



New South Wales

Passenger Transport (Taxi-cab Services) Amendment (Wheelchair Accessibility) Regulation 1998

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*.

CARL SCULLY, M.P.,
Minister for Transport

Explanatory note

The object of this Regulation is to make further provision with regard to taxis that have wheelchair access (currently defined in the *Passenger Transport (Taxi-cab Services) Regulation 1995 (the Regulation)* as *special purpose taxis*).

This Regulation also makes minor amendments to the language of the Regulation in consequence of legislative changes to section 41 of the *Passenger Transport Act 1990*, updates a reference to Schedule F to the *Motor Traffic Regulations 1935* (which has been repealed), repeals and remakes clause 10A in consequence of other amendments and makes other minor miscellaneous amendments.

This Regulation is made under the *Passenger Transport Act 1990*, and, in particular, under sections 41 (5) and 63 (the general regulation-making power).

**Passenger Transport (Taxi-cab Services)
Amendment (Wheelchair Accessibility)
Regulation 1998**

1 Name of Regulation

This Regulation is the *Passenger Transport (Taxi-cab Services) Amendment (Wheelchair Accessibility) Regulation 1998*.

2 Commencement

This Regulation commences on 1 August 1998.

**3 Amendment of Passenger Transport (Taxi-cab Services)
Regulation 1995**

The *Passenger Transport (Taxi-cab Services) Regulation 1995* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order:

booking service has the same meaning as in section 41 of the Act.

child restraint means a child restraint that complies with the requirements of the Australian/New Zealand Standard called *Child restraint systems for use in motor vehicles* and numbered AS/NZ 1754:1995, as published in 1995 by Standards Australia and Standards New Zealand, for both a Type A1 and a Type B child restraint.

stand-by taxi-cab means a motor vehicle that is, in accordance with section 40 of the Act, being operated in place of a taxi-cab that is out of operation while undergoing repair or service.

taxi-cab network and ***taxi-cab network authority*** have the same meanings as in section 41 of the Act.

wheelchair accessible taxi-cab means a taxi-cab that has wheelchair access.

[2] Clause 3

Omit the definitions of ***special purpose taxi*** and ***taxi radio network***.

[3] Clauses 3 (definition of "radio unit"), 7 (1), 7A (2) and (3), 11 (6), 11A (2), 12 (1A), 15A (2) and (3), 24A (2) and (3) and 57 (including the heading to clause 57)

Omit "taxi radio network" wherever occurring.

Insert instead "taxi-cab network".

[4] Clause 3A

Insert before clause 4:

3A Wheelchair accessible taxi-cabs

- (1) A person who carries on a public passenger service that involves the use of a wheelchair accessible taxi-cab must ensure that the taxi-cab concerned:
 - (a) if a licence has not previously been issued in respect of the taxi-cab—is not more than 6 months old as at the date of the issue of the licence for the taxi-cab, and
 - (b) is capable of being fitted with, and (at all times that it is available for hire) carries, a child restraint, and
 - (c) is available for hire for a minimum of 20 hours per day every day of the year, and
 - (d) is not driven by more than one person between the hours of 12 midday and 5 pm on any day, and
 - (e) is driven only by a person who has successfully completed a course of training and instruction (approved by the Director-General and conducted by a person or body approved by the Director-General) in respect of the care and transport of persons with physical disabilities.

Maximum penalty: 40 penalty units.

- (2) However, if a licence for a wheelchair accessible taxi-cab was issued before 1 August 1998 and is in force on that date, the provisions of subclause (1) (b)–(e) do not apply to or in respect of the taxi-cab concerned until 1 November 1998.
- (3) For the purposes of this clause, the age of a motor vehicle used as a wheelchair accessible taxi-cab is to be measured from the date on which a compliance plate was fitted to the vehicle in accordance with clause 11 of Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 1998*.

[5] Clause 4 Accommodation standard for taxi-cabs

Omit "special purpose taxi" from clause 4 (3A).
Insert instead "wheelchair accessible taxi-cab".

[6] Clause 5 Maximum age of taxi-cabs

Omit "paragraph 4A of Schedule F to the Motor Traffic Regulations 1935" from clause 5 (4).
Insert instead "clause 11 of Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 1998*".

[7] Clause 6 Taximeters

Insert after clause 6 (5):

(6) Without limiting the standards for taxi-meters that the Director-General may publish, the standards may include standards relating specifically to taxi-meters to be fitted to wheelchair accessible taxi-cabs.

[8] Clauses 10A and 10B

Omit clause 10A. Insert instead:

10A Certain child restraints to be carried in taxi-cabs

(1) A taxi-cab network authority is subject to the condition that the holder of the authority ensures that between the hours of 8 am and 6 pm on any day that is not a Saturday or Sunday:

- (a) in the case of a taxi-cab network that has fewer than 10 taxi-cabs using its booking service during those hours—at least one of the taxi-cabs, and
- (b) in the case of a taxi-cab network that has 10 or more taxi-cabs using its booking service during those hours—at least one out of every 10 taxi-cabs using the service during those hours (disregarding any number of those taxi-cabs that exceeds the maximum number of them that is divisible by 10),

is capable of being fitted with, and carries, a child restraint.

(2) A holder of a taxi-cab network authority who fails to comply with this condition is guilty of an offence.
Maximum penalty: 200 penalty units.

10B Wheelchair accessible taxi-cabs

(1) A taxi-cab network authority is subject to the condition that the holder of the authority ensures:

- (a) that every person who books a wheelchair accessible taxi-cab through the network is advised of the time at which it is estimated that the taxi-cab will arrive at the nominated collection point, and
- (b) that the Director-General is furnished with a monthly report in accordance with subclause (2) specifying, in relation to each wheelchair accessible taxi-cab in respect of which the network provides a booking service:
 - (i) the times during that month that the wheelchair accessible taxi-cab was not available for hire, and
 - (ii) if it was not so available for more than 4 hours in any one day, the reasons why it was not available.

(2) The report is to be made:

- (a) in the form and manner determined by the Director-General, and
- (b) within 7 days after the end of the month concerned.

(3) A holder of a taxi-cab network authority who fails to comply with the condition set out in subclause (1) is guilty of an offence.
Maximum penalty: 200 penalty units.

[9] Clause 12 Stand-by taxi-cabs

Insert after clause 12 (3):

(3A) A motor vehicle that is operated as a stand-by taxi-cab in place of a wheelchair accessible taxi-cab must meet all the requirements of a wheelchair accessible taxi-cab specified in clause 3A (1) (b)–(e).

[10] Clause 12 (4)

Omit "subclause (3)". Insert instead "subclauses (3) and (3A)".

[11] Clause 28

Omit the clause. Insert instead:

28 Use of taxi-cab network

The driver of a taxi-cab:

- (a) must use the taxi-cab's receiver in accordance with procedures for the taxi-cab network to which the taxi-cab belongs. and
- (b) must otherwise observe the published rules of the network. and
- (c) must comply with all reasonable requests of the network in relation to the provision of public passenger services.

Maximum penalty: 5 penalty units.

[12] Clause 30 Driver of taxi-cab to accept hiring

Insert ", on request." after "cannot" in clause 30 (2) (f).

[13] Clause 30 (3)–(5)

Insert after clause 30 (2):

- (3) The driver of a wheelchair accessible taxi-cab that is available for hire must accept a hiring offered by a person using a wheelchair in preference to a hiring offered by a person not using a wheelchair.

Maximum penalty: 5 penalty units

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Schedule 1 Amendments

(4) The driver of a wheelchair accessible taxi-cab must accept a hiring offered by a person using a wheelchair even if the driver has already accepted the offer of a person not using a wheelchair unless one or more intending passengers are already seated in the taxi-cab at the time the person using a wheelchair offers to hire the taxi-cab.

Maximum penalty: 5 penalty units.

(5) In this clause, a hiring includes a hiring made by means of a booking service.

[14] Clause 40 Fares for taxi-cabs

Insert after clause 40 (3)

(3A) The driver of a wheelchair accessible taxi-cab must, on receiving payment of the authorised fare for a hiring of the taxi-cab by or on behalf of a person using a wheelchair, provide the person with a receipt produced by the meter.

Maximum penalty: 5 penalty units.

[15] Clause 49A

Insert after clause 49:

49A Drivers of wheelchair accessible taxi-cabs

A person who successfully completes a course of training and instruction referred to in clause 3A (1) (e) must notify the Director-General in writing accordingly within 7 days after completing the course.

Maximum penalty: 5 penalty units.

[16] Schedule 1 Penalty notice offences

Insert in Part 2 of Schedule 1 in numerical order of clauses:

| | | |
|-------------------|--|-------|
| Clause 3A (1) (a) | wheelchair accessible taxi more than 6 months old | \$400 |
| Clause 3A (1) (b) | wheelchair accessible taxi not able be fitted with restraint/not carry restraint | \$400 |
| Clause 3A (1) (c) | wheelchair accessible taxi not available for hire | \$400 |
| Clause 3A (1) (d) | wheelchair accessible taxi driven by more than one person | \$400 |
| Clause 3A (1) (e) | wheelchair accessible taxi driven by untrained driver | \$400 |
| Clause 30 (3) | not prefer hiring offered by person in wheelchair | \$150 |
| Clause 30 (4) | not accept hiring offered by person in wheelchair | \$150 |
| Clause 40 (3A) | not give meter receipt to person in wheelchair | \$150 |