



Passenger Transport (Taxi-cab Services) Amendment (Miscellaneous Amendments) Regulation 2004

under the

Passenger Transport Act 1990

Erratum

Passenger Transport (Taxi-cab Services) Amendment (Miscellaneous Amendments) Regulation 2004 published in Gazette No 42 of 20.2.2004, page 720, was published in error. The Regulation is now republished in full.

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*:

- (a) to include appropriately qualified members of the National Institute of Accountants in the definition of *qualified accountant* for the purposes of the Regulation, and
- (b) to prescribe further seating requirements as part of the accommodation standard for taxi-cabs, and
- (c) to modify a requirement to display registration details on taxi-cabs licensed to operate within the Metropolitan transport district, to extend the requirement to operators of taxi-cabs licensed to operate outside that district, and to extend the date by which the requirement must be complied with to 1 April 2004, and
- (d) to require operators of taxi-cabs to record the driver licence number of each person who drives them, and

2004 No 98

Passenger Transport (Taxi-cab Services) Amendment (Miscellaneous Amendments)
Regulation 2004

Explanatory note

- (e) to require applicants for an authorisation to drive taxi-cabs to have held an unrestricted Australian driver licence for a total of at least 12 months in the preceding 2 years and to have passed an examination in the taxi-cab driver training course that applicants are currently required to complete under the Regulation, and
- (f) to require taxi-cab drivers to record certain additional information on their worksheets when beginning and ending a driving shift, and
- (g) to remove a requirement for 3 yearly medical checks for taxi-cab drivers under 60 years of age, and
- (h) to remove an anomalous provision (relating to the proper operation of taxi-meters by taxi-cab drivers) and to correct certain references, and
- (i) to make it an offence (carrying a maximum penalty of 50 penalty units, that is, \$5,500) for a taxi-cab driver:
 - (i) to ply or stand a taxi-cab for hire outside the area within which the taxi-cab is authorised to ply for hire, or
 - (ii) to use a taxi-cab to carry out a pre-booked hiring to convey a passenger from a place outside that area unless to a place inside that area,and to prescribe the offence as a penalty notice offence.

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

Passenger Transport (Taxi-cab Services) Amendment (Miscellaneous Amendments) Regulation 2004

under the

Passenger Transport Act 1990

1 Name of Regulation

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

2 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.

2004 No 98

Passenger Transport (Taxi-cab Services) Amendment (Miscellaneous Amendments) Regulation 2004

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 2)

[1] The whole Regulation

Omit “area of operations” wherever occurring.

Insert instead “area of operation”.

[2] Clause 3 Definitions

Omit “either of the following” from the definition of *qualified accountant*.

[3] Clause 3, definition of “qualified accountant”

Insert at the end of paragraph (b):

, or

- (c) a member of the National Institute of Accountants who holds a Public Practice Certificate issued by that Institute.

[4] Clause 3, definition of “vehicle tracking device” and clause 50 (a)

Omit “belongs” wherever occurring. Insert instead “is connected”.

[5] Clause 9 Accommodation standard for taxi-cabs

Omit clause 9 (4). Insert instead:

- (4) Subclauses (2) and (3) do not apply to a maxi-cab or wheelchair accessible taxi-cab.

[6] Clause 9 (10)–(12)

Insert after clause 9 (9):

- (10) A station-wagon that is used as a wheelchair accessible taxi-cab must not have any side-facing seat (whether fixed or folding) in the part of the station-wagon that is designed or intended for the conveyance of wheelchairs.
- (11) A taxi-cab (other than a station-wagon) that is required by a condition of its licence to be wheelchair accessible must not have any seat (other than a folding seat) installed in the part of the taxi-cab that is designed or intended for the conveyance of wheelchairs.

(12) In this clause:

station-wagon includes a station-wagon that has been modified.

[7] Clause 22 Taxi-cabs to display registration details

Omit “that is authorised by its licence to ply for hire within the Metropolitan transport district must ensure that, on and from 1 January 2002” from clause 22 (1).

Insert instead “must ensure that, on and from 1 April 2004”.

[8] Clause 22 (2) (a)

Insert “the upper half of” after “on”.

[9] Clause 30 Records of drivers

Insert after clause 30 (2) (c):

(d) the person’s driver licence number for the licence referred to in subclause (1) (b).

[10] Clause 33 Criteria for authorisation to drive taxi-cabs

Insert after clause 33 (2) (b):

(b1) must have held for a total of at least 12 months in the 2 years immediately preceding the date of the application, an Australian driver licence, and

[11] Clause 33 (2) (d) (ia)

Insert after clause 33 (2) (d) (i):

(ia) such part or parts of the taxi-cab driver training course referred to in paragraph (c) as may be required by the Director-General (or must have such competence as a driver of a taxi-cab as the Director-General considers appropriate),

[12] Clause 33 (3)

Insert in alphabetical order:

Australian driver licence means:

(a) a driver licence, or

2004 No 98

Passenger Transport (Taxi-cab Services) Amendment (Miscellaneous Amendments) Regulation 2004

Schedule 1 Amendments

- (b) a licence issued under a law in force in a State or internal Territory authorising the holder to drive a motor vehicle on a road or road related area, 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), probationary licence, provisional licence, restricted licence and driver licence receipt.

[13] Clause 38 Drivers' worksheets

Omit clause 38 (1) (a). Insert instead:

- (a) when beginning a driving shift:
 - (i) the driver's name, driver licence number and driver's authority card number, the registration number of the taxi-cab and the name of the taxi-cab network to which the taxi-cab is connected, and
 - (ii) the date and time the shift began and the odometer reading at that time, and
 - (iii) a notation that the driver has checked to see whether or not any security camera system fitted to the taxi-cab is operating, if that is the case, and

[14] Clause 38 (1) (d) (ii)

Insert "and the odometer reading at that time" after "ended".

[15] Clause 44 Medical condition of driver

Omit clause 44 (1) (but not the penalty). Insert instead:

- (1) On attaining the age of 60 years and from then on at intervals of 12 months, the driver of a taxi-cab must, at the driver's own expense, furnish the Director-General 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.

[16] Clause 69 Operation of meter by taxi-cab driver

Omit clause 69 (4).

[17] Clause 69A

Insert after clause 69:

69A Hirings outside area of operation

The driver of a taxi-cab must not:

- (a) ply or stand the taxi-cab for hire outside its area of operation, or
- (b) use the taxi-cab to carry out a pre-booked hiring to convey a passenger from a place outside the taxi-cab's area of operation unless to a place inside that area.

Maximum penalty: 50 penalty units.

[18] Schedule 2 Penalty notice offences

Insert in appropriate order in Part 2, in Columns 1 and 2, respectively:

Clause 69A (a)	\$500
Clause 69A (b)	\$500