



New South Wales

Passenger Transport (Taxi-cab 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 taxi-cab services in the Sydney Airport precinct by:

- (a) increasing the penalty applicable in respect of various offences involving taxi-cabs or drivers of taxi-cabs if the offence is committed in the Sydney Airport precinct, and
- (b) introducing new offences relating to the provision of taxi-cab 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 taxi-cab in the Sydney Airport precinct:

- (a) the offence of failing to display a driver authority card as required,
- (b) the offence of failing to ensure that a taxi-cab is clean and tidy,
- (c) the offence committed by a taxi-cab driver if he or she fails to be clean and tidy when driving the taxi-cab for hire,

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- (d) the offence committed by a taxi-cab driver if he or she is more than 3 metres from the taxi-cab without reasonable excuse,
- (e) the offence of touting or soliciting for passengers or hirings,
- (f) 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.

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

- (a) the driver of a taxi-cab will commit an offence if he or she accepts a hiring in the Sydney Airport precinct otherwise than while standing in a taxi zone (unless the hiring was accepted through a taxi-cab booking service),
- (b) the driver of a taxi-cab must comply with any request by an authorised officer for information as to whether the taxi-cab is hired and details of the hiring,
- (c) the driver of a taxi-cab must comply with any direction given by an authorised officer in the Sydney Airport precinct requiring the driver to stop the taxi-cab or to move the taxi-cab in a particular direction or to a particular location.

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 (Taxi-cab Services) Amendment (Sydney Airport) Regulation 2002*.

2 Commencement

This Regulation commences on 20 December 2002.

3 Amendment of Passenger Transport (Taxi-cab Services) Regulation 2001

The *Passenger Transport (Taxi-cab 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 35 Driver to display driver's authority card

Omit the maximum penalty from clause 35 (2). 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 39 Taxi-cab 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 47 Driver to remain with taxi-cab

Omit the maximum penalty. Insert instead:

Maximum penalty: 15 penalty units (in the case of an offence committed in the Sydney Airport precinct) or 5 penalty units (in any other case).

[5] Clause 47 (2)

Insert at the end of clause 47:

- (2) This clause does not apply:
 - (a) if the driver of a taxi-cab moves more than 3 metres from the taxi-cab for the purpose of loading luggage or goods into, or removing luggage or goods from, the taxi-cab, or
 - (b) to the driver of a taxi-cab while the taxi-cab is in a holding bay in the Sydney Airport precinct.
- (3) In this clause:

holding bay means an area in the Sydney Airport precinct designated by signs erected with the approval of the Sydney Airport Corporation Limited as a holding bay for taxi-cabs.

[6] Clause 54 No touting or soliciting for passengers or hirings

Omit the maximum penalty from clause 54 (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).

[7] Clause 54 (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).

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[8] Part 3A

Insert after clause 70:

Part 3A Sydney Airport precinct—special provisions

70A Taxi-cabs to be hired only at taxi zones

- (1) The driver of a taxi-cab must not accept a hiring in the Sydney Airport precinct unless, at the time the taxi-cab is hired, the taxi-cab is in a taxi zone.

Maximum penalty: 50 penalty units.

- (2) This clause does not apply in respect of a hiring that is made by means of a taxi-cab booking service.

70B Information on hirings to be supplied

- (1) An authorised officer may require the driver of a taxi-cab who is in the Sydney Airport precinct to answer questions relating to the following:

- (a) whether the driver's taxi-cab is hired,
- (b) if the driver indicates that the taxi-cab is hired, the details of that hiring.

- (2) The driver of a taxi-cab 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 taxi-cab 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.

70C 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 taxi-cab in the Sydney Airport precinct, by means of a sign or by any other reasonable method:

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

Maximum penalty: 10 penalty units.

[9] Clause 90 Penalty notice offences

Omit clause 90 (1) (b). Insert instead:

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

[10] Clause 91 Short descriptions

Omit the clause.

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Schedule 1 Amendments

[11] Schedule 2 Penalty notice offences

Omit the Schedule. Insert instead:

Schedule 2 Penalty notice offences

(Clause 90)

Part 1 Offences under Passenger Transport Act 1990

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Section 30 (1) (a)	\$1,000	
Section 30 (1) (b)	\$1,000	
Section 31D (3)	\$500	
Section 33 (2)	\$500	
Section 34D (3)	\$1,000	
Section 53B (1)	\$500	
Section 53B (2)	\$500	
Section 56	\$300	

Part 2 Offences under Passenger Transport (Taxi-cab Services) Regulation 2001

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 8 (a)	\$400	

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Amendments

Schedule 1

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 8 (b)	\$400	
Clause 8 (c)	\$400	
Clause 9 (1)	\$200	
Clause 10 (1)	\$300	
Clause 10 (2)	\$300	
Clause 11 (1)	\$300	
Clause 11 (5)	\$300	
Clause 12 (1)	\$300	
Clause 12 (2)	\$300	
Clause 13 (1)	\$300	
Clause 13 (3)	\$300	
Clause 14 (1)	\$300	
Clause 14 (2)	\$300	
Clause 14 (3)	\$300	
Clause 14 (4)	\$300	
Clause 15	\$300	
Clause 16	\$150	
Clause 17 (1)	\$150	
Clause 18	\$300	
Clause 19	\$200	
Clause 20 (8)	\$200	

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Schedule 1 Amendments

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 20 (9)	\$300	
Clause 21 (1) (a)	\$150	
Clause 21 (1) (b)	\$150	
Clause 22 (1)	\$150	
Clause 23	\$150	
Clause 24 (2)	\$200	
Clause 24 (3)	\$100	
Clause 25	\$150	
Clause 26	\$200	
Clause 27 (a)	\$200	
Clause 27 (b)	\$200	
Clause 28	\$200	
Clause 30 (1)	\$200	
Clause 30 (2) (a)	\$150	
Clause 30 (2) (b)	\$200	
Clause 30 (2) (c)	\$200	
Clause 30 (3)	\$150	
Clause 31	\$200	
Clause 32 (1)	\$300	
Clause 34	\$400	
Clause 35 (1)	\$150	

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Amendments

Schedule 1

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 35 (2)	\$150	\$750
Clause 36 (1)	\$300	
Clause 38 (1)	\$75	
Clause 38 (2)	\$75	
Clause 39	\$150	\$750
Clause 40 (a)	\$200	
Clause 40 (b)	\$200	
Clause 41 (1)	\$200	
Clause 41 (2)	\$150	
Clause 41 (4)	\$200	
Clause 42	\$150	
Clause 43 (1) (a)	\$150	
Clause 43 (1) (b)	\$150	
Clause 43 (1) (c)	\$75	
Clause 43 (1) (d)	\$75	
Clause 43 (1) (e)	\$150	
Clause 43 (1) (f)	\$200	
Clause 45 (a)	\$75	\$750
Clause 45 (b)	\$200	
Clause 45 (c)	\$150	
Clause 46	\$75	

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Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 47 (1)	\$150	\$1,000
Clause 48 (1)	\$150	
Clause 48 (2)	\$150	
Clause 48 (6)	\$200	
Clause 49	\$150	
Clause 50 (a)	\$150	
Clause 50 (b)	\$150	
Clause 50 (c)	\$150	
Clause 51 (3) (a)	\$150	
Clause 51 (3) (b)	\$150	
Clause 54 (1)	\$150	\$5,000
Clause 54 (2)	\$150	\$5,000
Clause 55 (1)	\$150	
Clause 56 (1)	\$150	
Clause 56 (2)	\$150	
Clause 57 (2)	\$150	
Clause 58 (1) (a)	\$150	
Clause 58 (1) (b)	\$150	
Clause 58 (3)	\$150	\$300
Clause 59	\$200	
Clause 60	\$150	

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Amendments

Schedule 1

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 62 (1)	\$150	
Clause 62 (3)	\$150	
Clause 63 (1)	\$150	
Clause 65 (2)	\$150	
Clause 66 (a)	\$150	
Clause 66 (b)	\$150	
Clause 67 (2)	\$150	
Clause 67 (3)	\$150	
Clause 68 (2)	\$150	
Clause 69 (1)	\$150	
Clause 70 (1)	\$150	
Clause 70 (2)	\$100	
Clause 70 (3)	\$150	
Clause 70 (4)	\$150	
Clause 70 (7)	\$150	
Clause 70A (1)	Not applicable	\$5,000
Clause 70B (2)	Not applicable	\$750
Clause 70B (3)	Not applicable	\$750
Clause 70C (2)	Not applicable	\$750
Clause 71 (a)	\$200	
Clause 71 (b)	\$200	

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Schedule 1 Amendments

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 72 (1)	\$150	
Clause 72 (2)	\$150	
Clause 73	\$50	
Clause 74 (2)	\$100	
Clause 75 (2)	\$100	
Clause 76 (2)	\$100	
Clause 81 (4)	\$300	
Clause 83	\$200	
Clause 84 (1)	\$150	
Clause 84 (2)	\$150	
Clause 85 (2)	\$150	
Schedule 1, clause 2	\$500	
Schedule 1, clause 3	\$200	
Schedule 1, clause 4 (1)	\$200	

BY AUTHORITY