for use in motor vehicles* and numbered AS/NZS 1754:1995, as published in 1995 by Standards Australia and Standards New Zealand”.

[14] Clause 11 Signs and lights on taxi-cabs

Omit “block” from clause 11 (l) (c).
Insert instead “black capital”.

[15] Clause 11A

Insert after clause 11:

11A Network decals and livery

- (1) This clause commences:
 - (a) in relation to the decal signs to be mounted on the front doors of taxicabs, on 1 July 1997, and
 - (b) in relation to the colours in which taxi-cabs are to be painted, on 1 July 1998.
- (2) The operator of a taxi-cab that is connected to a taxi radio network must ensure that:
 - (a) the decal signs mounted on the front doors of the taxicab are the decal signs approved by the Director-General in relation to the network, and
 - (b) the taxi-cab is painted in the colours approved by the Director-General in relation to the network.

Maximum penalty: 5 penalty units.

[16] Clause 12 Stand-by taxi-cabs

Insert before clause 12 (1):

- (1A) The operator of a stand-by taxi-cab that is connected to a taxi radio network must not operate the taxi-cab without giving prior notice to the network of the operator's intention to do so.

Maximum penalty: 5 penalty units.

[17] Clause 12 (5)

Insert after clause 12 (4):

- (5) This Division applies to a stand-by taxi-cab in the same way as it applies to any other taxi-cab.

[18] Clause 15 Non-compliance notices

Omit "the operator knows that".

[19] Clause 15 (a)

Insert "or expiry time" after "expiry date".

[20] Clause 15A

Insert after clause 15:

15A Network uniforms

- (1) This clause commences on 1 January 1997.
- (2) The operator of a taxi-cab that is connected to a taxi radio network must provide approved network uniforms for the use of persons who drive the taxi-cab for hire.

Maximum penalty: 10 penalty units.

- (3) In this clause, *approved network uniform*, in relation to a taxi radio network, means a uniform of a design and colour scheme approved by the Director-General in connection with the network.

[21] Clause 16 Records of drivers

Insert after clause 16 (2):

- (2A) The operator of a taxi-cab must provide each person who drives the taxi-cab with blank drivers' worksheets, of a kind approved by the Director-General, for the person to complete in accordance with the requirements of clause 19A.

Maximum penalty: 10 penalty units.

[22] Clause 17 Retention of records and worksheets in relation to operation of taxi-cab

Insert "(including any worksheet given to the person as referred to in clause 19A (2) (b))" after "record" in clause 17 (a).

[23] Clause 19A

Insert after clause 19:

19A Driver worksheets

- (1) The driver of a taxi-cab must enter on a driver's worksheet:
- (a) when beginning a driving shift:
 - (i) the driver's name, driver's licence number and driver's authority card number, and
 - (ii) the date and time the shift began, and
 - (b) when beginning a break of 30 minutes or more during a driving shift, the time the break began, and

- (c) when ending a break of 30 minutes or more during a driving shift, the time the break ended, and
- (d) when ending a driving shift:
 - (i) a brief description of any faults in the taxi-cab or its equipment that have come to the driver's attention during the shift, and
 - (ii) the date and time the shift ended.

Maximum penalty: 5 penalty units.

- (2) The driver of a taxi-cab:
 - (a) must, on demand by an authorised officer during a driving shift, produce his or her driver's worksheet for that shift for inspection, and
 - (b) must, at the end of each driving shift, give his or her driver's worksheet for that shift to the operator of the taxi-cab.

Maximum penalty: 5 penalty units.

- (2) In this clause, *driver's worksheet* means a driver's worksheet of a kind supplied in accordance with clause 16 (2A).

[24] Clause 21 Non-compliance notices

Omit "the driver knows that".

[25] Clause 21 (a)

Insert "or expiry time" after "expiry date".

[26] Clause 22 Carriage of goods and animals

Insert "unless it is suitably confined in a box, basket or other container" after "animal" in clause 22 (2).

[27] Clause 23 Behaviour of drivers

Omit clause 23 (a). Insert instead:

- (a) smoke while in the taxi-cab, whether or not the taxi-cab is being driven for hire,

[28] Clause 24 Dress and conduct of drivers

Omit “requirement” from clause 24 (c).

Insert instead “request”.

[29] Clause 24A

Insert after clause 24:

24A Drivers to wear uniforms

- (1) This clause commences on 1 January 1997.
- (2) The driver of a taxi-cab that is connected to a taxi radio network must wear an approved network uniform at all times while driving the cab for hire.

Maximum penalty: 5 penalty units.

- (3) In this clause, *approved network uniform*, in relation to a taxi radio network, means a uniform of the kind approved for the purposes of clause 15A in connection with the network.

[30] Clause 26 Taxi stands

Insert after clause 26 (4):

- (5) The driver of a taxi-cab must not cause or allow the taxi-cab to leave a taxi stand, or to leave any other place where passengers are picked up or set down, in contravention of a direction given by an authorised officer.

Maximum penalty: 5 penalty units.

[31] Clause 29 Display of destination sign on taxi-cab at end of driving shift

Omit “4 p.m” from clause 29 (3) (b).
Insert instead “4.30 p.m.”.

[32] Clause 32A

Insert after clause 32:

32A Operation of taxi-cab’s air conditioning

- (1) This clause commences on 1 July 1998.
- (2) The driver of a taxi-cab must, on request made by the hirer, cause the taxi-cab’s air conditioning system to operate.

Maximum penalty: 5 penalty units.

[33] Clause 40 Fares for taxi-cabs

Insert after clause 40 (1):

- (1 A) Subclause (1) does not apply to the hiring of a maxi-cab if the hirer has specifically requested the hiring to be carried out by means of a maxi-cab.

[34] Clause 40 (4)

Insert “or in the circumstances referred to in subclause (1 A),” after “hiring of the taxi-cab,”.

[35] Clause 40 (6)

Insert after clause 40 (6):

- (7) A hirer who fails to comply with the requirements of subclause (6) is guilty of an offence.

Maximum penalty: 5 penalty units.

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Schedule 1 Amendments

[36] Clause 42 Smoking prohibited in taxi-cabs

Omit “in which smoking is prohibited by signs displayed in the taxi-cab”.

[37] Clause 43 Animals

Insert “unless it is suitably confined in a box, basket or other container” after “animal” in clause 43 (1).

[38] Clause 50 Drivers’ authority cards

Insert after clause 50 (3):

- (4) A driver’s authority and driver’s authority card do not have any effect, either for the purposes of section 11 of the Act or for the purposes of this Regulation, while the driver’s licence under the *Traffic Act 1909* is cancelled or suspended.

[39] Clause 52 Non-compliance notices

Insert “or expiry time” after “expiry date” in clause 52 (2) (b).

[40] Clause 53A

Insert after clause 53:

53A Director-General to be notified of change of operator

The holder of a licence for a taxi-cab who allows some other person to become the operator of the taxi-cab (whether in place of the holder or in place of a former operator of the taxi-cab) must, within 7 days after that event, cause written notice of the fact, and of the name and address of the new operator, to be given to the Director-General.

Maximum penalty: 10 penalty units.

[41] Schedule 1 Penalty notice offences

Omit "\$100" from Column 3 of the matter relating to clause 19 (1) in Part 2 of the Schedule.

Insert instead "\$150".

[42] Schedule 1

Omit the matter relating to clause 42 from Part 2 of the Schedule.

[43] Schedule 1

Omit "\$100" from Column 3 of the matter relating to clause 56 (2) in Part 2 of the Schedule.

Insert instead "\$300"

[44] Schedule 1

Insert in appropriate order in Columns 1, 2 and 3 of Part 2 of the Schedule:

Clause 4	taxi operator operate non-complying taxi	200
Clause 7A (2)	taxi operator fail to fit vehicle tracking device	200
Clause 7B (2)	taxi operator fail to fit security screen	200
Clause 7C (2)	taxi operator fail to fit air conditioning	200
Clause 9A	taxi operator fail to display current certificate of inspection	200
Clause 10	taxi operator fail to fit complying child restraint anchorage bolts	200
Clause 12 (1)	taxi operator fail to maintain stand-by taxi records	200
Clause 16 (2)	taxi operator fail to keep drivers' records	200
Clause 17	taxi operator fail to retain/produce/deliver records	200

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Clause 18	taxi operator fail to maintain required 3rd party property insurance	300
Clause 19 (2)	taxi driver fail to produce driver's authority card	150
Clause 19A (1)	taxi driver fail to complete worksheet	150
Clause 19A (2)	taxi driver fail to produce worksheet	150
Clause 21	taxi driver drive taxi-cab after expiry date/time/after non-compliance notice removed	150
Clause 24A (2)	taxi driver fail to wear proper uniform	150
Clause 26 (5)	taxi driver leave taxi stand/pick-up area/set down area contrary to direction of authorised officer	200
Clause 27	taxi driver stand taxi otherwise than at taxi stand	150
Clause 31 (2)	taxi driver fail to carry out hiring as directed by police officer	150
Clause 32 (3)	taxi driver set down/pick up passengers otherwise than close to/parallel with kerb	150
Clause 37 (2)	hirer fail to pay fare for terminated hiring	150
Clause 40 (7)	hirer fail to pay for taxi cleaning	150
Clause 42	taxi passenger smoke	150
Clause 52 (4)	unlawfully remove non-compliance notice from taxi-cab	300
Clause 56 (1)	licensee fail to return cancelled/suspended/expired licence	300
Clause 56 (3)	taxi driver fail to return expired driver's authority card	200