



New South Wales

Passenger Transport (Taxi-cab Services) Amendment (Unauthorised Networks) Regulation 2004

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*.

MICHAEL COSTA, M.L.C.,
Minister for Transport Services

Explanatory note

The object of this Regulation is to amend the *Passenger Transport (Taxi-cab Services) Regulation 2001* to prevent taxi-cab drivers from forming unauthorised networks that take bookings direct from the public and then allocate those bookings among the members of the network. In order to do this, the Regulation:

- (a) amends the definition of hiring so that a taxi-cab driver that receives a telephone booking directly from a person must, because of clause 55 of the principal Regulation, accept that hiring if the taxi-cab is available for hire, and
- (b) provides that if a person offers to hire a taxi-cab by means of a telephone call made to the driver of a taxi-cab and the driver refuses to accept the hiring for any reason, the driver must not, for the purpose of assisting the person to hire a taxi-cab, direct or refer the person, or pass on any information about the offer, to a person or body other than an authorised taxi-cab network, and
- (c) prohibits an operator of a taxi-cab from fitting a prohibited communication device, and
- (d) prohibits a driver of a taxi-cab from using a prohibited communication device for the purpose of accepting a hiring or assisting a person to hire a taxi-cab, and
- (e) provides for the new offences created in (b)–(d) above to be dealt with by way of a penalty notice.

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

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Clause 1 Passenger Transport (Taxi-cab Services) Amendment (Unauthorised Networks) Regulation 2004

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(Unauthorised Networks) Regulation 2004**

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1 Name of Regulation

This Regulation is the *Passenger Transport (Taxi-cab Services) Amendment (Unauthorised Networks) Regulation 2004*.

2 Commencement

This Regulation commences on 16 April 2004.

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.

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert at the end of paragraph (c) of the definition of *hiring*:

, or

- (d) by means of a telephone call made to the driver of a taxi-cab.

[2] Clause 3

Insert in alphabetical order:

prohibited communication device means any electronic device used, or that is reasonably likely to be used, by the driver of a taxi-cab to transmit or receive (or both) communications concerning the hiring of a taxi-cab, but does not include any of the following devices:

- (a) a receiver referred to in section 31G (b) of the Act,
- (b) a radio or television set that is used solely to receive public radio or television broadcasts,
- (c) a mobile phone,
- (d) any other device approved from time to time by the Director-General by order published in the Gazette.

[3] Clause 15A

Insert after clause 15:

15A Fitting of prohibited communication devices

The operator of a taxi-cab must ensure that the taxi-cab is not fitted with a prohibited communication device.

Maximum penalty: 10 penalty units.

[4] Clause 25 Taxi-cabs to comply with on-road standards when inspected

Insert after paragraph (g):

- (g1) the taxi-cab is not fitted with any prohibited communication device, and

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Schedule 1 Amendments

[5] Clause 50A

Insert after clause 50:

50A Use of prohibited communication device

The driver of a taxi-cab must not use a prohibited communication device for the purpose of accepting a hiring or assisting a person to hire a taxi-cab.

Maximum penalty: 10 penalty units.

[6] Clause 55A

Insert after clause 55:

55A Driver of taxi-cab not to direct a person to unauthorised network

If a person offers to hire a taxi-cab by means of a telephone call made to the driver of a taxi-cab and the driver refuses to accept the hiring for any reason, the driver must not, for the purpose of assisting the person to hire a taxi-cab:

- (a) direct or refer the person, or
- (b) pass on any information about the offer,

to a person or body other than an authorised taxi-cab network.

Maximum penalty: 10 penalty units.

[7] Schedule 2 Penalty notice offences

Insert the following in appropriate order of clause number in Column 1 and Column 2 of Part 2:

Clause 15A	\$200
Clause 50A	\$200
Clause 55A	\$200

BY AUTHORITY
