



New South Wales

Passenger Transport (Private Hire Vehicle Services) Amendment (Sydney Airport) Regulation 2002

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 make further provision for the safe, reliable and efficient operation of private hire vehicle services in the Sydney Airport precinct by:

- (a) increasing the penalty applicable in respect of various offences involving private hire vehicles or drivers of private hire vehicles if the offence is committed in the Sydney Airport precinct, and
- (b) introducing new offences relating to the provision of private hire vehicle services in the Sydney Airport precinct.

In respect of the following offences, the Regulation increases the maximum penalty that may be imposed by a court for the offence or the penalty applicable if the offence is dealt with by the issue of a penalty notice (or both), if the offence is committed by the driver of a private hire vehicle in the Sydney Airport precinct:

- (a) the offence of failing to produce a driver authority card if required by an authorised officer,
- (b) the offence of failing to ensure that a private hire vehicle is clean and tidy,

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- (c) the offence committed by a driver if he or she fails to be clean and tidy when driving the private hire vehicle as part of a private hire vehicle service,
- (d) the offence of touting or soliciting for passengers or hirings,
- (e) the offence of plying or standing a private hire vehicle for hire on any road or road related area.

In addition, the following provisions will apply in relation to the Sydney Airport precinct:

- (a) the driver of a private hire vehicle must comply with any request by an authorised officer for information as to whether the vehicle is hired and details of the hiring,
- (b) the driver of a private hire vehicle must comply with any direction given by an authorised officer in the Sydney Airport precinct requiring the driver to stop the private hire vehicle or to move the private hire vehicle in a particular direction or to a particular location,
- (c) the driver of a private hire vehicle must not set down or pick up passengers except in an area designated for that purpose by the Sydney Airport Corporation Limited.

The Regulation also allows the following offences to be dealt with by issue of a penalty notice:

- (a) the offence of failing to pick up or set down passengers close to and parallel with the side of the carriageway of a road or road related area,
- (b) the offence of obstructing or hindering an authorised officer.

This Regulation is made under the *Passenger Transport Act 1990*, including sections 59 and 63 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Passenger Transport (Private Hire Vehicle Services) Amendment (Sydney Airport) Regulation 2002*.

2 Commencement

This Regulation commences on 20 December 2002.

3 Amendment of Passenger Transport (Private Hire Vehicle Services) Regulation 2001

The *Passenger Transport (Private Hire Vehicle Services) Regulation 2001* is amended as set out in Schedule 1.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order:

Sydney Airport precinct means the area known as the Sydney Domestic Airport and the Sydney International Airport terminals and operation district, Sydney, bounded by Airport Drive, Qantas Drive, Joyce Drive, General Holmes Drive, Marsh Street and the M5 Motorway.

[2] Clause 16 Driver to produce driver's authority card

Omit the maximum penalty. Insert instead:

Maximum penalty: 10 penalty units (in the case of an offence committed in the Sydney Airport precinct) or 5 penalty units (in any other case).

[3] Clause 17 Private hire vehicle to be clean

Omit the maximum penalty. Insert instead:

Maximum penalty: 10 penalty units (in the case of an offence committed in the Sydney Airport precinct) or 2 penalty units (in any other case).

[4] Clause 24 No touting or soliciting for passengers or hirings

Omit the maximum penalty from clause 24 (1). Insert instead:

Maximum penalty: 50 penalty units (in the case of an offence committed in the Sydney Airport precinct) or 5 penalty units (in any other case).

[5] Clause 24 (2)

Omit the maximum penalty. Insert instead:

Maximum penalty: 50 penalty units (in the case of an offence committed in the Sydney Airport precinct) or 5 penalty units (in any other case).

[6] Part 3A

Insert after clause 30:

Part 3A Sydney Airport precinct—special provisions

30A Information on hirings to be supplied

- (1) An authorised officer may require the driver of a private hire vehicle who is in the Sydney Airport precinct to answer questions relating to the following:
 - (a) whether the private hire vehicle is hired,
 - (b) if the driver indicates that the private hire vehicle is hired, the details of that hiring.
- (2) The driver of a private hire vehicle must not, without reasonable excuse, fail to comply with a requirement made of the driver under this clause.

Maximum penalty: 10 penalty units.

- (3) The driver of a private hire vehicle must not, in purported compliance with a requirement made under this clause, provide any information knowing that it is false or misleading in a material particular.

Maximum penalty: 10 penalty units.

30B Directions by authorised officers

- (1) An authorised officer may, for the purpose of ensuring that public passenger services are provided in the Sydney Airport precinct in a manner that is safe, reliable and efficient, direct the driver of a private hire vehicle in the Sydney Airport precinct, by means of a sign or by any other reasonable method:

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- (a) to stop the private hire vehicle, or
 - (b) to move the private hire vehicle in a particular direction or to a particular location in the Sydney Airport precinct.
- (2) The driver of a private hire vehicle must not, without reasonable excuse, fail to comply with a direction given to the driver under this clause.

Maximum penalty: 10 penalty units.

30C Private hire vehicles to pick up and set down in designated areas only

- (1) The driver of a private hire vehicle must not, while in the Sydney Airport precinct, stop the vehicle for the purpose of setting down or picking up passengers except in a designated area.

Maximum penalty: 7 penalty units.

- (2) In this clause:

designated area means an area in the Sydney Airport precinct designated by signs erected with the approval of the Sydney Airport Corporation Limited as an area for the setting down and picking up of passengers of private hire vehicles.

[7] Clause 45 Penalty notice offences

Omit clause 45 (1) (b). Insert instead:

- (b) the prescribed penalty for such an offence is as follows:
 - (i) the amount specified in Column 2 of Schedule 1, unless subparagraph (ii) applies,
 - (ii) in the case of an offence for which an amount is specified in Column 3 of Schedule 1, and that is an offence committed in the Sydney Airport precinct, the amount specified in Column 3 of Schedule 1.

[8] Clause 46 Short descriptions

Omit the clause.

[9] Schedule 1 Penalty notice offences

Omit the Schedule. Insert instead:

Schedule 1 Penalty notice offences

(Clause 45)

Part 1 Offences under Passenger Transport Act 1990

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Section 37 (1) (a)	\$1,000	
Section 37 (1) (b)	\$1,000	
Section 38D (3)	\$500	
Section 40 (2)	\$500	
Section 53B (1)	\$500	
Section 53B (2)	\$500	
Section 56	\$300	

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

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 7 (4)	\$500	
Clause 8	\$150	

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Schedule 1 Amendments

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 9	\$200	
Clause 10 (a)	\$200	
Clause 10 (b)	\$200	
Clause 11 (1) (a)	\$200	
Clause 11 (1) (b)	\$200	
Clause 11 (2) (a)	\$150	
Clause 11 (2) (b)	\$200	
Clause 12 (b)	\$200	
Clause 12 (c)	\$200	
Clause 12 (d)	\$200	
Clause 13 (1)	\$300	
Clause 16	\$150	\$750
Clause 17	\$150	\$750
Clause 18 (a)	\$200	
Clause 18 (b)	\$200	
Clause 19	\$150	
Clause 20	\$100	
Clause 21 (1) (a)	\$150	
Clause 21 (1) (b)	\$150	
Clause 21 (1) (c)	\$150	
Clause 21 (1) (d)	\$200	

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Amendments

Schedule 1

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 23 (a)	\$75	\$750
Clause 23 (b)	\$200	
Clause 23 (c)	\$150	
Clause 24 (1)	\$150	\$5,000
Clause 24 (2)	\$150	\$5,000
Clause 25 (a)	\$750	\$1,500
Clause 25 (b)	\$750	
Clause 26 (1) (a)	\$150	
Clause 26 (1) (b)	\$150	
Clause 26 (2)	\$150	\$300
Clause 28 (a)	\$150	
Clause 29 (a)	\$150	
Clause 29 (b)	\$150	
Clause 30 (1)	\$100	
Clause 30 (3)	\$100	
Clause 30A (2)	Not applicable	\$750
Clause 30A (3)	Not applicable	\$750
Clause 30B (2)	Not applicable	\$750
Clause 30C (1)	Not applicable	\$500
Clause 31 (a)	\$200	
Clause 31 (b)	\$200	

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Schedule 1 Amendments

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 32 (1)	\$150	
Clause 33 (2)	\$100	
Clause 34 (2)	\$100	
Clause 35 (2)	\$100	
Clause 36	\$100	
Clause 37 (4)	\$300	
Clause 39 (a)	\$150	
Clause 39 (b)	\$150	
Clause 41 (2) (a)	\$150	
Clause 41 (2) (b)	\$150	

BY AUTHORITY