

1995—No. 399

## PASSENGER TRANSPORT ACT 1990—REGULATION

(Passenger Transport (Taxi-cab Services) Regulation 1995)

NEW SOUTH WALES



*[Published in Gazette No. 102 of 25 August 1995]*

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

BRIAN LANGTON, M.P.,  
Minister for Transport.

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### PART 1—PRELIMINARY

#### Citation

1. This Regulation may be cited as the Passenger Transport (Taxi-cab Services) Regulation 1995.

#### Commencement

2. This Regulation commences on 1 September 1995.

#### Definitions

3. In this Regulation:

“**area of operations**” of a taxi-cab means the area within which the taxi-cab is authorised by its licence to ply for hire;

“**authorised fare**”, in relation to the hiring of a taxi-cab, means the amount charged for the hiring in accordance with the conditions of the licence for the taxi-cab or (if the conditions of the licence do not provide for the fare to be charged) in accordance with the provisions of clause 40 (4);

“**authorised officer**” includes a person authorised by the Director-General of the Department of Transport for the purposes of this Regulation, and also includes a police officer;

**“authority”** means an authority issued under Division 2 of Part 2 of the Act;

**“drive”** a taxi-cab includes causing or allowing the taxi-cab to stand;

**“driver”** of a taxi-cab means a person who holds an authority that authorises the person to drive a taxi-cab;

**“driver’s authority card”** means an authority card issued under clause 50;

**“hirer”** of a taxi-cab means the person by whom the taxi-cab is hired, and includes any other passenger accompanying the hirer;

**“operator”** means:

(a) in relation to a taxi-cab service, the person who is accredited under Division 1 of Part 2 of the Act to operate the taxi-cab service; and

(b) in relation to a taxi-cab, the person who is accredited under Division 1 of Part 2 of the Act to operate the taxi-cab service to which the taxi-cab belongs;

**“radio unit”** means a radio unit that is fitted to a taxi-cab and is capable of transmitting messages to and receiving messages from the network base of a taxi radio network;

**“RTA”** means the Roads and Traffic Authority;

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

**“taxi stand”** means a taxi stand appointed under clause 51;

**“the Act”** means the Passenger Transport Act 1990.

## **PART 2—OPERATION OF TAXI-CAB SERVICES**

### **Division 1—Taxi-cab operators**

#### **Accommodation standard for taxi-cabs**

**4. (1)** The operator of a taxi-cab must ensure that the taxi-cab complies with this clause.

Maximum penalty: 5 penalty units.

**(2)** A vehicle that is used as a taxi-cab must have seating accommodation for the driver and for at least 4 and not more than 7 other adult persons.

(3) The vehicle must have at least 4 side doors 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.

(4) The distance between the back of one seat and the front of the seat behind it must be at least 180 mm (when the rear seat is unoccupied).

(5) Each seating position in the vehicle must be such that it is adequate when assessed in accordance with section 7.2 of the Single Uniform Type Inspection (SUTI) Manual for Third Edition Australian Design Rules as published in January 1988 by the Australian Motor Vehicle Certification Board.

#### **Maximum age of taxi-cabs**

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

Maximum penalty: 10 penalty units.

(2) The Director-General may grant written approval to extend the period referred to in subclause (1), or may in writing exempt an operator or class of operators from the operation of that subclause.

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

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

#### **Taxi-meters**

6. (1) The operator of a taxi-cab must not allow the taxi-cab to be driven unless the taxi-cab is fitted with a taxi-meter that complies with the standards for taxi-meters published by the Director-General.

Maximum penalty: 10 penalty units.

(2) The Director-General may by instrument in writing exempt a taxi-cab from the provisions of subclause (1).

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

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

Maximum penalty: 10 penalty units.

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

### **Security devices**

7. (1) The operator of a taxi-cab that is connected to a taxi radio network must ensure that the taxi-cab is fitted with a security device by which the driver can (in a discreet manner) notify the driver's whereabouts to the network from anywhere within the taxi-cab's area of operations.

Maximum penalty: 10 penalty units.

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

Maximum penalty: 10 penalty units.

(3) The operator must ensure that a taxi-cab that has a fully enclosed boot compartment is equipped with a lock release device that enables the boot compartment to be opened from inside the compartment and that cannot be rendered inoperable from outside the compartment when the boot is closed.

Maximum penalty: 5 penalty units.

### **Condition of taxi-cabs**

8. The operator of a taxi-cab must ensure that, while the taxi-cab is in use, its interior, exterior and fittings (including seat, seat covers and floor coverings and any device required by this Regulation to be fitted to the taxi-cab) are clean, undamaged and in good repair.

Maximum penalty: 5 penalty units.

### **Information in taxi-cabs**

9. (1) The operator of a taxi-cab must ensure that the following information is displayed inside the taxi-cab while the taxi-cab is in use:

- (a) a summary of the rights and obligations of the hirer;
- (b) the maximum fares and charges (as determined for the time being by the Director-General) on which the authorised fare for hiring is calculated;
- (c) the maximum number of passengers that may be carried in the taxi-cab;
- (d) the registration number of the taxi-cab.

(2) The information must be displayed in a form approved by the Director-General and in a position where it may easily be read by a passenger.

Maximum penalty: 5 penalty units.

#### **Child restraint anchorage bolts in taxi-cabs**

10. The operator of a taxi-cab must ensure that the taxi-cab is fitted with a child restraint anchorage bolt that complies with the Australian Design Rules and that the bolt is so fitted that a child restraint can be attached to it easily and securely.

Maximum penalty: 5 penalty units.

#### **Signs and lights on taxi-cabs**

11. (1) A taxi-cab must be fitted with a roof sign:

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

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

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

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

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

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

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

(6) A taxi-cab that is connected to a taxi radio network must be fitted with a network decal sign securely mounted on the front doors of the taxi-cab.

(7) The operator must ensure that a taxi-cab is fitted with all the equipment necessary for compliance with this clause and that the equipment is properly connected, wired and adjusted.

Maximum penalty: 5 penalty units.

#### **Stand-by taxi-cabs**

12. (1) The operator of a stand-by taxi-cab must maintain a record of the operation of the stand-by taxi-cab in a form approved by the Director-General.

Maximum penalty: 5 penalty units.

(2) The operator of a stand-by taxi-cab must, while the taxi-cab is operating as such, display on it a sign with the words "STAND-BY TAXI" clearly visible from the front of the taxi-cab.

Maximum penalty: 5 penalty units.

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

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

#### **Taxi-cabs to comply with on -road standards when inspected**

13. The operator of a taxi-cab must ensure that, at the time any inspection of the taxi-cab is carried out under section 42 of the Act:

- (a) the taxi-cab complies in all respects with the requirements of clause 4; and
- (b) the taxi-cab is duly fitted with a taxi-meter of the kind referred to in clause 6 (unless the taxi-cab is exempted under clause 6 (2)); and
- (c) the taxi-cab is duly fitted with a security device and lock release device as required by clause 7; and
- (d) the interior, exterior and fittings of the taxi-cab comply in all respects with the requirements of clause 8; and
- (e) the information required by clause 9 is duly displayed in the taxi-cab; and
- (f) the taxi-cab is duly fitted with a roof sign lamp, radio unit and radio decal sign as required by clause 11.

Maximum penalty: 5 penalty units.

**Alteration of a taxi-cab**

**14.** The operator of a taxi-cab that is altered in respect of any particulars contained in the licence for the taxi-cab must give written notice of the alteration to the Director-General.

Maximum penalty: 5 penalty units.

**Non-compliance notices**

**15.** The operator of a taxi-cab must not allow the taxi-cab to be driven if the operator knows that:

- (a) the expiry date of a non-compliance notice affixed to the taxi-cab has passed; or
- (b) a non-compliance notice has been unlawfully removed from the taxi-cab.

Maximum penalty: 10 penalty units.

**Records of drivers**

**16. (1)** The operator of a taxi-cab must not permit a person to drive the taxi-cab unless satisfied that the person is the holder of

- (a) an appropriate authority; and
- (b) an appropriate licence under the Traffic Act 1909.

Maximum penalty: 10 penalty units.

**(2)** The operator of a taxi-cab must keep a record in written or electronic form of the following particulars for each person who drives the taxi-cab:

- (a) the person's full name and residential address;
- (b) the dates and times during which the taxi-cab was driven by the person.

Maximum penalty: 10 penalty units.

**(3)** This clause does not apply to a taxi-cab that is driven otherwise than for hire.

**Retention of books and records in relation to the operation of a taxi-cab**

**17.** A person who is or has been an operator of a taxi-cab:

- (a) must retain any record required to be kept by the person under the Act or this Regulation for a period of at least 2 years after the date of the last entry in it; and
- (b) must, on demand by an authorised officer, produce it in written form for inspection; and

(c) must, if required by the Director-General in writing to do so, deliver it to the Director-General when required.

Maximum penalty: 10 penalty units.

### **Third party property insurance**

**18. (1)** The operator of a taxi-cab must maintain an insurance policy providing cover of at least \$200,000 against liability for damage to property caused by or arising out of the use of the taxi-cab.

**(2)** The policy must be maintained with a corporation authorised under the Insurance Act 1973 of the Commonwealth to carry on insurance business.

Maximum penalty: 10 penalty units.

## **Division 2—Taxi-cab drivers**

### **Driver to display driver's authority card**

**19. (1)** The driver of a taxi-cab must not drive the taxi-cab unless the appropriate driver's authority card:

- (a) is contained in a holder firmly affixed to the interior of the taxi-cab; and
- (b) is displayed so that its face can be easily seen by any passenger in the taxi-cab.

Maximum penalty: 5 penalty units.

**(2)** The driver of a taxi-cab must not fail to produce the appropriate driver's authority card for inspection on demand made by an authorised officer.

Maximum penalty: 5 penalty units.

### **Condition of taxi-cabs**

**20.** The driver of a taxi-cab must not drive the taxi-cab unless it is clean and tidy.

Maximum penalty: 2 penalty units.

### **Non-compliance notices**

**21.** A driver must not drive a taxi-cab if the driver knows that:

- (a) the expiry date of a non-compliance notice affixed to the taxi-cab has passed; or
- (b) a non-compliance notice has been unlawfully removed from the taxi-cab.

Maximum penalty: 10 penalty units.



**Carriage of goods and animals**

**22. (1)** The driver of a taxi-cab must not permit any person to place or carry in or on the taxi-cab any article that is of such size or has such dimensions that it cannot be accommodated in or on the taxi-cab without inconvenience to any other person.

Maximum penalty: 2 penalty units.

**(2)** The driver of a taxi-cab must not permit any person to place or carry in or on the taxi-cab any dog, cat, bird or other animal.

Maximum penalty: 2 penalty units.

**(3)** Subclause (2) does not apply to:

- (a) a guide dog accompanying a person who is visually or aurally impaired; or
- (b) a guide dog in training.

**Behaviour of drivers**

**23.** The driver of a taxi-cab must not do any of the following:

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

Maximum penalty: 5 penalty units.

**Dress and conduct of drivers**

**24.** The driver of a taxi-cab must not fail to do the following:

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

Maximum penalty: 5 penalty units.

**Driver to remain in taxi-cab**

**25.** The driver of a taxi-cab must not, without reasonable excuse, leave the driving seat of the taxi-cab.

Maximum penalty: 5 penalty units.

**Taxi stands**

**26. (1)** The driver of a taxi-cab must not cause or allow the taxi-cab to stand at a taxi stand if the taxi-cab is hired or is not available for hire.

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

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

**(4)** At any place where taxi-cabs are congregated, a police officer may appoint temporary taxi stands and every driver must use the taxi stands as directed by a police officer.

Maximum penalty: 5 penalty units.

**Standing otherwise than at a taxi stand**

**27.** The driver of a taxi-cab must not permit the taxi-cab to stand otherwise than at a taxi stand, except as follows:

- (a) while loading or unloading luggage or goods or taking up or setting down passengers;
- (b) by the direction or with the consent of a police officer;
- (c) while hired;
- (d) while not available for hire.

Maximum penalty: 5 penalty units.

**Use of taxi radio network**

**28.** The driver of a taxi-cab must use the radio unit for the taxi-cab in accordance with procedures for the taxi radio network to which the taxi-cab belongs and must otherwise observe the published rules of the network.

Maximum penalty: 5 penalty units.

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

**29. (1)** A taxi-cab that is available for hire may display a sign approved by the Director-General showing the name of the locality to which the driver is proceeding.

**(2) The sign:**

- (a) may be displayed only when the driver is proceeding between the hours of 12.30 p.m. and 4.30 p.m. in the general direction of the locality shown on the sign for the purpose of terminating a driving shift; and
- (b) must be so affixed that the name shown on it is clearly visible and legible from the front of the taxi-cab.

**(3) The driver of a taxi-cab to which such a sign is affixed:**

- (a) must immediately proceed in the general direction of the locality shown on the sign; and
- (b) must remove the sign when the taxi-cab is hired, on arrival at the place in that locality or at 4 p.m., whichever is the sooner.

Maximum penalty: 5 penalty units.

### **PART 3—TAXI-CAB HIRINGS**

#### **Driver of taxi-cab to accept hiring**

**30. (1)** Subject to this clause, the driver of a taxi-cab that is available for hire must accept a hiring immediately when offered.

Maximum penalty: 5 penalty units.

**(2) The driver of a taxi-cab may refuse to accept a hiring:**

- (a) if by doing so the number of passengers in the taxi-cab would exceed the maximum number of passengers that may be carried in the taxi-cab; or
- (b) if by doing so the driver would contravene the provisions of clause 22 (Carriage of goods and animals); or
- (c) in the case of a taxi-cab that is displaying a sign in accordance with clause 29 (Display of destination sign on taxi-cab at end of driving shift), if the intending passenger indicates that he or she wishes to be taken to a location that is not on the way to the destination displayed by the sign; or
- (d) if the intending passenger indicates that he or she wishes to be taken to a location that is outside the taxi-cab's area of operations; or
- (e) if the intending passenger is a person referred to in clause 44 (Luggage and soiled clothing) or 45 (Passengers who are intoxicated); or
- (f) if the intending passenger cannot satisfy the driver that the person is able to pay the estimated fare.

**Police officer may direct driver to accept hiring**

**31. (1)** A police officer may direct the driver of a taxi-cab to accept a hiring, even though clause 30 (2) would otherwise allow the driver to refuse the hiring, but may not do so if the carrying out of the hiring would involve the driver in committing an offence (other than an offence against this Regulation).

**(2)** The driver of the taxi-cab to whom such a direction is given must not, without reasonable excuse, fail to carry out the hiring in accordance with the direction.

Maximum penalty: 5 penalty units.

**(3)** In the event that the driver of a taxi-cab carries out a hiring in accordance with a direction under this clause:

- (a)** the driver is exempt from any provision of this Regulation that would otherwise prohibit the driver from carrying out the hiring; and
- (b)** the police officer by whom the direction was given is liable to pay the driver, in addition to the authorised fare, reasonable compensation for any damage, injury, loss of time or other detriment consequent on the hiring.

**Manner in which hiring to be carried out**

**32. (1)** The driver of a taxi-cab:

- (a)** must not refuse or fail to carry out punctually any hiring accepted; and
- (b)** must drive the taxi-cab by the shortest practicable route to any place specified by the hirer that is within the taxi-cab's area of operations, unless the hirer requests that the taxi-cab be driven to that place by some other route.

Maximum penalty: 5 penalty units.

**(2)** The hirer of a taxi-cab may at any time during the hiring direct the driver to carry the hirer to any place within the taxi-cab's area of operations, even if that place was not originally specified by the hirer, and the driver must not, without reasonable excuse, fail to comply with that direction.

Maximum penalty: 5 penalty units.

**(3)** The driver of a taxi-cab must not stop the taxi-cab on a public street for the purpose of setting down or picking up passengers otherwise than close to and parallel with the side of the carriageway of the street.

Maximum penalty: 5 penalty units.

(4) The driver of a taxi-cab may refuse to stop the taxi-cab at any place at which stopping the taxi-cab would be unlawful or, in the opinion of the driver, unsafe.

#### **Journey by taxi-cab to pick-up point**

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

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

Maximum penalty: 5 penalty units.

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

(3) While a taxi-cab is travelling to a specified place as referred to in subclause (1), the taxi-cab is to be taken for the purposes of clause 11 to be not hired and not available for hire.

#### **Carriage of luggage and goods**

**34. (1)** Subject to this clause, the driver of a taxi-cab must, when requested by a hirer, convey in or on the taxi-cab any luggage or goods.

Maximum penalty: 5 penalty units.

(2) The driver of a taxi-cab may refuse to convey any luggage or goods if by doing so the driver would contravene the provisions of clause 22 (Carriage of goods and animals).

(3) The driver of a taxi-cab must not:

- (a) except with the consent of the hirer, convey any luggage or goods on the roof of the taxi-cab;

- (b) convey in any portion of the taxi-cab that is provided for the accommodation of passengers, any goods (except luggage) of an aggregate weight exceeding 25 kg.

Maximum penalty: 5 penalty units.

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

Maximum penalty: 5 penalty units.

(5) The driver of a taxi-cab removing luggage or goods must promptly deliver the luggage or goods in the condition in which the driver receives them.

Maximum penalty: 5 penalty units.

#### **Driver waiting or instructed to return**

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

Maximum penalty: 5 penalty units.

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

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

#### **Termination of hiring by hirer**

**36.** The hirer of a taxi-cab may discharge the hire at any time.

#### **Termination of hiring by driver**

**37. (1)** The driver of a taxi-cab may terminate a hiring in the following circumstances:

- (a) on any ground on which the driver could refuse to accept a hiring, as referred to in clause 30 (2);
- (b) if the hirer behaves in an offensive manner or uses offensive language in contravention of clause 41;
- (c) if the hirer refuses to stop smoking tobacco or any other substance in contravention of clause 42;

- (d) if any passenger who is at least 1 and not more than 14 years of age is not wearing a seat belt or other restraint that is properly adjusted and securely fastened.

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

Maximum penalty: 5 penalty units.

#### **Additional passengers**

**38.** The driver of a taxi-cab must not:

- (a) permit any person to ride in the taxi-cab without the consent of the hirer; or
- (b) do or allow to be done any act or thing intended to result in any person's entering or riding in the taxi-cab in contravention of this clause.

Maximum penalty: 5 penalty units.

#### **Operation of meter by taxi-cab driver**

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

- (a) must not set the taxi-meter in motion before the taxi-cab is hired; and
- (b) as soon as the taxi-cab is hired, must set the taxi-meter in motion; and
- (c) during any hiring, must keep the taxi-meter in motion; and
- (d) during any hiring, must stop the taxi-meter for as long as may be necessary to prevent it from registering a charge for any period during which the taxi-cab is delayed for a reason mentioned in clause 40 (5); and
- (e) immediately on the termination of any hiring, must operate the taxi-meter so that the fare indicators return to zero or the taxi-meter registers only the amount authorised to be charged for the hiring charge.

(2) Before receiving payment in respect of any hiring, the driver of a taxi-cab to which a taxi-meter is affixed:

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

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

Maximum penalty: 5 penalty units.

- (3) This clause does not apply to a contract hiring.

### **Fares for taxi-cabs**

**40. (1)** The driver of a taxi-cab must not demand more than the authorised fare for any hiring of the taxi-cab, except in respect of any portion of a journey travelled beyond the taxi-cab's area of operations.

Maximum penalty: 5 penalty units.

(2) After the termination of a hiring, the hirer must pay to the driver of the taxi-cab the authorised fare for the hiring.

Maximum penalty: 5 penalty units.

(3) The driver of the taxi-cab must not, without reasonable cause, fail to offer the correct change if given money of greater value than the amount of the authorised fare for the hiring.

Maximum penalty: 5 penalty units.

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

- (a) must, prior to any hiring, notify the prospective hirer of the amount that will be charged for the hiring, including any charge for the conveyance of luggage or goods; and
- (b) must not demand for the hiring more than the amount so notified or, if a lesser amount is agreed on between the hirer and the owner or driver of the taxi-cab, more than that lesser amount.

Maximum penalty: 5 penalty units.

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

- (a) because of any shortage of fuel or any accident to the tyres, mechanism or any other portion of the taxi-cab; or
- (b) from any cause that it is in the power of the driver to prevent.

Maximum penalty: 5 penalty units.

(6) If a passenger soils a taxi-cab in such a manner that it would cause a driver to contravene clause 20, the driver of the taxi-cab is entitled to collect, and the hirer must pay, a cleaning fee equivalent to one hour of the waiting time fee specified in the conditions document of the taxi-cab licence.



**PART 4—CONDUCT OF PASSENGERS****Offensive behaviour or language**

- 41.** A person must not, in a taxi-cab:
- (a) behave in an offensive manner; or
  - (b) use any offensive language.

Maximum penalty: 5 penalty units.

**Smoking**

**42.** A person must not smoke tobacco or any other substance in any taxi-cab in which smoking is prohibited by signs displayed in the taxi-cab.

Maximum penalty: 2 penalty units.

**Animals**

**43. (1)** A person must not take into any taxi-cab any dog, cat, bird or other animal.

- (2)** Subclause (1) does not apply to:
- (a) a guide dog accompanying a person who is visually or aurally impaired; or
  - (b) a guide dog in training.

Maximum penalty: 2 penalty units.

**Luggage and soiled clothing**

**44. (1)** If, in the opinion of the driver of a taxi-cab or an authorised officer, a person's clothing or luggage (or any other thing on or carried by the person) may:

- (a) soil or damage taxi-cab or the clothing or luggage of other passengers; or
- (b) is of such a size or has such dimensions that it cannot be accommodated in the taxi-cab without inconvenience to other passengers,

the driver or authorised officer may direct the person not to enter or to leave the taxi-cab.

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

Maximum penalty: 2 penalty units.

**Passengers who are intoxicated**

**45. (1)** If, in the opinion of the driver of a taxi-cab or an authorised officer, a person:

- (a) is under the influence of alcohol or any drug; and
- (b) is causing, or is likely to cause, a nuisance or annoyance to other passengers,

the driver or authorised officer may direct the person not to enter or to leave the taxi-cab.

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

Maximum penalty: 2 penalty units.

**Leaving taxi-cab when directed**

**46. (1)** If, in the opinion of the driver of a taxi-cab or an authorised officer, a person is committing an offence under this Part, the driver or authorised officer may direct the person to leave the taxi-cab.

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

Maximum penalty: 2 penalty units.

**Removal of persons from taxi-cabs**

**47.** A person who fails to comply with a direction under this Part to leave a taxi-cab may be removed from the taxi-cab by a police officer.

**Lost property**

**48. (1)** A person who finds any article in or on a taxi-cab:

- (a) must return it to its owner; or
- (b) must give it to the driver of the taxi-cab.

Maximum penalty: 2 penalty units.

**(2)** Any article given to the driver of a taxi-cab is to be dealt with according to directions given by the Director-General and may, if the Director-General thinks fit, be disposed of in accordance with directions given in that behalf.

**PART 5—MISCELLANEOUS****Taxi drivers' training schools**

**49. (1)** An authority to drive a taxi-cab may not be granted to a person unless the person has successfully completed a taxi-cab driving course approved by the Director-General and conducted by a person or body approved by the Director-General.

(2) This clause does not apply to a person who satisfies the Director-General that the person has sufficient experience as a driver of a taxi-cab to justify exemption from the requirements of this clause.

#### **Drivers' authority cards**

**50. (1)** The Director-General may issue a driver's authority card to the holder of an authority to drive a taxi-cab.

(2) A driver's authority card must display:

- (a) a photograph of the person; and
- (b) the number of the authority; and
- (c) the expiry date for the card.

(3) A driver's authority card expires at midnight on the date specified on the card as the expiry date.

#### **Appointment of taxi stands**

**51. (1)** The Director-General may appoint taxi stands for taxi-cabs to be indicated by signs erected or displayed with the approval of the RTA and specifying the class or classes of taxi-cabs that may use those taxi stands.

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

#### **Non-compliance notices**

**52. (1)** An authorised officer, or a person carrying out an inspection of a taxi-cab under section 42 of the Act, may affix a notice (a "**non-compliance notice**") to the taxi-cab if it appears to the authorised officer or other person that the taxi-cab does not comply with clause 13.

(2) The notice is to specify:

- (a) the action necessary to be taken in order for the taxi-cab to comply with the relevant requirements; and
- (b) an expiry date after which the taxi-cab must not be used to provide a taxi-cab service unless the notice has been removed by an authorised officer.

(3) An authorised officer may remove a non-compliance notice from a taxi-cab if satisfied on inspection of the taxi-cab that the necessary action specified in the notice has been taken.

(4) A person who is not an authorised officer must not remove a non-compliance notice from a taxi-cab.

Maximum penalty: 10 penalty units.

**Reduced fees for licences**

**53. (1)** The Director-General, in accordance with section 38(3) of the Act, may fix a licence fee at less than the current value of the licence on the open market or may decide not to impose a licence fee for the licence in circumstances where, in the opinion of the Director-General, the service concerned would for economic or other reasons be unlikely to be provided if the full licence fee were to be imposed.

**(2)** Without limiting the generality of subclause (1), circumstances of the kind referred to in that subclause may include the following:

- (a) if the service is to be provided for the benefit of persons who have disabilities;
- (b) if the service is to be provided in a fringe area of a transport district or outside such a district.

**Change of address or name of operator or driver**

**54.** An operator of a taxi-cab service or a driver must, within 7 days after any change of residential address or name, give written notice of the fact and of the new address or name to the Director-General.

Maximum penalty: 5 penalty units.

**Misuse of authorities and authority cards**

**55. (1)** This clause applies to authorities to drive taxi-cabs and to drivers' authority cards.

**(2)** A person must not:

- (a) alter or deface any authority or driver's authority card; or
- (b) lend or part with any authority or driver's authority card.

Maximum penalty: 5 penalty units.

**(3)** An authority or driver's authority card that has been altered or defaced is void and may be returned to the Director-General for replacement.

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

**Return of licences, authorities and authority cards**

**56. (1)** The holder of a licence for a taxi-cab must, immediately on notice of the cancellation or suspension of the licence, or on the expiration of the licence, deliver it or cause it to be delivered to the Director-General.

Maximum penalty: 10 penalty units.

**(2)** The holder of an authority to drive a taxi-cab who has received notice of the variation, cancellation or suspension of the authority must immediately deliver the authority to the Director-General at an address specified in the notice.

Maximum penalty: 10 penalty units.

**(3)** The holder of an expired driver's authority card must, on the receipt of a written notice from the Director-General, immediately deliver the card to the Director-General at an address specified in the notice.

Maximum penalty: 10 penalty units.

**Authorised taxi radio network**

**57.** A person seeking authorisation to operate a taxi radio network must satisfy the Director-General that the network:

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

**Fees**

**58.** For the purposes of section 15 of the Act, the prescribed fee is:

- (a) \$100 for an application for accreditation as an operator; and
- (b) \$20 for an application for an authority as a taxi-cab driver.

**Service of notices**

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

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

**Authorised officer may demand name and address**

**60. (1)** An authorised officer who suspects that the driver of a taxi-cab, or a passenger in a taxi-cab, has contravened a provision of this Regulation may direct the person to provide his or her full name and residential address to the authorised officer.

**(2)** A person to whom such a direction is given must not fail to comply with the direction.

Maximum penalty: 2 penalty units.

**(3)** A person is not guilty of an offence under this clause unless the person was warned, when the direction was given, that failure to comply with the direction would constitute an offence.

**Penalty notice offences**

**61.** For the purposes of section 59 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 1 is declared to be a penalty notice offence; and
- (b) the prescribed penalty for such an offence is the amount specified in Column 3 of Schedule 1.

**Short descriptions**

**62. (1)** For the purposes of section 145B of the Justices Act 1902, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 1 is:

- (a) the expression specified in Column 2 of that Schedule; or
- (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.

**(2)** For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 1, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.

**(3)** The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.

**(4)** Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

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**SCHEDULE 1—PENALTY NOTICE OFFENCES**

(Cl. 61, 62)

**Part 1—Offences under the Passenger Transport Act 1990**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Short description</b>	<b>Penalty</b>
Section 11 (1)	Drive taxi without appropriate authority .....	\$200

**Part 2—Offences under the Passenger Transport (Taxi-cab Services) Regulation 1995**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Short description</b>	<b>Penalty</b>
Clause 5 (1)	operate taxi beyond maximum age .....	\$200
Clause 6 (1)	operate taxi without meter/with non-conforming meter .....	\$300
Clause 6 (4)	interfere/permit interference with taxi-meter .....	\$300
Clause 7 (1)	operate taxi without radio alarm device .....	\$300
Clause 7 (3)	operate taxi without emergency boot-lid release device.....	\$300
Clause 8	interior/exterior/fittings of taxi dirty/damaged/not in good repair .....	\$150
Clause 9	taxi operator fail to display information .....	\$150
Clause 11 (7)	taxi operator fail to display correct roof signs/lights	\$200
Clause 12 (2)	taxi operator fail to correctly display standby taxi sign .....	\$100
Clause 13	taxi fail to comply on inspection .....	\$150
Clause 14	taxi operator fail to notify modification to taxi ...	\$200
Clause 19 (1)	taxi driver fail to correctly display authority card	\$100
Clause 20	drive dirty/untidy taxi .....	\$150
Clause 23 (a)	smoke in taxi while conveying passenger .....	\$150
Clause 23 (b)	solicit for passengers for taxi .....	\$150
Clause 23 (c)	move taxi with doors open .....	\$150
Clause 23 (d)	risk safety of taxi passengers .....	\$200

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Clause 24 (a)	taxi driver not clean and tidy .....	\$150
Clause 24 (b)	taxi driver fail to behave orderly/with civility and propriety .....	\$150
Clause 24 (c)	fail to comply with requirement of taxi passenger	\$150
Clause 25	taxi driver leave driving seat .....	\$150
Clause 26 (1)	illegally place/keep taxi at a stand .....	\$150
Clause 26 (2)	fail to close up on stand .....	\$150
Clause 29	improper display of destination sign .....	\$150
Clause 30 (1)	taxi driver fail to accept hiring immediately .....	\$150
Clause 32 (1) (a)	taxi driver refuse/fail to carry out hiring punctually	\$150
Clause 32 (1) (b)	taxi driver fail to drive by shortest route .....	\$150
Clause 34 (1)	taxi driver fail to convey luggage/convey luggage incorrectly .....	\$150
Clause 35 (1)	taxi driver fail to wait .....	\$150
Clause 38 (a)	taxi driver multiple hire without hirer's consent .	\$150
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Clause 40 (1)	taxi driver demand more than correct fare .....	\$150
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Clause 40 (3)	taxi driver fail to offer change .....	\$150
Clause 40 (4)	taxi driver charge more than agreed fare .....	\$100
Clause 41 (a)	offensive behaviour in taxi .....	\$100
Clause 41 (b)	offensive language in taxi .....	\$100
Clause 42	taxi passenger smoke contrary to signs .....	\$100
Clause 44 (2)	person with soiled clothing/bulky luggage fail to leave taxi when directed .....	\$100
Clause 45 (2)	intoxicated person fail to leave taxi when directed	\$100
Clause 46 (2)	person committing offence fail to leave taxi when directed.....	\$100
Clause 54	taxi operator/driver fail to notify of change of address .....	\$150
Clause 55 (2)	alter/deface/lend authority/authority card .....	\$150
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SCHEDULE 1—PENALTY NOTICE OFFENCES

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**EXPLANATORY NOTE**

The object of this Regulation is to remake, with minor variations, the provisions of the Passenger Transport Regulation 1990 with respect to taxi-cabs. The new Regulation deals with the following matters:

- (a) the operation of taxi-cab services (Part 2), including:
  - (i) provisions with respect to taxicab operators (Division 1); and
  - (ii) provisions with respect to taxi-cab drivers (Division 2);
- (b) taxi-cab hirings (Part 3);
- (c) the conduct of passengers in taxi-cabs (Part 4);
- (d) other minor, consequential and ancillary matters (Parts 1 and 5).

This Regulation is made under the Passenger Transport Act 1990, including section 63 (the general regulation making power) and various other sections referred to in the Regulation.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.

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