



Passenger Transport (Private Hire Vehicle Services) Regulation 2001

under the

Passenger Transport Act 1990

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

CARL SCULLY, M.P.,
Minister for Transport

Explanatory note

The object of this Regulation is to replace, without substantial alteration but with additional matter, the *Passenger Transport (Private Hire Vehicle Services) Regulation 1995*. That Regulation will be repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

The additional matter in this Regulation:

- (a) sets out the criteria to be met by applicants for various accreditations and authorisations under the *Passenger Transport Act 1990* (such as an accreditation to carry on private hire vehicle services), and
- (b) prescribes certain fees in relation to those accreditations and authorisations, and
- (c) specifies certain conditions to which those accreditations and authorisations are subject.

This Regulation also deals with the following matters:

- (a) the operation of private hire vehicle services (Part 2), including:
 - (i) provisions with respect to private hire vehicle operators (Division 1), and
 - (ii) provisions with respect to private hire vehicle drivers (Division 2),

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- (b) private hire vehicle hirings (Part 3),
- (c) the conduct of passengers in private hire vehicles (Part 4),
- (d) ancillary, consequential and formal matters (Parts 1 and 5).

This Regulation is made under the *Passenger Transport Act 1990* and, in particular, under section 63 (the general regulation-making power) and various other sections referred to in the Regulation (including sections that are to be inserted in the *Passenger Transport Act 1990* by the *Passenger Transport Amendment Act 2000* (as amended by the *Statute Law (Miscellaneous Provisions) Act 2001*), which is to commence at the same time as the Regulation).

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Passenger Transport (Private Hire Vehicle Services) Regulation 2001

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Passenger Transport (Private Hire Vehicle Services) Regulation 2001*.

2 Commencement

This Regulation commences on 1 September 2001.

Note. This Regulation replaces the *Passenger Transport (Private Hire Vehicle Services) Regulation 1995* which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

In this Regulation:

accredited private hire vehicle operator has the same meaning as it has in section 36A of the Act.

authorised officer includes a person authorised by the Director-General for the purposes of this Regulation.

authorised private hire vehicle driver has the same meaning as it has in section 36A of the Act.

drive a private hire vehicle includes cause or allow the private hire vehicle to stand.

driver of a private hire vehicle means an authorised private hire vehicle driver.

driver licence has the same meaning as it has in the *Road Transport (Driver Licensing) Act 1998*.

driver's authority card means an authority card issued under clause 40.

non-compliance notice means a notice referred to in clause 37.

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Part 1 Preliminary

operator means:

- (a) in relation to a private hire vehicle service, the accredited private hire vehicle operator for the service, and
- (b) in relation to a private hire vehicle, the accredited private hire vehicle operator for the service to which the private hire vehicle belongs.

qualified accountant means either of the following:

- (a) a Certified Practising Accountant member of CPA Australia, New South Wales Division, or
- (b) a member of the Institute of Chartered Accountants in Australia, New South Wales Branch, who holds a Certificate of Public Practice issued by that Institute.

the Act means the *Passenger Transport Act 1990*.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

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5 Criteria to be met by applicants for accreditation to carry on private hire vehicle services

- (1) An applicant for accreditation under Division 3 of Part 4A of the Act (that is, accreditation to carry on a private hire vehicle service) must meet, to the satisfaction of the Director-General, the criteria set forth in this clause.
- (2) If the applicant is a corporation, the directors or managers of the corporation who are nominated as designated directors or managers under section 41 of the Act must meet, to the satisfaction of the Director-General, the criteria set forth in this clause (other than the criteria specifically to be met by corporation applicants).
- (3) **Applicant to be of good repute**
The applicant must be of good repute. Evidence of the applicant's good repute is to be provided in the form of references from 2 persons (being persons of any class approved by the Director-General) who have known the applicant for at least 2 years.
- (4) **Applicant to be fit and proper person to carry on private hire vehicle service**
The applicant must be a fit and proper person to carry on a private hire vehicle service. The applicant must declare in writing that the applicant is aware of the following:
 - (a) accreditation will be refused if the applicant is disqualified, under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act*, from managing corporations,
 - (b) accreditation may be refused if the applicant (or a director or manager of an applicant corporation) has been the subject of proceedings under section 588G (Director's duty to prevent insolvent trading by company) or 592 (Incurring of certain debts, fraudulent conduct) of the *Corporations Act*,

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- (c) if the applicant:
 - (i) is the director of a company that has been, or is in the course of being, wound up under Part 5.4 (Winding up in insolvency) of the *Corporations Act*, or
 - (ii) discloses any convictions or charges in accordance with subclause (5),

the Director-General may, for the purpose of determining the applicant's fitness to be an accredited private hire vehicle operator, cause any investigation that the Director-General considers appropriate to be made into the winding up, conviction or charge concerned.

- (5) The applicant must give the Director-General written notice of the following:
 - (a) full details of all offences of which the applicant has been convicted (in any jurisdiction) at any time during the 5 years immediately preceding the date of the application,
 - (b) full details of all alleged offences with which the applicant has been charged (in any jurisdiction) but only if, as at the date of the application, proceedings are pending in respect of the charge.
- (6) If there are no convictions or pending proceedings against the applicant (as referred to in subclause (5)), the applicant must give the Director-General a written statement to that effect.
- (7) **Applicant to be competent to carry on private hire vehicle service**
The applicant must demonstrate that the applicant has the necessary knowledge and competence to carry on a private hire vehicle service. In particular, the applicant must satisfy the Director-General as to the applicant's knowledge of the following:
 - (a) the relevant provisions of the Act and this Regulation,
 - (b) other laws relating to traffic,
 - (c) the relevant provisions of the *Occupational Health and Safety Act 2000*.
- (8) **Applicant to be financially capable of carrying on private hire vehicle service**
The applicant must be financially capable of carrying on a private hire vehicle service. Evidence of the applicant's financial standing is to be provided in the form of a signed statement from a qualified accountant (on the accountant's business letterhead) containing the following:

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- (a) a report on the applicant's financial capacity to carry on a private hire vehicle service, with specific reference to the applicant's financial ability to meet the requirements of this Regulation and other relevant laws as to:
 - (i) vehicle maintenance and roadworthiness, and
 - (ii) the safety of drivers, passengers and the public, and
 - (iii) the operation of a business,
 - (b) a statement specifying the number of private hire vehicles that, in the opinion of the accountant, can be accommodated by the private hire vehicle service proposed to be carried on by the applicant,
 - (c) if the applicant is a corporation—a statement of the accountant's opinion as to the solvency and general financial standing of the corporation.
- (9) **Applicant to have access to garaging and maintenance facilities for private hire vehicles**
 The applicant must have access to adequate garaging and maintenance facilities for the vehicles intended to be used to provide the private hire vehicle service. The applicant must provide the Director-General with full details of the following:
- (a) the garaging to be provided for the vehicles,
 - (b) the premises to be used for the maintenance and repair of the vehicles,
 - (c) the repairer's licence issued under the *Motor Vehicle Repairs Act 1980* in respect of both the person who will be carrying out any necessary repairs on the vehicles (whether or not that person is the applicant) and the premises on which those repairs will be carried out,
 - (d) if the repairs are to be carried out by a person or persons other than the applicant—the name, address and telephone number of the person or persons concerned.
- (10) In this clause, ***Corporations Act*** means the *Corporations Act 2001* of the Commonwealth.

6 Conditions of accreditation to carry on private hire vehicle services

- (1) The conditions set forth in this clause are prescribed for the purposes of section 38D (1) (a) of the Act (that is, they are conditions to which an accreditation to carry on private hire vehicle services is subject).

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(2) **Safety of drivers, passengers and the public**

The accredited private hire vehicle operator must:

- (a) ensure that the vehicles used to provide the private hire vehicle service at all times meet the requirements of the law as to registration and vehicle safety and roadworthiness, and
- (b) ensure that persons engaged to drive the private hire vehicles are authorised private hire vehicle drivers and hold an appropriate driver licence.

(3) **Records concerning roadworthiness of private hire vehicles**

The accredited private hire vehicle operator must make and keep, for at least 2 years after they are made, records concerning the roadworthiness of the private hire vehicles used to provide the private hire vehicle service.

(4) The records must take the form of a detailed roadworthiness assurance plan or system that:

- (a) is consistent with the private hire vehicle manufacturer's maintenance standards and with the Roadworthiness Assurance Guidelines published by the Director-General, and
- (b) specifies the steps taken to ensure that the private hire vehicles are roadworthy, and
- (c) specifies the way in which the private hire vehicles are maintained, and
- (d) is capable of being audited.

(5) **Management of day-to-day operation of private hire vehicle services provided by corporation**

If the accredited private hire vehicle operator is a corporation, it must not suffer or permit any person other than a designated director or manager to have management of the day-to-day operations of the private hire vehicle service provided by the corporation (except for a person appointed, under any law, to manage the affairs of the corporation).

7 Specifications for private hire vehicles

(1) The Director-General may, by notice published in the Gazette, do any one or more of the following:

- (a) specify the makes, models or types of vehicles that may be operated as private hire vehicles,

- (b) set out specifications with which a private hire vehicle must comply,
 - (c) set out criteria that a private hire vehicle must meet,
 - (d) prohibit the operation as private hire vehicles of vehicles of specified types,
 - (e) prohibit the operation as a private hire vehicle of a vehicle that is older than the age specified in the notice (either generally or in relation to a particular make, model or type of vehicle).
- (2) A notice under this clause:
- (a) may apply to private hire cars generally or apply differently according to different factors of a specified kind, and
 - (b) may contain provisions of a savings or transitional nature.
- (3) The Director-General may vary or revoke a notice under this clause by further notice published in the Gazette.
- (4) A person must not operate a vehicle as a private hire vehicle unless the vehicle meets the requirements of any notice under this clause that is in force.
- Maximum penalty: 20 penalty units.
- (5) For the purposes of this clause, the age of a vehicle is to be measured from the date that is 6 months after the date on which:
- (a) an identification plate is fitted to the vehicle, or
 - (b) an operations plate is installed in the vehicle, or
 - (c) a certificate of approved operations is issued in respect of the vehicle,

in accordance with the *Road Transport (Vehicle Registration) Regulation 1998*, whichever first occurs.

8 Condition of private hire vehicles

The operator of a private hire vehicle must ensure that, while the private hire vehicle is in use, its interior, exterior and fittings (including seats, seat covers and floor coverings and any device required by or under the Act to be fitted to the private hire vehicle) are clean, undamaged and in good repair.

Maximum penalty: 5 penalty units.

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Division 1 Operators of private hire vehicle services and private hire vehicles

9 Alteration of a private hire vehicle

The operator of a private hire vehicle that is altered in respect of any particulars contained in the licence for the vehicle must, no later than 7 days after the alteration takes place, give written notice of the alteration to the Director-General.

Maximum penalty: 5 penalty units.

10 Non-compliance notices

The operator of a private hire vehicle must not allow the vehicle to be driven if:

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

Maximum penalty: 10 penalty units.

11 Records of drivers

- (1) The operator of a private hire vehicle must not permit a person to drive the private hire vehicle unless satisfied that the person is the holder of:

- (a) an appropriate authorisation, and
- (b) an appropriate licence under the *Road Transport (Driver Licensing) Act 1998*.

Maximum penalty: 10 penalty units.

- (2) The operator of a private hire vehicle must keep a written record of the following particulars for each person who drives the private hire vehicle:

- (a) the person's full name and residential address,
- (b) the dates and times during which the private hire vehicle was driven by the person.

Maximum penalty: 10 penalty units.

- (3) This clause does not apply to a private hire vehicle that is driven otherwise than for hire.

12 Retention of books and records in relation to the operation of a private hire vehicle

A person who is or has been an operator of a private hire vehicle:

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

13 Third party property insurance

- (1) The operator of a private hire vehicle must maintain an insurance policy in accordance with this clause.

Maximum penalty: 10 penalty units.

- (2) The policy:

- (a) must provide cover of at least \$5,000,000 against liability for damage to property caused by or arising out of the use of the private hire vehicle, and
- (b) must be maintained with a corporation authorised under the *Insurance Act 1973* of the Commonwealth to carry on insurance business.

Division 2 Private hire vehicle drivers

14 Criteria for authorisation to drive private hire vehicles

- (1) The object of this clause is to set forth, for the purposes of section 40B (2) of the Act, the criteria that an applicant for an authorisation to drive private hire vehicles must meet before the application is granted.
- (2) The applicant:
 - (a) must have attained the age of 20 years, and
 - (b) must hold a driver licence, and

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Division 2 Private hire vehicle drivers

- (c) must have passed an examination or assessment, at a level determined by the Director-General, of medical fitness, and
 - (d) must satisfy the Director-General that he or she:
 - (i) is of good repute and in all other respects a fit and proper person to be the driver of a private hire vehicle, and
 - (ii) has sufficient responsibility to drive a private hire vehicle in accordance with law and custom.
- (3) In this clause:

driver licence means a driver licence excluding a conditional licence (other than a conditional licence the sole condition of which is that the holder must wear corrective lenses at all times while driving), learner licence, probationary licence, provisional licence, restricted licence and driver licence receipt.

15 Driver to notify Director-General of alleged offence

- (1) The driver of a private hire vehicle must, in accordance with this clause, furnish the Director-General with written details of the following:
- (a) any alleged offence (other than a parking offence) with which the driver is charged by a police officer,
 - (b) any penalty notice issued to the driver in respect of an alleged offence (other than a parking offence) that relates to the driving of a motor vehicle.

Maximum penalty: 10 penalty units.

- (2) If, on the commencement of this clause:
- (a) proceedings against a driver of a private hire vehicle in respect of an offence referred to in subclause (1) (a) are pending—details of the charge are to be furnished within 48 hours after that commencement, unless the driver of the private hire vehicle is acquitted of the charge within 24 hours after that commencement, or
 - (b) a penalty notice of the kind referred to in subclause (1) (b) is in force against a driver of a private hire vehicle—details of the penalty notice are to be furnished within 48 hours after that commencement.

- (3) In the case of a charge that is laid by a police officer, or a penalty notice relating to the driving of a motor vehicle that is issued, on or after the commencement of this clause (other than a charge or a penalty notice in respect of a parking offence), the details are to be furnished within 7 days after the laying of the charge or the issue of the notice.

16 Driver to produce driver's authority card

The driver of a private hire vehicle 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.

17 Private hire vehicle to be clean

The driver of a private hire vehicle must ensure that the vehicle is clean and tidy.

Maximum penalty: 2 penalty units.

18 Non-compliance notices

A driver must not drive a private hire vehicle if:

- (a) the expiry date of a non-compliance notice affixed to the vehicle has passed, or
- (b) the driver is aware that a non-compliance notice has been unlawfully removed from the vehicle.

Maximum penalty: 10 penalty units.

19 Carriage of goods

The driver of a private hire vehicle must not permit any person to place or carry in or on the vehicle any article that is of such size or has such dimensions that it cannot be accommodated in or on the vehicle without inconvenience or danger to any other person.

Maximum penalty: 2 penalty units.

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Clause 20 Passenger Transport (Private Hire Vehicle Services) Regulation 2001

Part 2 Operation of private hire vehicle services

Division 2 Private hire vehicle drivers

20 Lost property given to drivers

A driver who is given lost property under clause 36 or who finds such property, must, within 24 hours after being given or finding the property, give it to the operator of the private hire vehicle service to which the driver's private hire vehicle belongs.

Maximum penalty: 5 penalty units.

21 Behaviour of drivers

- (1) The driver of a private hire vehicle must not do any of the following:
- (a) smoke tobacco or any other substance while in the private hire vehicle, whether or not the vehicle is being driven in the course of the provision of a private hire vehicle service,
 - (b) eat or drink in the private hire vehicle while the vehicle is hired or available for hire,
 - (c) move the vehicle while the doors are open,
 - (d) negligently or wilfully move or cause the vehicle to be moved so that any passenger or intending passenger is subjected to the risk of injury.

Maximum penalty: 5 penalty units.

- (2) Nothing in this clause prohibits a driver of a private hire vehicle from eating or drinking in the vehicle for medical reasons.
- (3) In this clause, *smoke* includes be in possession of a lighted cigarette, cigar, pipe or similar article.

22 Medical condition of driver

- (1) The driver of a private hire vehicle must, at the driver's own expense, furnish the Director-General:
- (a) at intervals of 36 months until the driver attains the age of 60 years, and
 - (b) at intervals of 12 months on and after attaining that age,
- with a certificate from a medical practitioner containing the medical practitioner's assessment, in accordance with any requirements of the Director-General, of the driver's medical condition.

Maximum penalty: 10 penalty units.

- (2) The Director-General may, by notice in writing, require a driver of a private hire vehicle to attend a medical practitioner specified in the notice, by the date specified in the notice, for the purposes of undergoing a medical fitness examination.
- (3) The driver of a private hire vehicle must (in so far as the driver is capable of doing so) furnish the Director-General, within 48 hours after any change in the physical or mental condition of the driver of which the driver is aware that may affect the driver's ability to drive private hire vehicles safely, with written details of the change.

Maximum penalty: 10 penalty units.

23 Dress and conduct of drivers

The driver of a private hire vehicle must not fail to do the following:

- (a) be clean and tidy and wear clean and tidy clothes when driving the vehicle as part of a private hire vehicle service,
- (b) behave in an orderly manner and with civility and propriety towards any passenger, intending passenger, driver of another private hire vehicle or authorised officer,
- (c) comply with every reasonable requirement of any passenger.

Maximum penalty: 10 penalty units.

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Clause 24 Passenger Transport (Private Hire Vehicle Services) Regulation 2001

Part 3 Private hire vehicle hirings

Part 3 Private hire vehicle hirings

24 No touting or soliciting for passengers or hirings

- (1) A person must not tout or solicit for passengers for, or for a hiring of, a private hire vehicle.

Maximum penalty: 5 penalty units.

- (2) The driver of a private hire vehicle must not, by the driver's employee, agent or contractor, tout or solicit for passengers for, or for a hiring of, a private hire vehicle.

Maximum penalty: 5 penalty units.

25 No plying or standing for hire

The driver of a private hire vehicle must not:

- (a) ply or stand the vehicle for hire on any road or road-related area, or
- (b) use the vehicle to carry out a hiring other than a pre-booked hiring.

Maximum penalty: 50 penalty units.

26 Manner in which hiring to be carried out

- (1) The driver of a private hire vehicle:

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

Maximum penalty: 5 penalty units.

- (2) The driver of a private hire vehicle must not stop the vehicle on a road or road related area for the purpose of setting down or picking up passengers otherwise than close to and parallel with the side of the carriageway of the road or area.

Maximum penalty: 5 penalty units.

- (3) The driver of a private hire vehicle may refuse to stop the vehicle at any place at which stopping the vehicle would be unlawful or, in the opinion of the driver, unsafe.

27 Termination of hiring by hirer

The hirer of a private hire vehicle may discharge the hire at any time.

28 Additional passengers

The driver of a private hire vehicle must not:

- (a) permit any person to ride in the vehicle 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 vehicle in contravention of this clause.

Maximum penalty: 5 penalty units.

29 Fares not to be charged for avoidable delays

The driver of a private hire vehicle must not demand the amount of a charge made for any period during which the vehicle is delayed:

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

Maximum penalty: 5 penalty units.

30 Payment of fares for hiring private hire vehicles

- (1) The hirer of a private hire vehicle must, after the termination of the hiring, pay the driver of the vehicle the fare for the hiring, except as provided by subclause (3).

Maximum penalty: 5 penalty units.

- (2) The fare cannot exceed the amount notified to the hirer before the hiring.

- (3) If a person has entered into an arrangement with an operator with respect to the ongoing hire of any one or more private hire vehicles, the person must pay the fare or fares in accordance with the arrangement.

Maximum penalty: 5 penalty units.

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Clause 30 Passenger Transport (Private Hire Vehicle Services) Regulation 2001

Part 3 Private hire vehicle hirings

(4) In this clause:

fare means the amount charged for the hiring of a private hire vehicle,
and includes any amount charged for the conveying of luggage or
goods.

Part 4 Conduct of passengers

31 Offensive behaviour or language

A passenger must not, in a private hire vehicle:

- (a) behave in an offensive manner, or
- (b) use any offensive language.

Maximum penalty: 10 penalty units.

32 Smoking

- (1) A passenger must not smoke tobacco or any other substance in any private hire vehicle.

Maximum penalty: 5 penalty units.

- (2) In this clause, *smoke* includes be in possession of a lighted cigarette, cigar, pipe or similar article.

33 Luggage and soiled clothing

- (1) If, in the opinion of the driver of a private hire vehicle or an authorised officer, a passenger's or an intending passenger's clothing or luggage (or any other thing on or carried by the passenger or intending passenger):

- (a) may soil or damage the private hire vehicle 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 private hire vehicle without inconvenience or danger to other persons,

the driver or authorised officer may direct the person concerned to leave, or not to enter, the private hire vehicle.

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

Maximum penalty: 5 penalty units.

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Clause 34 Passenger Transport (Private Hire Vehicle Services) Regulation 2001

Part 4 Conduct of passengers

34 Passengers who are causing nuisance

- (1) If, in the opinion of the driver of a private hire vehicle or an authorised officer, a passenger or intending passenger is causing, or is likely to cause, a nuisance or annoyance to the driver or other passengers, the driver or authorised officer may direct the person concerned to leave, or not to enter, the private hire vehicle.
- (2) A person must not fail to comply with such a direction.
Maximum penalty: 5 penalty units.

35 Leaving vehicle when directed

- (1) If, in the opinion of the driver of a private hire vehicle or an authorised officer, a passenger is committing an offence under this Part, the driver or authorised officer may direct the passenger to leave the vehicle.
- (2) A person must not fail to comply with such a direction.
Maximum penalty: 5 penalty units.

36 Lost property

A passenger who finds any article in or on a private hire vehicle must:

- (a) return it to its owner, or
- (b) give it to the driver of the private hire vehicle.

Maximum penalty: 5 penalty units.

Part 5 Miscellaneous

37 Non-compliance notices

- (1) An authorised officer, or a person carrying out an inspection of a private hire vehicle under section 55A of the Act, may affix a notice (a *non-compliance notice*) to the vehicle if it appears to the authorised officer or other person that the vehicle does not comply with a notice issued under clause 7 or meet the requirements set out in clause 8.
- (2) The notice is to specify:
 - (a) the action necessary to be taken in order for the vehicle to meet the relevant requirements, and
 - (b) an expiry date after which the vehicle must not be used to provide a private hire vehicle service unless the notice has been removed by an authorised officer.
- (3) An authorised officer may remove a non-compliance notice from a private hire vehicle if satisfied on inspection of the vehicle 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 private hire vehicle.

Maximum penalty: 10 penalty units.

38 Reduced fees for licences

The Director-General, in accordance with section 39I (2) 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.

39 Change of address or name of operator or driver

If:

- (a) an operator of a private hire vehicle service, or
- (b) a driver of a private hire vehicle,

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Part 5 Miscellaneous

changes his or her name or residential address, the operator or driver concerned must, within 7 days after the change, give written notice of the fact and of the new name or address to the Director-General.

Maximum penalty: 5 penalty units.

40 Driver's authority cards

- (1) The Director-General may issue an authority card to the holder of an authorisation to drive private hire vehicles.
- (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.
- (4) A person's authority to drive private hire vehicles and driver's authority card do not have any effect, either for the purposes of Division 5 of Part 4A of the Act or for the purposes of this Regulation, while the person's driver licence is cancelled or suspended.

41 Misuse of authorities and authority cards

- (1) This clause applies to authorities to drive private hire vehicles 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, if it is not already void, becomes void.

42 Fees

- (1) For the purposes of section 38A (2) of the Act, the prescribed fee for consideration of an application for an accreditation to carry on a private hire vehicle service is \$100.
- (2) For the purposes of section 38C (2) of the Act, the prescribed fee for the renewal of an accreditation to carry on a private hire vehicle service is \$45.
- (3) For the purposes of section 40A (2) of the Act, the prescribed fee for consideration of an application for an authorisation to drive private hire vehicles is \$45.
- (4) For the purposes of section 40C (2) of the Act, the prescribed fee for the renewal of an authorisation to drive private hire vehicles is \$45.

43 Lost property given to operator of private hire vehicle service

Any lost property given to the operator of a private hire vehicle service 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.

44 Service of notices

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

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- (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).

45 Penalty notice offences

- (1) 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 4 of Schedule 1.
- (2) If the reference to a provision in Column 1 of Schedule 1 is qualified by words that restrict its operation to specified kinds of offences or to offences committed in specified circumstances, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or is committed in the circumstances so specified.

46 Short descriptions

- (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 consists of consists of:
 - (a) if one or more IPB Codes are set out in relation to the offence in Column 2 of Schedule 1, any of the IPB Codes together with:
 - (i) the text set out in relation to the offence in Column 3 of that Schedule, or
 - (ii) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence, or
 - (b) if no IPB Code is set out in relation to the offence in Column 2 of Schedule 1:
 - (i) the text set out in relation to the offence in Column 3 of that Schedule, or
 - (ii) if a choice of words is indicated in that text, 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, and any such document continues to have effect as if that expression had not been amended or repealed.
- (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.
- (5) In this clause:
 - (a) ***Infringement Processing Bureau*** means the Infringement Processing Bureau within the Police Service.
 - (b) ***IPB Code***, in relation to an offence, means the code allocated to the offence by the Infringement Processing Bureau.

47 Saving

Any act, matter or thing that had effect under the *Passenger Transport (Private Hire Vehicle Services) Regulation 1995* immediately before the repeal of that Regulation is taken to have effect under this Regulation.

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Passenger Transport (Private Hire Vehicle Services) Regulation 2001

Schedule 1 Penalty notice offences

Schedule 1 Penalty notice offences

(Clauses 45 and 46)

Part 1 Offences under the Passenger Transport Act 1990

Column 1	Column 2	Column 3	Column 4
Provision	IPB Code	Short description	Penalty
Section 37 (1) (a)	8717 2446	unaccredited person carry on hire car service	\$ 1,000
Section 37 (1) (b)	8719 2447	use unlicensed hire car to carry on service	\$ 1,000
Section 38D (3)	4377 2448	hire car operator contravene condition of accreditation	\$ 500
Section 40 (2)	8723 2449	unauthorised person drive hire car	\$ 500
Section 53B (1)	8724 2450	not return authority/licence relating to hire car	\$ 500
Section 53B (2)	5064 2451	not return hire car number-plates relating to cancelled/suspended/discontinued licence	\$ 500

Part 2 Offences under the Passenger Transport (Private Hire Vehicle Services) Regulation 2001

Column 1	Column 2	Column 3	Column 4
Provision	IPB Code	Short description	Penalty
Clause 7 (4)	8726 2438	use non-complying vehicle as hire car	\$ 500
Clause 8	4378 1796	interior/exterior/fittings of hire car dirty/damaged/not in good repair	\$ 150

Passenger Transport (Private Hire Vehicle Services) Regulation 2001

Penalty notice offences

Schedule 1

Column 1	Column 2	Column 3	Column 4
Provision	IPB Code	Short description	Penalty
Clause 9	8727 1797	fail to notify modification to hire car	\$ 200
Clause 10 (a)	5045 2144	allow hire car be driven after expiry non-compliance notice	\$ 200
Clause 10 (b)	5046 2145	allow hire car be driven after unlawful removal notice	\$ 200
Clause 11 (1) (a)	5047 2146	allow unauthorised person drive hire car	\$ 200
Clause 11 (1) (b)	5048 2147	allow unlicensed person drive hire car	\$ 200
Clause 11 (2) (a)	5049 2148	not keep record hire car driver's name/address	\$ 150
Clause 11 (2) (b)	5050 2149	not keep record hire car driver's dates/times of driving	\$ 200
Clause 12 (b)	5051 2150	not retain hire car record	\$ 200
Clause 12 (c)	5052 2151	not produce hire car record to authorised officer	\$ 200
Clause 12 (d)	5053 2152	not deliver hire car record to Director-General	\$ 200
Clause 13	5054 2153	hire car operator not maintain required insurance	\$ 300
Clause 16	8728 2154	hire car driver not produce authority card	\$ 150
Clause 17	4380 1798	driver not ensure hire car is clean and tidy	\$ 150
Clause 18 (a)	5056 2155	drive hire car after expiry non-compliance notice	\$ 200
Clause 18 (b)	5057 2156	drive hire car after unlawful removal non-compliance notice	\$ 200
Clause 19	5058 2157	allow hire car carry article inconvenient to other person	\$ 150
Clause 20	8730 2439	driver fail to give lost property to operator	\$ 100

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Schedule 1 Penalty notice offences

Column 1	Column 2	Column 3	Column 4
Provision	IPB Code	Short description	Penalty
Clause 21 (1) (a)	9277 2464	driver smoke in hire car	\$ 150
Clause 21 (1) (b)	9278 2465	driver eat/drink in hired hire car/hire car available for hire	\$ 150
Clause 21 (1) (c)	4383 1801	move hire car with doors open	\$ 150
Clause 21 (1) (d)	4384 1802	risk safety of hire car passengers	\$ 200
Clause 23 (a)	4385 1803	hire car driver not clean/tidy/wearing clean/tidy clothes	\$ 75
Clause 23 (b)	4386 1804	hire car driver fail to behave in orderly manner/with civility/propriety	\$ 200
Clause 23 (c)	4387 1805	fail to comply with requirement of hire car passenger	\$ 150
Clause 24 (1)	8737 1800	tout/solicit for passengers for/hiring of hire car	\$ 150
Clause 24 (2)	9279 2466	driver of hire car by employer/agent/contractor tout/solicit for passengers for/hiring of hire car	\$ 150
Clause 25 (a)	8758 2440	ply/stand hire car for hire on road/road-related area	\$750
Clause 25 (b)	8770 2441	use hire car to carry out unbooked hiring	\$ 750
Clause 26 (1) (a)	4388 1806	hire car driver refuse/fail to carry out hiring punctually	\$ 150
Clause 26 (1) (b)	4389 1807	hire car driver fail to drive by shortest route	\$ 150
Clause 28 (a)	4390 1808	take additional hire car passenger without hirer's consent	\$ 150
Clause 29 (a)	5060 2158	charge fare when hire car delayed by fuel shortage/accident	\$ 150
Clause 29 (b)	5061 2159	charge fare when hire car delayed by avoidable cause	\$ 150

Passenger Transport (Private Hire Vehicle Services) Regulation 2001

Penalty notice offences

Schedule 1

Column 1	Column 2	Column 3	Column 4
Provision	IPB Code	Short description	Penalty
Clause 30 (1)	8772 2442	hire car passenger fail to pay fare	\$ 100
Clause 30 (3)	8773 2443	fail to pay arranged fare	\$ 100
Clause 31 (a)	4391 1809	offensive behaviour in hire car	\$ 200
Clause 31 (b)	4392 1810	offensive language in hire car	\$ 200
Clause 32	4393 1811	passenger smoke in hire car	\$ 150
Clause 33 (2)	4394 1812	person with soiled clothing/bulky luggage fail to leave hire car when directed	\$ 100
Clause 34 (2)	4395 1813	intoxicated/offensive person fail to leave hire car when directed	\$ 100
Clause 35 (2)	4396 1814	person committing offence fail to leave hire car when directed	\$ 100
Clause 36	5062 2160	passenger not deal properly with property found in hire car	\$ 100
Clause 37 (4)	5063 2161	unauthorised person remove non-compliance notice	\$ 300
Clause 39 (a)	4397 1815	hire car service operator fail to notify change of address	\$ 150
Clause 39 (b)	4399 2444	hire car driver fail to notify change of address	\$ 150
Clause 41 (2) (a)	4398 1816	alter/deface hire car authority/authority card	\$ 150
Clause 41 (2) (b)	5055 2445	lend/part with hire car authority/authority card	\$ 150

BY AUTHORITY