



New South Wales

# Passenger Transport Amendment Act 2000 No 85

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New South Wales

# Passenger Transport Amendment Act 2000 No 85

Act No 85, 2000

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An Act to amend the *Passenger Transport Act 1990* in relation to public passenger services carried on by means of taxi-cabs and private hire vehicles; and for other purposes. [Assented to 5 December 2000]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Passenger Transport Amendment Act 2000*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

**3 Amendment of Passenger Transport Act 1990 No 39**

The *Passenger Transport Act 1990* is amended as set out in Schedule 1.

## Schedule 1 Amendments

(Section 3)

**[1] Section 4 Objects**

Insert “or authorisation” after “accreditation” in section 4 (a).

**[2] Section 4 (d)**

Omit the paragraph.

**[3] Part 2, heading**

Insert “(other than taxi-cabs and private hire vehicles)” after “drivers”.

**[4] Section 9 Style of accreditation**

Insert “to which this Part applies” after “services” in section 9 (2) (a).

**[5] Part 2, Division 4**

Insert after Division 3:

### **Division 4 Application of Part**

**15A Application of Part**

- (1) The other Divisions of this Part do not apply to or in relation to taxi-cabs and private hire vehicles.
- (2) Accordingly, in this Part, references to public passenger vehicles do not include references to taxi-cabs or private hire vehicles, and references to public passenger services do not include references to public passenger services carried on by means of one or more taxi-cabs or one or more private hire vehicles.

**[6] Parts 4 and 4A**

Omit the heading to Part 4, the heading to Division 1 of Part 4, and sections 29–41 (other than section 34A).

Insert instead:

## **Part 4 Taxi-cabs**

### **Division 1 Preliminary**

#### **29 Application of Part**

This Part applies to and in relation to taxi-cabs.

#### **29A Definitions**

In this Part:

*affiliation* means the affiliation of authorised taxi-cab operators with authorised taxi-cab networks, as referred to in Division 6.

*applicable contract determination* means:

- (a) the *Taxi Industry (Contract Drivers) Contract Determination 1984*, as in force from time to time under the *Industrial Relations Act 1996*, or
- (b) if that determination ceases to have effect, the contract determination, as in force from time to time under that Act, applying for the purpose of determining the amount of chargeable fares payable by contract drivers of taxi-cabs.

*authorised taxi-cab driver* means a person authorised under Division 5 to drive a taxi-cab.

*authorised taxi-cab network* means a taxi-cab network carried on by an authorised taxi-cab network provider.

*authorised taxi-cab network provider* means a person authorised under Division 6 to operate a taxi-cab network.

*authorised taxi-cab operator* means a person authorised under Division 3 to carry on a taxi-cab service.

***service standard*** means a service standard determined under this Part for or with respect to taxi-cab operators or taxi-cab network providers.

***taxi-cab booking service*** means the service of:

- (a) accepting bookings for taxi-cabs from members of the public, and
- (b) transmitting messages to taxi-cab drivers by telecommunication to appropriate receivers with which the taxi-cabs are fitted,

in order to facilitate the provision of taxi-cab services.

***taxi-cab network*** means a facility provided for the delivery of taxi-cab services involving affiliated authorised taxi-cab operators, including a taxi-cab booking service.

***taxi-cab service*** means a public passenger service carried on by means of one or more taxi-cabs.

## **Division 2      Taxi-cab services**

### **30   Taxi-cab service requirements**

- (1) A person who carries on a taxi-cab service, being a service operating wholly or partly within New South Wales, by means of a taxi-cab is guilty of an offence if:
  - (a) the person is not authorised to carry on the service under Division 3, or
  - (b) the taxi-cab is not licensed under Division 4, or
  - (c) the person is not affiliated with a taxi-cab network authorised under Division 6, unless exempted by the Director-General from the provisions of this paragraph.
- (2) A person who carries on a taxi-cab service, being a service operating wholly or partly within New South Wales, by means of a taxi-cab is guilty of an offence if:
  - (a) the service is carried on otherwise than in accordance with the terms and conditions of the person's authorisation under Division 3, or

- (b) the service is carried on otherwise than in accordance with such of the terms and conditions of the taxi-cab's licence as are applicable to the person under Division 4.

Maximum penalty: 1,000 penalty units.

### **Division 3 Taxi-cab operators**

#### **31 Authorisation**

- (1) The Director-General may authorise persons to carry on taxi-cab services, subject to and in accordance with this Division. A person authorised under this Division is referred to in this Part as an "authorised taxi-cab operator".
- (2) The purpose of authorisation under this Division is to attest:
  - (a) that the authorised person is (or, in the case of an authorised person that is a corporation, the designated directors and managers of the corporation are) considered to be of good repute and in all other respects fit and proper to be responsible for the operation of a taxi-cab service, and
  - (b) that the authorised person has demonstrated the capacity to meet and continue to meet the appropriate requirements with respect to:
    - (i) financial viability, and
    - (ii) safety of drivers, passengers and the public, and
    - (iii) vehicle maintenance,to the degree and in the manner required in respect of services of the kind specified in the authorisation.
- (3) The appropriate requirements are:
  - (a) such requirements as may be prescribed by the regulations, and
  - (b) the standards determined under section 31E.

#### **31A Application for authorisation**

- (1) A person may apply to the Director-General for authorisation under this Division.
- (2) An applicant is required to pay any fee fixed by the regulations for consideration of the application.

- (3) An application made by a corporation is not to be considered by the Director-General unless the corporation nominates designated directors or managers (as referred to in section 35).
- (4) For the purposes of subsection (3), the Director-General may, from time to time, determine the number of persons who are to be nominated as designated directors and the number of persons who are to be nominated as designated managers. Such a determination may be made generally or in any particular case or class of cases.
- (5) Procedures for making and dealing with applications may be settled by the Director-General, subject to any provisions of the regulations.

**31B Grant or refusal of application**

- (1) Having regard to the purpose of authorisation under this Division, the Director-General may grant an application and authorise the applicant to carry on a taxi-cab service, or may refuse the application.
- (2) Before an application is granted, the applicant must meet any criteria set forth in the regulations and must satisfy the Director-General as to any matter the Director-General considers relevant.
- (3) An applicant is required to pay any fee fixed by the regulations for the authorisation when first issued.
- (4) Particulars of an authorisation are to be given in writing by the Director-General to the authorised person.
- (5) An authorisation may be given so as to be general or limited, that is to say:
  - (a) appropriate generally for a taxi-cab service, or
  - (b) appropriate only for the service or services designated in the authorisation, or for a service or services having the scope or characteristics so designated.



**31C Term of and renewal of authorisation**

- (1) An authorisation under this Division, unless sooner suspended or cancelled, remains in force for a period determined by the Director-General and specified in the particulars of the authorisation.
- (2) An authorisation is renewable from time to time on payment of the fee fixed by the regulations.
- (3) Procedures for renewal may be settled by the Director-General, subject to any provisions of the regulations.

**31D Conditions of authorisation**

- (1) An authorisation under this Division is subject to:
  - (a) the condition imposed by this Division, and
  - (b) the conditions prescribed by the regulations, and
  - (c) such additional conditions as the Director-General, having regard to the purpose of authorisation under this Division, may impose on the authorisation.
- (2) Conditions imposed by the Director-General may be varied (whether by amendment, addition, revocation or suspension of one or more conditions) by the Director-General from time to time by notice served on the authorised person.
- (3) An authorised taxi-cab operator who contravenes a condition of the operator's authorisation is guilty of an offence.  
Maximum penalty: 1,000 penalty units.
- (4) A variation of conditions imposed on an authorisation by the Director-General is, for the purposes of Division 3 of Part 5 (Reviews by Administrative Decisions Tribunal), a variation of the authorisation.

**31E Statutory condition regarding service standards**

- (1) Each authorisation under this Division is subject to a condition that the authorised taxi-cab operator must comply with service standards determined under this section.
- (2) The Director-General may from time to time determine service standards with which authorised taxi-cab operators are required to comply.

- (3) Without limitation, standards may make provision for or with respect to:
  - (a) requiring authorised taxi-cab operators to comply with such service requirements imposed by the taxi-cab network with which the operator is affiliated as are necessary to enable the network to comply with its obligations imposed by or under this Act, and
  - (b) enabling the Director-General to impose financial sanctions for contraventions of the standards by authorised taxi-cab operators (not exceeding an amount equal to 500 penalty units for any such contravention), and
  - (c) requiring authorised taxi-cab operators to comply with the applicable contract determination in respect of amounts of chargeable fares required to be paid to the operators by drivers to whom the determination applies.
- (4) Any person may obtain from the Director-General a copy of the standards on payment of the fee (if any) prescribed by the regulations.
- (5) The regulations may make provision for or with respect to:
  - (a) the procedures to be followed in making determinations under this section, and
  - (b) the publication of determinations under this section, and
  - (c) the imposition of financial sanctions under this Division.
- (6) Nothing in this section limits the matters for or with respect to which regulations may be made under this Act.

**31F Variation, suspension or cancellation of authorisation**

- (1) Having regard to the purpose of authorisation under this Division, the Director-General may at any time vary, suspend or cancel any person's authorisation under this Division.
- (2) Without limiting subsection (1), the Director-General may vary, suspend or cancel a person's authorisation under this Division:
  - (a) for failure to comply with a service requirement imposed by the taxi-cab network with which the operator is affiliated, but only if the Director-General is

- satisfied that the requirement is reasonable and necessary to enable the network to comply with its obligations imposed by or under this Act, and
- (b) for failure to comply with a service standard requiring compliance with the applicable contract determination, and
  - (c) for failure to pay a financial sanction imposed under the standards under this Division.
- (3) The authorisation of a corporation is automatically cancelled when there is no designated director or manager.

**31G Taxi-cab service to be linked to network booking service**

An authorised taxi-cab operator must ensure that, at all times while a taxi-cab is being used for the purposes of the operator's taxi-cab service:

- (a) arrangements are in force with a taxi-cab network for the provision of a taxi-cab booking service in respect of the taxi-cab, and
- (b) the taxi-cab is fitted with a receiver, appropriate for receipt of messages from the network, in working order,

unless exempted by the Director-General from the provisions of this section.

Maximum penalty: 1,000 penalty units.

**Division 4 Taxi-cab licences**

**32 Licence**

- (1) The Director-General may license motor vehicles as taxi-cabs, subject to and in accordance with this Division.
- (2) Subject to subsection (3):
  - (a) the authority of a licence for a taxi-cab, if the licence is let or sublet, inures to the benefit of the lessee or sublessee to the exclusion of the lessor or sublessor, and
  - (b) a reference in this Act or the regulations to the licensee of, or the holder of a licence for, a taxi-cab is a reference to the person having the benefit of the authority of the licence concerned.

(3) However:

- (a) the regulations may provide that such a lessor is subject to specified provisions of this Act or of the regulations relating to licensed taxi-cabs, either to the exclusion of any lessee or sublessee or jointly with any lessee or sublessee, and
- (b) the conditions of a licence may provide that such a lessor is subject to the provisions of specified terms and conditions of the licence, either to the exclusion of any lessee or sublessee or jointly with any lessee or sublessee.

The regulations or conditions referred to in this subsection may provide that the lessor and any lessee or sublessee are jointly and severally liable under any specified provisions or for any matters arising in connection with them.

(4) The following provisions have effect:

- (a) the regulations may provide that specified kinds of terms and conditions of licences apply to authorised taxi-cab operators carrying on taxi-cab services by means of the taxi-cabs concerned, and
- (b) the conditions of a licence may provide that specified terms and conditions of the licence apply to an authorised taxi-cab operator carrying on a taxi-cab service by means of the taxi-cab concerned.

The regulations or conditions referred to in this subsection may provide that such a term or condition applies to a taxi-cab operator to the exclusion of a licensee or may provide that the operator and licensee are jointly and severally liable in connection with such a term or condition.

**32A Application for licence**

- (1) A person may apply to the Director-General for a licence under this Division.
- (2) An applicant is required to pay any fee fixed by the regulations for consideration of the application.
- (3) An application made by a corporation is not to be considered by the Director-General unless the corporation nominates designated directors or managers (as referred to in section 35).

- (4) For the purposes of subsection (3), the Director-General may, from time to time, determine the number of persons who are to be nominated as designated directors and the number of persons who are to be nominated as designated managers. Such a determination may be made generally or in any particular case or class of cases.
- (5) Procedures for making and dealing with applications may be settled by the Director-General, subject to any provisions of the regulations.

**32B Grant or refusal of application**

- (1) The Director-General may grant an application and issue to the applicant a licence for the taxi-cab concerned, or may refuse the application.
- (2) Before an application is granted, the applicant must meet any criteria set forth in the regulations and must satisfy the Director-General as to any matter the Director-General considers relevant.

**32C Term of and renewal of licence**

- (1) A licence, unless sooner suspended or cancelled, remains in force for a period determined by the Director-General and specified in the licence.
- (2) A licence is renewable from time to time on payment of the fee fixed by the regulations.
- (3) Procedures for renewal may be settled by the Director-General, subject to any provisions of the regulations.
- (4) This section does not apply to a short-term licence issued under this Division.

**32D Short-term licences**

- (1) If an applicant for a licence requests a short-term licence, the Director-General may issue to the applicant a licence for a limited duration.
- (2) A short-term licence, unless sooner suspended or cancelled, remains in force for the period (not exceeding 6 years) determined by the Director-General and specified in the licence.

- (3) Such a licence is not renewable and cannot be transferred except on the application of the holder's legal personal representative or of a trustee of the holder's estate.

**32E Area of operation of licences**

- (1) A licence for a taxi-cab may specify the area of operation of the taxi-cab.
- (2) If no area is specified, the taxi-cab may be used to carry on a taxi-cab service anywhere in New South Wales.
- (3) A licence for a taxi-cab does not confer on any person an exclusive right to operate a taxi-cab in the area of operation specified in the licence.

**32F Conditions of licence**

- (1) A licence is subject to:
  - (a) the conditions prescribed by the regulations, and
  - (b) such additional conditions as the Director-General may impose on the licence.
- (2) Conditions imposed by the Director-General may be varied (whether by amendment, addition, revocation or suspension of one or more conditions) by the Director-General from time to time by notice served on the licensee.
- (3) A licensee who contravenes a condition of the licence is guilty of an offence.

Maximum penalty: 1,000 penalty units.
- (4) A variation of conditions imposed on a licence by the Director-General is, for the purposes of Division 3 of Part 5 (Reviews by Administrative Decisions Tribunal), a variation of the licence.

**32G Variation, suspension or cancellation of licence**

- (1) The Director-General may at any time vary, suspend or cancel any licence if:
  - (a) owing to the default of the licensee, or the agents or employees of the licensee:
    - (i) the provisions of this Act or the regulations, or
    - (ii) the terms and conditions of the licence,have not been or are not being complied with, or

- (b) the taxi-cab service carried on under the authority of the licence has been or is being conducted in such a manner as to cause danger to the public, or
  - (c) the licensee is convicted of an offence against this Act or the regulations with respect to the furnishing of information concerning the service, or
  - (d) the licensee does not have a policy of insurance covering third-party property damage in respect of the taxi-cab, being a policy:
    - (i) issued by a corporation authorised under the *Insurance Act 1973* of the Commonwealth to carry on insurance business, and
    - (ii) providing cover that in the opinion of the Director-General is sufficient for the taxi-cab, or
  - (e) owing to the default of the licensee, or the agents or employees of the licensee, the applicable contract determination has not been complied with in respect of drivers of the taxi-cab concerned to whom the determination applies, or
  - (f) owing to the default of the licensee, or the agents or employees of the licensee, the taxi-cab concerned is not made available in accordance with a service requirement imposed by the taxi-cab network provider with which the taxi-cab operator who operates the taxi-cab is affiliated, but only if the Director-General is satisfied that the requirement is reasonable and necessary to enable the network provider to comply with its obligations imposed by or under this Act.
- (2) A licence issued to a corporation is automatically cancelled when there is no designated director or manager.

**32H Licence fee**

- (1) In addition to any application fee, a licence fee is payable to the Director-General when a licence is first issued.
- (2) The licence fee is payable by the person to whom the licence is issued in the manner determined by the Director-General.

**32I Licence fee for ordinary licence**

- (1) The amount of the licence fee for a licence must be determined by inviting applicants for the licence to bid for it at a public auction or to submit sealed tenders for it or by using such other method chosen by the Director-General as will, in the Director-General's opinion, yield as the fee for the licence an amount equivalent to its current value on the open market.
- (2) The Director-General may, in the circumstances specified in the regulations, fix the licence fee at less than the current value of the licence on the open market or decide not to impose a licence fee for the licence.
- (3) This section does not apply to a short-term licence issued under this Division.

**32J Licence fee for short-term licences**

The amount of the licence fee for a short-term licence issued under this Division is an amount determined by the Director-General.

**32K Stand-by taxi-cabs**

- (1) An authorised taxi-cab operator may, if a licensed taxi-cab used in the taxi-cab service is out of operation while undergoing repair or service, operate in place of that taxi-cab another motor vehicle even though no licence is in force for it, but only if that other motor vehicle complies with the requirements of this section.
- (2) A motor vehicle that is operated in place of a licensed taxi-cab must:
  - (a) display the number-plates allocated to the taxi-cab by virtue of its being so licensed, and
  - (b) be registered under the *Road Transport (Vehicle Registration) Act 1997*, and
  - (c) in addition to the number-plates referred to in paragraph (a), display the number-plates allocated to that vehicle by virtue of its registration under the *Road Transport (Vehicle Registration) Act 1997*, and
  - (d) comply, to the satisfaction of the Director-General, with the standards prescribed for taxi-cabs, and



- (e) except to the extent authorised by the Director-General, conform to the terms and conditions imposed by the licence for that taxi-cab, and
  - (f) display a sign in accordance with the regulations identifying the vehicle as a stand-by taxi-cab, and
  - (g) comply with such other requirements as are prescribed by the regulations for the purposes of this subsection.
- (3) While a motor vehicle that is being operated in place of a licensed taxi-cab complies with the requirements of this section, that motor vehicle is taken, for the purposes of this Act, to be a taxi-cab for which a licence is in force.

## **Division 5 Taxi-cab drivers**

### **33 Authorisation**

- (1) The Director-General may authorise persons to drive taxi-cabs, subject to and in accordance with this Division. A person authorised under this Division is referred to in this Part as an “authorised taxi-cab driver”.
- (2) A person who drives a taxi-cab is guilty of an offence unless the person is an authorised taxi-cab driver.
- Maximum penalty: 100 penalty units.
- (3) The purpose of an authorisation under this Division is to attest:
- (a) that the authorised person is considered to be of good repute and in all other respects a fit and proper person to be the driver of a taxi-cab, and
  - (b) that the authorised person is considered to have sufficient responsibility and aptitude to drive a taxi-cab:
    - (i) in accordance with the conditions under which the taxi-cab service concerned is operated, and
    - (ii) in accordance with law and custom.
- (4) The regulations may create categories or grades of authorisations.
- (5) Without limitation, the regulations may provide that subsection (2) does not apply in specified circumstances, including, for example, when a taxi-cab is being driven to a place to have it repaired or serviced.

**33A Application for authorisation**

- (1) A person may apply to the Director-General for authorisation under this Division.
- (2) An applicant is required to pay any fee fixed by the regulations for consideration of the application.
- (3) Procedures for making and dealing with applications may be settled by the Director-General, subject to any provisions of the regulations.

**33B Grant or refusal of application**

- (1) Having regard to the purpose of authorisation under this Division, the Director-General may grant an application and authorise the applicant to drive a taxi-cab, or may refuse the application.
- (2) Before an application is granted, the applicant must meet any criteria set forth in the regulations and must satisfy the Director-General as to any matter the Director-General considers relevant.
- (3) An applicant is required to pay any fee fixed by the regulations for the authorisation when first issued.
- (4) Particulars of an authorisation are to be given in writing by the Director-General to the authorised person.
- (5) The authorisation may specify the category or grade of the authorisation, and (without limitation) may specify the kind or kinds of vehicles for which the authorisation is granted.

**33C Term of and renewal of authorisation**

- (1) An authorisation under this Division, unless sooner suspended or cancelled, remains in force for a period determined by the Director-General and specified in the particulars of the authorisation.
- (2) An authorisation is renewable from time to time on payment of the fee fixed by the regulations.
- (3) Procedures for renewal may be settled by the Director-General, subject to any provisions of the regulations.

**33D Conditions of authorisation**

- (1) An authorisation under this Division is subject to:
  - (a) the condition imposed by this Division, and
  - (b) the conditions prescribed by the regulations, and
  - (c) such additional conditions as the Director-General, having regard to the purpose of authorisation under this Division, may impose on the authorisation.
- (2) Conditions imposed by the Director-General may be varied (whether by amendment, addition, revocation or suspension of one or more conditions) by the Director-General from time to time by notice served on the authorised person.
- (3) An authorised taxi-cab driver who contravenes a condition of the driver's authorisation is guilty of an offence.  
Maximum penalty: 100 penalty units.
- (4) A variation of conditions imposed on an authorisation by the Director-General is, for the purposes of Division 3 of Part 5 (Reviews by Administrative Decisions Tribunal), a variation of the authorisation.

**33E Statutory condition regarding network directions**

- (1) Each authorisation under this Division is subject to a condition that the authorised taxi-cab driver when in charge of a taxi-cab network must comply with directions given by the relevant taxi-cab network to the driver, being conditions of a kind authorised to be given by or under the standards applying to the network.
- (2) The relevant taxi-cab network is the network with which the taxi-cab's authorised taxi-cab operator is affiliated under Division 6.

**33F Variation, suspension or cancellation of authorisation**

Having regard to the purpose of authorisation under this Division, the Director-General may at any time vary, suspend or cancel any person's authorisation under this Division.

## **Division 6      Taxi-cab networks**

### **34    Requirement for authorisation**

- (1) The Director-General may authorise persons to operate taxi-cab networks, subject to and in accordance with this Division. A person authorised under this Division is referred to in this Part as an “authorised taxi-cab network provider”.
- (2) A person who operates a taxi-cab network, being a network operating wholly or partly within New South Wales, is guilty of an offence unless the person is an authorised taxi-cab network provider.

Maximum penalty: 1,000 penalty units.

- (3) The purpose of authorisation under this Division is to attest:
  - (a) that the authorised person is (or, in the case of an authorised person that is a corporation, the designated directors and managers of the corporation are) considered to be of good repute and in all other respects fit and proper to be responsible for the operation of a taxi-cab network, and
  - (b) that the authorised person has demonstrated the capacity to meet and continue to meet the appropriate requirements with respect to:
    - (i) financial viability, and
    - (ii) the delivery of taxi-cab services, including a taxi-cab booking service, and
    - (iii) supervising and monitoring taxi-cab operators and taxi-cab drivers,to the degree and in the manner required in respect of a taxi-cab network.
- (4) The appropriate requirements are:
  - (a) such requirements as may be prescribed by the regulations, and
  - (b) the standards determined under section 34E.

### **34A    Application for authorisation**

- (1) A person may apply to the Director-General for authorisation under this Division.

- (2) An applicant is required to pay any fee fixed by the regulations for consideration of the application.
- (3) An application made by a corporation is not to be considered by the Director-General unless the corporation nominates designated directors or managers (as referred to in section 35).
- (4) For the purposes of subsection (3), the Director-General may, from time to time, determine the number of persons who are to be nominated as designated directors and the number of persons who are to be nominated as designated managers. Such a determination may be made generally or in any particular case or class of cases.
- (5) Procedures for making and dealing with applications may be settled by the Director-General, subject to any provisions of the regulations.

**34B Grant or refusal of application**

- (1) Having regard to the purpose of authorisation under this Division, the Director-General may grant an application and authorise the applicant to operate a taxi-cab network, or may refuse the application.
- (2) Before an application is granted, the applicant must meet any criteria set forth in the regulations and must satisfy the Director-General as to any matter the Director-General considers relevant.
- (3) An applicant is required to pay any fee fixed by the regulations for the authorisation when first issued.
- (4) Particulars of an authorisation are to be given in writing by the Director-General to the authorised person.
- (5) An authorisation may be given so as to be general or limited, that is to say:
  - (a) appropriate generally for taxi-cab services, or
  - (b) appropriate only for the service or services designated in the authorisation, or for a service or services having the scope or characteristics so designated.

**34C Term of and renewal of authorisation**

- (1) An authorisation under this Division, unless sooner suspended or cancelled, remains in force for a period determined by the Director-General and specified in the particulars of the authorisation.
- (2) An authorisation is renewable from time to time on payment of the fee fixed by the regulations.
- (3) Procedures for renewal may be settled by the Director-General, subject to any provisions of the regulations.

**34D Conditions of authorisation**

- (1) An authorisation under this Division is subject to:
  - (a) the conditions imposed by this Division, and
  - (b) the conditions prescribed by the regulations, and
  - (c) such additional conditions as the Director-General, having regard to the purpose of authorisation under this Division, may impose on the authorisation.
- (2) Conditions imposed by the Director-General may be varied (whether by amendment, addition, revocation or suspension of one or more conditions) by the Director-General from time to time by notice served on the authorised person.
- (3) An authorised taxi-cab network provider who contravenes a condition of the provider's authorisation is guilty of an offence.  
Maximum penalty: 1,000 penalty units.
- (4) A variation of conditions imposed on an authorisation by the Director-General is, for the purposes of Division 3 of Part 5 (Reviews by Administrative Decisions Tribunal), a variation of the authorisation.

**34E Statutory conditions regarding affiliation and service standards**

- (1) Each authorisation under this Division is subject to a condition that the authorised taxi-cab network provider must have arrangements in place for the affiliation of authorised taxi-cab operators with the taxi-cab network.

- (2) Each authorisation under this Division is subject to a condition that the authorised taxi-cab network provider must comply with service standards determined under this section.
- (3) The Director-General may from time to time determine service standards with which authorised taxi-cab network providers are required to comply, being:
  - (a) standards with which the network providers must themselves comply, and
  - (b) standards that the providers must ensure taxi-cab operators and taxi-cab drivers comply with.
- (4) Without limitation, standards for an authorised taxi-cab network provider may make provision for or with respect to:
  - (a) requiring the network provider to accept applications for affiliation by, and to maintain affiliation with, authorised taxi-cab operators, so long as they pay the network booking service fees and abide by the rules of the network, and
  - (b) the rules of the network so far as they apply to taxi-cab operators and taxi-cab drivers, and
  - (c) maintenance of vehicles used as taxi-cabs, and
  - (d) safety of taxi-cab drivers and of their passengers, and
  - (e) training of taxi-cab drivers, and
  - (f) requiring the network provider to ensure that specified service levels for the carrying out of services related to the network provider's taxi-cab booking service, and the provision of booked taxi-cabs, are met, and
  - (g) requiring the network provider to ensure that a specified number or type of taxi-cabs, or a percentage of the total number or type of taxi-cabs, operated by taxi-cab operators affiliated with the network provider are on the road:
    - (i) from time to time, or
    - (ii) at a specified location or locations, or
    - (iii) at a specified time or times or during a specified period or periods, or
    - (iv) for the purpose of meeting demand arising from a specified event or events, and

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- (h) authorising the kinds of directions that the network provider is authorised to give taxi-cab operators and taxi-cab drivers, and
  - (i) without limiting paragraph (h), authorising or requiring the network provider to impose such service requirements on individual taxi-cab operators and taxi-cab drivers, or groups of taxi-cab operators and taxi-cab drivers, as are necessary to enable the network provider to comply with its obligations imposed by or under this Act, and
  - (j) requiring the network provider to supervise and monitor taxi-cab operators and taxi-cab drivers in relation to compliance with service requirements and other matters, and
  - (k) requiring reports to be furnished to the Director-General, whether on a regular basis or in specified circumstances or classes of circumstances or both, and
  - (l) providing facilities, including electronic monitoring facilities, as required by the Director-General, for the purpose of enabling or assisting the Director-General to monitor the performance of the network, the delivery of taxi-cab services by the network and the network's supervision and monitoring of taxi-cab operators and taxi-cab drivers, and entering into arrangements with the Director-General for this purpose, and
  - (m) enabling the Director-General to impose financial sanctions for contraventions of standards on the network provider (not exceeding an amount equal to 500 penalty units for any such contravention), and
  - (n) any other aspect of or relating to taxi-cab services, or affiliation under this Division.
- (5) Any person may obtain from the Director-General a copy of the standards on payment of the fee (if any) fixed by the regulations.
- (6) The regulations may make provision for or with respect to:
- (a) the procedures to be followed in making determinations under this section, and
  - (b) the publication of determinations under this section, and



(c) the imposition of financial sanctions under this Division.

(7) Nothing in this section limits the matters for or with respect to which regulations may be made under this Act.

**34F Variation, suspension or cancellation of authorisation**

(1) Having regard to the purpose of authorisation under this Division, the Director-General may at any time vary, suspend or cancel any person's authorisation under this Division.

(2) Without limiting subsection (1), the Director-General may vary, suspend or cancel a person's authorisation under this Division for failure to pay a financial sanction imposed on the person under the standards under this Division.

(3) The authorisation of a corporation is automatically cancelled when there is no designated director or manager.

**Division 7 Miscellaneous**

**35 Designated directors and managers of corporations**

For the purposes of this Part:

(a) a corporation may nominate, and the Director-General may accept the nomination of, any number of its directors or managers as designated directors or managers, and

(b) further nominations may be made and accepted from time to time, and

(c) a person so nominated becomes a designated director or manager, but only when the Director-General certifies acceptance of the nomination.

**35A Exemptions regarding networks**

(1) The Director-General may, by order in writing or by the terms or conditions of an authorisation under this Division, exempt an authorised taxi-cab operator from the provisions of section 30 (1) (c) or section 31G or both.

(2) Nothing in this section affects any other power of exemption under this Act.

## **Part 4A Private hire vehicles**

### **Division 1 Preliminary**

#### **36 Application of Part**

This Part applies to and in relation to private hire vehicles.

#### **36A Definitions**

In this Part:

*authorised private hire vehicle driver* means a person authorised under Division 5 to drive a private hire vehicle.

*authorised private hire vehicle operator* means a person authorised under Division 3 to carry on a private hire vehicle service.

*private hire vehicle service* means a public passenger service carried on by means of one or more private hire vehicles.

### **Division 2 Private hire vehicle services**

#### **37 Private hire vehicle service requirements**

- (1) A person who carries on a private hire vehicle service, being a service operating wholly or partly within New South Wales, by means of a private hire vehicle is guilty of an offence if:
  - (a) the person is not authorised to carry on the service under Division 3, or
  - (b) the private hire vehicle is not licensed under Division 4.
- (2) A person who carries on a private hire vehicle service, being a service operating wholly or partly within New South Wales, by means of a private hire vehicle is guilty of an offence if:
  - (a) the service is carried on otherwise than in accordance with the terms and conditions of the person's authorisation under Division 3, or

- (b) the service is carried on otherwise than in accordance with such of the terms and conditions of the private hire vehicle's licence as are applicable to the person under Division 4.

Maximum penalty: 1,000 penalty units.

### **Division 3 Private hire vehicle operators**

#### **38 Authorisation**

- (1) The Director-General may authorise persons to carry on private hire vehicle services, subject to and in accordance with this Division. A person authorised under this Division is referred to in this Part as an "authorised private hire vehicle operator".
- (2) The purpose of authorisation under this Division is to attest:
  - (a) that the authorised person is (or, in the case of an authorised person that is a corporation, the designated directors and managers of the corporation are) considered to be of good repute and in all other respects fit and proper to be responsible for the operation of a private hire vehicle service, and
  - (b) that the authorised person has demonstrated the capacity to meet and continue to meet the appropriate requirements with respect to:
    - (i) financial viability, and
    - (ii) safety of drivers, passengers and the public, and
    - (iii) vehicle maintenance,to the degree and in the manner required in respect of services of the kind specified in the authorisation.
- (3) The appropriate requirements are such requirements as may be prescribed by the regulations.

#### **38A Application for authorisation**

- (1) A person may apply to the Director-General for authorisation under this Division.
- (2) An applicant is required to pay any fee fixed by the regulations for consideration of the application.

- (3) An application made by a corporation is not to be considered by the Director-General unless the corporation nominates designated directors or managers (as referred to in section 41).
- (4) For the purposes of subsection (3), the Director-General may, from time to time, determine the number of persons who are to be nominated as designated directors and the number of persons who are to be nominated as designated managers. Such a determination may be made generally or in any particular case or class of cases.
- (5) Procedures for making and dealing with applications may be settled by the Director-General, subject to any provisions of the regulations.

**38B Grant or refusal of application**

- (1) Having regard to the purpose of authorisation under this Division, the Director-General may grant an application and authorise the applicant to carry on a private hire vehicle service, or may refuse the application.
- (2) Before an application is granted, the applicant must meet any criteria set forth in the regulations and must satisfy the Director-General as to any matter the Director-General considers relevant.
- (3) An applicant is required to pay any fee fixed by the regulations for the authorisation when first issued.
- (4) Particulars of an authorisation are to be given in writing by the Director-General to the authorised person.
- (5) An authorisation may be given so as to be general or limited, that is to say:
  - (a) appropriate generally for a private hire vehicle service, or
  - (b) appropriate only for the service or services designated in the authorisation, for a service or services having the scope or characteristics so designated.

**38C Term of and renewal of authorisation**

- (1) An authorisation under this Division, unless sooner suspended or cancelled, remains in force for a period determined by the Director-General and specified in the particulars of the authorisation.
- (2) An authorisation is renewable from time to time on payment of the fee fixed by the regulations.
- (3) Procedures for renewal may be settled by the Director-General, subject to any provisions of the regulations.

**38D Conditions of authorisation**

- (1) An authorisation under this Division is subject to:
  - (a) the conditions prescribed by the regulations, and
  - (b) such additional conditions as the Director-General, having regard to the purpose of authorisation under this Division, may impose on the authorisation.
- (2) Conditions imposed by the Director-General may be varied (whether by amendment, addition, revocation or suspension of one or more conditions) by the Director-General from time to time by notice served on the authorised person.
- (3) An authorised private hire vehicle operator who contravenes a condition of the operator's authorisation is guilty of an offence.  
Maximum penalty: 1,000 penalty units.
- (4) A variation of conditions imposed on an authorisation by the Director-General is, for the purposes of Division 3 of Part 5 (Reviews by Administrative Decisions Tribunal), a variation of the authorisation.

**38E Variation, suspension or cancellation of authorisation**

- (1) Having regard to the purpose of authorisation under this Division, the Director-General may at any time vary, suspend or cancel any person's authorisation under this Division.
- (2) The authorisation of a corporation is automatically cancelled when there is no designated director or manager.

## **Division 4      Private hire vehicle licences**

### **39    Licence**

- (1) The Director-General may license motor vehicles as private hire vehicles, subject to and in accordance with this Division.
- (2) Subject to subsection (3):
  - (a) the authority of a licence for a private hire vehicle, if the licence is let or sublet, inures to the benefit of the lessee or sublessee to the exclusion of the lessor or sublessor, and
  - (b) a reference in this Act or the regulations to the licensee of, or the holder of a licence for, a private hire vehicle is a reference to the person having the benefit of the authority of the licence concerned.
- (3) However:
  - (a) the regulations may provide that such a lessor is subject to specified provisions of this Act or of the regulations relating to licensed private hire vehicles, either to the exclusion of any lessee or sublessee or jointly with any lessee or sublessee, and
  - (b) the conditions of a licence may provide that such a lessor is subject to the provisions of specified terms and conditions of the licence, either to the exclusion of any lessee or sublessee or jointly with any lessee or sublessee.

The regulations or conditions referred to in this subsection may provide that the lessor and any lessee or sublessee are jointly and severally liable under any specified provisions or for any matters arising in connection with them.
- (4) The following provisions have effect:
  - (a) the regulations may provide that specified kinds of terms and conditions of licences apply to authorised private hire vehicle operators carrying on private hire vehicle services by means of the private hire vehicles concerned, and

- (b) the conditions of a licence may provide that specified terms and conditions of the licence apply to an authorised private hire vehicle operator carrying on a private hire vehicle service by means of the private hire vehicle concerned.

The regulations or conditions referred to in this subsection may provide that such a term or condition applies to a private hire vehicle operator to the exclusion of a licensee or may provide that the operator and licensee are jointly and severally liable in connection with such a term or condition.

**39A Application for licence**

- (1) A person may apply to the Director-General for a licence under this Division.
- (2) An applicant is required to pay any fee fixed by the regulations for consideration of the application.
- (3) An application made by a corporation is not to be considered by the Director-General unless the corporation nominates designated directors or managers (as referred to in section 41).
- (4) For the purposes of subsection (3), the Director-General may, from time to time, determine the number of persons who are to be nominated as designated directors and the number of persons who are to be nominated as designated managers. Such a determination may be made generally or in any particular case or class of cases.
- (5) Procedures for making and dealing with applications may be settled by the Director-General, subject to any provisions of the regulations.

**39B Grant or refusal of application**

- (1) The Director-General may grant an application and issue to the applicant a licence for the private hire vehicle concerned, or may refuse the application.
- (2) Before an application is granted, the applicant must meet any criteria set forth in the regulations and must satisfy the Director-General as to any matter the Director-General considers relevant.

**39C Term of and renewal of licence**

- (1) A licence, unless sooner suspended or cancelled, remains in force for a period determined by the Director-General and specified in the licence.
- (2) A licence is renewable from time to time on payment of the fee fixed by the regulations.
- (3) Procedures for renewal may be settled by the Director-General, subject to any provisions of the regulations.
- (4) This section does not apply to a short-term licence issued under this Division.

**39D Short-term licences**

- (1) If an applicant for a licence requests a short-term licence, the Director-General may issue to the applicant a licence for a limited duration.
- (2) A short-term licence, unless sooner suspended or cancelled, remains in force for the period (not exceeding 6 years) determined by the Director-General and specified in the licence.
- (3) Such a licence is not renewable and cannot be transferred except on the application of the holder's legal personal representative or of a trustee of the holder's estate.

**39E Area of operation of licences**

- (1) A licence for a private hire vehicle may specify the area of operation of the private hire vehicle.
- (2) If no area is specified, the private hire vehicle may be used to carry on a private hire vehicle service anywhere in New South Wales.
- (3) A licence for a private hire vehicle does not confer on any person an exclusive right to operate a private hire vehicle in the area of operation specified in the licence.



**39F Conditions of licence**

- (1) A licence is subject to:
  - (a) the conditions prescribed by the regulations, and
  - (b) such additional conditions as the Director-General may impose on the licence.
- (2) Conditions imposed by the Director-General may be varied (whether by amendment, addition, revocation or suspension of one or more conditions) by the Director-General from time to time by notice served on the licensee.
- (3) A licensee who contravenes a condition of the licence is guilty of an offence.  
Maximum penalty: 1,000 penalty units.
- (4) A variation of conditions imposed on a licence by the Director-General is, for the purposes of Division 3 of Part 5 (Reviews by Administrative Decisions Tribunal), a variation of the licence.

**39G Variation, suspension or cancellation of licence**

- (1) The Director-General may at any time vary, suspend or cancel any licence if:
  - (a) owing to the default of the licensee, or the agents or employees of the licensee:
    - (i) the provisions of this Act or the regulations, or
    - (ii) the terms and conditions of the licence,have not been or are not being complied with, or
  - (b) the private hire vehicle service carried on under the authority of the licence has been or is being conducted in such a manner as to cause danger to the public, or
  - (c) the licensee is convicted of an offence against this Act or the regulations with respect to the furnishing of information concerning the service, or
  - (d) the licensee does not have a policy of insurance covering third-party property damage in respect of the private hire vehicle, being a policy:
    - (i) issued by a corporation authorised under the *Insurance Act 1973* of the Commonwealth to carry on insurance business, and

- (ii) providing cover that in the opinion of the Director-General is sufficient for the private hire vehicle.
- (2) A licence issued to a corporation is automatically cancelled when there is no designated director or manager.

**39H Licence fee**

- (1) In addition to any application fee, a licence fee is payable to the Director-General when a licence is first issued.
- (2) The licence fee is payable by the person to whom the licence is issued in the manner determined by the Director-General.

**39I Licence fee for ordinary licence**

- (1) The amount of the licence fee for a licence must be determined by inviting applicants for the licence to bid for it at a public auction or to submit sealed tenders for it or by using such other method chosen by the Director-General as will, in the Director-General's opinion, yield as the fee for the licence an amount equivalent to its current value on the open market.
- (2) The Director-General may, in the circumstances specified in the regulations, fix the licence fee at less than the current value of the licence on the open market or decide not to impose a licence fee for the licence.
- (3) This section does not apply to a short-term licence issued under this Division.

**39J Licence fee for short-term licences**

The amount of the licence fee for a short-term licence issued under this Division is an amount determined by the Director-General.

**Division 5 Private hire vehicle drivers**

**40 Authorisation**

- (1) The Director-General may authorise persons to drive private hire vehicles, subject to and in accordance with this Division. A person authorised under this Division is referred to in this Part as an "authorised private hire vehicle driver".

- (2) A person who drives a private hire vehicle is guilty of an offence unless the person is an authorised private hire vehicle driver.

Maximum penalty: 100 penalty units.

- (3) The purpose of an authorisation under this Division is to attest:
- (a) that the authorised person is considered to be of good repute and in all other respects a fit and proper person to be the driver of a private hire vehicle, and
  - (b) that the authorised person is considered to have sufficient responsibility and aptitude to drive a private hire vehicle:
    - (i) in accordance with the conditions under which the private hire vehicle service concerned is operated, and
    - (ii) in accordance with law and custom.
- (4) The regulations may create categories or grades of authorisations.
- (5) Without limitation, the regulations may provide that subsection (2) does not apply in specified circumstances, including, for example, when a private hire vehicle is being driven to a place to have it repaired or serviced.

**40A Application for authorisation**

- (1) A person may apply to the Director-General for authorisation under this Division.
- (2) An applicant is required to pay any fee fixed by the regulations for consideration of the application.
- (3) Procedures for making and dealing with applications may be settled by the Director-General, subject to any provisions of the regulations.

**40B Grant or refusal of application**

- (1) Having regard to the purpose of authorisation under this Division, the Director-General may grant an application and authorise the applicant to drive a private hire vehicle, or may refuse the application.

- (2) Before an application is granted, the applicant must meet any criteria set forth in the regulations and must satisfy the Director-General as to any matter the Director-General considers relevant.
- (3) An applicant is required to pay any fee fixed by the regulations for the authorisation when first issued.
- (4) Particulars of an authorisation are to be given in writing by the Director-General to the authorised person.
- (5) The authorisation may specify the category or grade of the authorisation, and (without limitation) may specify the kind or kinds of vehicles for which the authorisation is granted.

**40C Term of and renewal of authorisation**

- (1) An authorisation under this Division, unless sooner suspended or cancelled, remains in force for a period determined by the Director-General and specified in the particulars of the authorisation.
- (2) An authorisation is renewable from time to time on payment of the fee fixed by the regulations.
- (3) Procedures for renewal may be settled by the Director-General, subject to any provisions of the regulations.

**40D Conditions of authorisation**

- (1) An authorisation under this Division is subject to:
  - (a) the conditions prescribed by the regulations, and
  - (b) such additional conditions as the Director-General, having regard to the purpose of authorisation under this Division, may impose on the authorisation.
- (2) Conditions imposed by the Director-General may be varied (whether by amendment, addition, revocation or suspension of one or more conditions) by the Director-General from time to time by notice served on the authorised person.
- (3) An authorised private hire vehicle driver who contravenes a condition of the driver's authorisation is guilty of an offence.  
Maximum penalty: 100 penalty units.

- (4) A variation of conditions imposed on an authorisation by the Director-General is, for the purposes of Division 3 of Part 5 (Reviews by Administrative Decisions Tribunal), a variation of the authorisation.

**40E Variation, suspension or cancellation of authorisation**

Having regard to the purpose of authorisation under this Division, the Director-General may at any time vary, suspend or cancel any person's authorisation under this Division.

**Division 6 Miscellaneous**

**41 Designated directors and managers of corporations**

For the purposes of this Part:

- (a) a corporation may nominate, and the Director-General may accept the nomination of, any number of its directors or managers as designated directors or managers, and
- (b) further nominations may be made and accepted from time to time, and
- (c) a person so nominated becomes a designated director or manager, but only when the Director-General certifies acceptance of the nomination.

**[7] Section 34A Fares or other remuneration**

Re-number section 34A (as in force immediately before the commencement of this item) as section 60A, and insert it after section 60.

**[8] Section 42 Inspection of vehicles, premises, equipment and records**

Insert "authorisation," after "authority," in section 42 (1).

**[9] Section 42 (3)**

Omit "section 41". Insert instead "section 29A".

**[10] Section 42 as amended (to be renumbered as section 55A)**

Re-number section 42 as section 55A, and insert it after section 55.

**[11] Existing Part 4, Division 2 (to be renumbered as Part 4B)**

Omit the heading to Division 2 of Part 4 (as in force immediately before the commencement of this item). Insert instead:

**Part 4B Taxi-cabs and private hire vehicles: transfer tax**

**[12] Section 52 Applications to Administrative Decisions Tribunal**

Insert “, 4 or 4A” after “Part 2” in section 52 (1).

**[13] Section 52 (1)**

Omit “or authority”. Insert instead “, authority or authorisation”.

**[14] Section 52 (4)**

Omit the subsection.

**[15] Sections 53A and 53B**

Insert before section 54:

**53A Advertising**

- (1) A person must not cause to be published any advertisement that advertises a commercial service involving the operation of a vehicle if:
  - (a) the service is of a kind that requires the operator of the service to be accredited or authorised under this Act and the service is not so accredited or authorised, or
  - (b) the vehicle is of a kind that is required to be licensed under this Act and the vehicle is not so licensed.

Maximum penalty: 50 penalty units.

- (2) A reference in this section to an advertisement includes a reference to any form of notice or statement in the nature of an advertisement.

**53B Requirement to return documents or number-plates**

- (1) If an accreditation, authority, authorisation or licence under this Act is suspended or cancelled or otherwise ceases to be in force, the person to whom it was granted must immediately return it to the Director-General.

Maximum penalty: 25 penalty units.

- (2) If a licence is cancelled, or is suspended for a period of more than 28 days, or otherwise ceases to be in force, the person to whom it was granted must, unless otherwise directed by the Director-General in writing, return any number-plates allocated to the taxi-cab or private hire vehicle by virtue of its being licensed to the Roads and Traffic Authority or the Commissioner of Police within 7 days of the cancellation, suspension or discontinuation taking effect.

Maximum penalty: 25 penalty units.

**[16] Section 54 Offences involving credentials**

Omit “or authority” wherever occurring.

Insert instead “, authority or authorisation”.

**[17] Section 60 Proceedings for offences**

Insert after section 60 (2):

- (3) Despite the *Justices Act 1902* or any other Act, proceedings for an offence under this Act or the regulations may be commenced not later than one year after the date alleged to be the date on which the offence was committed.

**[18] Section 62 Records and evidentiary matters**

Insert “, authorisations” after “contracts” in section 62 (1).

**[19] Section 62 (4)**

Insert after section 62 (3):

- (4) In any legal proceedings under this Act, proof is not required (until evidence is given to the contrary) of the following:

- (a) the fact that a vehicle is subject to a provision of this Act or the regulations in question,
- (b) the fact that the defendant is, or at any relevant time was, the driver of any vehicle in question,
- (c) the fact that the defendant is, or at any relevant time was, the owner or agent of the owner of any vehicle in question,
- (d) the fact that, at any relevant time, any vehicle was used for commercial purposes.

**[20] Section 63 Regulations**

Omit “and authorities” in section 63 (2) (g).  
Insert instead “, authorities and authorisations”.

**[21] Section 63 (5)**

Omit the subsection.

**[22] Schedule 1 Provisions relating to powers of authorised officers**

Omit “42” wherever occurring. Insert instead “55A”.

**[23] Schedule 3 Savings and transitional provisions**

Insert at the end of clause 2 (1):

*Passenger Transport Amendment Act 2000*

**[24] Schedule 3, Part 4**

Insert after Part 3:

**Part 4 Provisions consequent on enactment of  
Passenger Transport Amendment Act 2000**

**11 Definition**

In this Part:

*the amending Act* means the *Passenger Transport Amendment Act 2000*.



**12 Accredited operators: taxi-cab services**

- (1) A person accredited under Division 1 of Part 2 immediately before the insertion of Division 4 into that Part by the amending Act for a public passenger service carried on by means of a taxi-cab is taken to be a person authorised under Division 3 of Part 4 as inserted by that Act.
- (2) Accordingly, the accreditation of that person is taken to be an authorisation of that person for that service under Division 3 of Part 4 as so inserted.

**13 Drivers' authorities: taxi-cabs**

- (1) A person who was the holder of an authority under Division 2 of Part 2 immediately before the insertion of Division 4 into that Part by the amending Act authorising the person to drive taxi-cabs is taken to be a person authorised under Division 5 of Part 4 as inserted by that Act.
- (2) Accordingly, the authority held by that person is taken to be an authorisation of that person under Division 5 of Part 4 as so inserted.

**14 Licences: taxi-cabs**

- (1) A person who was the holder of a licence under Division 1 of Part 4 immediately before the omission of sections 29–41 (other than section 34A) by the amending Act for a taxi-cab is taken to be a person licensed under Division 4 of Part 4 as inserted by that Act.
- (2) Accordingly, the licence held by that person is taken to be a licence issued under Division 4 of Part 4 as so inserted.
- (3) Section 29 (3) as in force immediately before its repeal by the amending Act, and section 32 (2) (b) as inserted by that Act, do not apply to references in this clause to the holder of such a licence.

**15 Taxi-cab networks**

An authority in force under section 41 before its omission by the amending Act for a taxi-cab network is taken to be an authorisation granted under Division 6 of Part 4 as inserted by that Act.

**16 Accredited operators: private hire vehicle services**

- (1) A person accredited under Division 1 of Part 2 immediately before the insertion of Division 4 into that Part by the amending Act for a public passenger service carried on by means of a private hire vehicle is taken to be a person authorised under Division 3 of Part 4A as inserted by that Act.
- (2) Accordingly, the accreditation of that person is taken to be an authorisation of that person for that service under Division 3 of Part 4A as so inserted.

**17 Drivers' authorities: private hire vehicles**

- (1) A person who was the holder of an authority under Division 2 of Part 2 immediately before the insertion of Division 4 into that Part by the amending Act authorising the person to drive private hire vehicles is taken to be a person authorised under Division 5 of Part 4A as inserted by that Act.
- (2) Accordingly, the authority held by that person is taken to be an authorisation of that person under Division 5 of Part 4A as so inserted.

**18 Licences: private hire vehicles**

- (1) A person who was the holder of a licence under Division 1 of Part 4 immediately before the omission of sections 29–41 (other than section 34A) by the amending Act for a private hire vehicle is taken to be a person licensed under Division 4 of Part 4A as inserted by that Act.
- (2) Accordingly, the licence held by that person is taken to be a licence issued under Division 4 of Part 4A as so inserted.
- (3) Section 29 (3) as in force immediately before its repeal by the amending Act, and section 39 (2) (b) as inserted by that Act, do not apply to references in this clause to the holder of such a licence.

**19 Reissue of authorisations or licences**

Without limiting any functions of the Director-General, the Director-General may reissue any authorisations or licences referred to in this Part, with such alterations as the Director-General considers appropriate having regard to the provisions and operation of the amending Act.

**20 Proceedings for offences**

Section 60 (3) as inserted by the amending Act does not apply to offences committed before the commencement of the subsection.

[Minister's second reading speech made in—  
Legislative Assembly on 31 October 2000  
Legislative Council on 23 November 2000]