



New South Wales

Passenger Transport Regulation 2007

under the

Passenger Transport Act 1990

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

JOHN WATKINS, M.P.,
Minister for Transport

Explanatory note

The object of this Regulation is to remake and consolidate, with minor amendments and some new matter, the following Regulations:

- (a) the *Passenger Transport (Bus Services) Regulation 2000*,
- (b) the *Passenger Transport (Ferry Services) Regulation 2000*,
- (c) the *Passenger Transport (General) Regulation 2000*,
- (d) the *Passenger Transport (Private Hire Vehicle Services) Regulation 2001*,
- (e) the *Passenger Transport (Taxi-cab Services) Regulation 2001*.

Each of those Regulations is repealed on 1 September 2007 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The most extensive new matter is contained in Part 13 and arises out of the *Passenger Transport Amendment (Bus Reform) Act 2004 (the amending Act)*. That Act amended the *Passenger Transport Act 1990* to enable the Director-General of the Ministry of Transport (the **Director-General**) to enter into new service contracts for regular bus services in respect of areas currently serviced under certain existing commercial and non-commercial bus service contracts. The new provisions also enable the Director-General to terminate certain existing bus service contracts and to enter into service contracts with new operators.

Clause 39 of Schedule 3 to the *Passenger Transport Act 1990* (which was inserted by the amending Act) enables an existing commercial or non-commercial bus service operator, who wishes to sell or otherwise dispose of an asset used in connection with the provision of the service to a proposed new operator, to apply to the Director-General to make it a condition of the new service contract that the new operator acquire the asset. The Director-General may agree to impose such a condition only after the Director-General has referred the question of

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the valuation of the asset to arbitration. The *Commercial Arbitration Act 1984* applies to any such arbitration with such modifications as may be prescribed by the regulations. Any condition so imposed may only require the asset to be acquired at the valuation determined in the arbitration.

Also new to the regulations is the matter setting the criteria to be met by applicants for authorities to drive buses and tourist service vehicles and applicants for accreditation to operate tourist services. There are currently administrative, rather than legislative, requirements that the relevant criteria be met.

This Regulation makes provision for or with respect to the following:

- (a) accreditation to carry on public passenger services, including the standards applicants for accreditation must meet, the conditions imposed on such accreditations and the other obligations of accredited operators (Part 2),
- (b) authorities to drive public passenger vehicles other than ferries, including the categories of authorities, the criteria applicants for authorities must meet and the issue and use of driver authority cards (Part 3),
- (c) the general obligations of drivers of public passenger vehicles other than ferries (Part 4),
- (d) the conduct of passengers in or on public passenger vehicles (Part 5),
- (e) tickets for use on public passenger vehicles (Part 6),
- (f) additional matters relating to buses, including conditions of the contracts under which bus services are provided and the conduct of school students on buses (Part 7),
- (g) additional matters relating to taxi-cabs, including matters relating to the operators of taxi-cab services, taxi-cab networks and taxi-cabs, the equipment of taxi-cabs, taxi-cabs in the Sydney Airport precinct and taxi-cab hirings (Part 8),
- (h) additional matters relating to private hire vehicles, including matters relating to the design, equipment and fittings of private hire vehicles, private hire vehicles in the Sydney Airport precinct and private hire vehicle hirings (Part 9),
- (i) prescribing the kinds of vehicles (in addition to buses and ferries) that can be used to provide *tourist services* for the purposes of the *Passenger Transport Act 1990 (the Act)* (Part 10),
- (j) additional matters relating to ferries, including matters relating to ferry operators and ferry masters (Part 11),
- (k) the issuing of penalty notices for certain offences (Part 12 and Schedule 3),
- (l) modifications to the application of the *Commercial Arbitration Act 1984* in respect of arbitrations of the valuation of assets used in connection with the provision of certain regular bus services (Part 13),
- (m) miscellaneous matters (Part 14),
- (n) matters of a formal nature (Part 1).

This Regulation refers to the Australian/New Zealand Standard called AS/NZS 1754:2004 *Child restraint systems for use in motor vehicles*.

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

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Clause 1 Passenger Transport Regulation 2007

Part 1 Preliminary

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under the

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Passenger Transport Regulation 2007*.

2 Commencement

This Regulation commences on 1 September 2007.

Note. This Regulation remakes, as a single Regulation, five Regulations under the *Passenger Transport Act 1990*. Those Regulations are repealed on 1 September 2007 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

accredited operator means a person accredited under the Act to carry on a public passenger service.

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

accredited taxi-cab operator has the same meaning as it has in section 29A of the Act.

approved, in relation to:

- (a) a driver protection screen, a duress alarm system, a security camera system or a vehicle tracking device—means complying with requirements established for the time being by the Director-General by order published in the Gazette, and
- (b) a network uniform—means a uniform of a design and colour scheme approved by the Director-General in connection with the network.

area of operation of a taxi-cab means the area within which the taxi-cab is authorised by its licence to ply and stand for hire.

assistance animal means an animal referred to in section 9 (Disability discrimination—guide dogs, hearing assistance dogs and trained

animals) of the *Disability Discrimination Act 1992* of the Commonwealth.

authorised fare, in relation to the hiring of a taxi-cab, means:

- (a) if the hiring is not a multiple hiring, the amount chargeable for the hiring in accordance with the fare determined (or the arrangement for remuneration approved) by the Director-General under section 60A of the Act (including any applicable night-time surcharge), or
- (b) if the hiring is a multiple hiring—75% of the amount referred to in paragraph (a).

authorised fare, in relation to the standards for taxi-meters set out in Schedule 2, means such proportion of the fare determined (or the arrangement for remuneration approved) by the Director-General under section 60A of the Act as consists of:

- (a) the distance rate (including any applicable night-time surcharge), or
 - (b) the waiting time,
- as appropriate, plus flag fall.

authorised taxi-cab driver has the same meaning as it has in section 29A of the Act.

authorised taxi-cab inspection station means premises:

- (a) that are authorised pursuant to a regulation under the *Road Transport (Vehicle Registration) Act 1997* for use for the purpose of conducting inspections and tests of registrable vehicles, and
- (b) at which there works a motor mechanic who is authorised by the Director-General to inspect, test and assess taxi-cabs for compliance with the *Manual of Inspection Standards for Taxi-Cabs*.

authorised taxi-cab network provider has the same meaning as it has in section 29A of the Act.

bus service means a public passenger service provided by means of one or more buses.

bus stop means a bus stop appointed under clause 104.

child restraint means a child restraint that complies with the requirements of the Australian/New Zealand Standard called *Child restraint systems for use in motor vehicles* and numbered AS/NZS 1754:2004, jointly published on 8 November 2004 by Standards Australia and Standards New Zealand, as amended by *Amendment 1* published on 29 December 2004.

Corporations Act means the *Corporations Act 2001* of the Commonwealth.

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Clause 3 Passenger Transport Regulation 2007

Part 1 Preliminary

disability has the same meaning as it has in the *Disability Discrimination Act 1992* of the Commonwealth.

drive a vehicle (other than a vessel) includes cause or allow the vehicle to stand.

driver means the following:

- (a) in relation to a bus or tourist service vehicle—a holder of an authority under section 11 of the Act,
- (b) in relation to a ferry—the ferry master,
- (c) in relation to a taxi-cab—an authorised taxi-cab driver,
- (d) in relation to a private hire vehicle—an authorised private hire vehicle driver within the meaning of section 36A of the Act.

driver authority means an authority to drive a public passenger vehicle, being an authority issued under:

- (a) Division 2 of Part 2 of the Act (in the case of an authority to drive a public passenger vehicle that is not a ferry, taxi-cab or private hire vehicle), or
- (b) Division 5 of Part 4 of the Act (in the case of an authority to drive a taxi-cab), or
- (c) Division 5 of Part 4A of the Act (in the case of an authority to drive a private hire vehicle).

driver authority card means an authority card in force under clause 31.

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

driver's worksheet means a worksheet referred to in clause 134.

duress alarm system, in relation to a public passenger vehicle, means a system by which the driver of the vehicle can, in a discreet manner, notify the location of the vehicle to another person or place.

ferry service means a public passenger service provided by means of one or more ferries.

four-wheel drive tourist service means a public passenger service provided by means of one or more four-wheel drive vehicles.

four-wheel drive vehicle means a motor vehicle that:

- (a) complies with the Australian Design Rules under the *Motor Vehicle Standards Act 1989* of the Commonwealth category definition for off-road passenger vehicles (MC vehicles), and
- (b) does not have side-facing seats.

hirer means, in relation to a taxi-cab or a private hire vehicle, the person by whom the taxi-cab or a private hire vehicle is hired.

hiring of a taxi-cab includes a hiring:

- (a) by means of a taxi-cab booking service, or
- (b) from a taxi zone, or
- (c) by the hailing of a taxi-cab on the street, or
- (d) by means of a telephone call made to the driver of a taxi-cab.

Manual of Inspection Standards for Taxi-Cabs means the document of that name as in force on 1 September 2007 and that is available from the Department.

maxi-cab means a taxi-cab that has seating accommodation for 6 or more adult persons in addition to the driver.

motor cycle means a motor vehicle that complies with the Australian Design Rules vehicle category definition for any of the following:

- (a) motor cycles (LC vehicles),
- (b) motor cycles and side-cars (LD vehicles),
- (c) motor tricycles (LE vehicles).

motor cycle tourist service means a public passenger service provided by means of one or more motor cycles.

multiple hiring, in relation to a taxi-cab, means a hiring under clause 160.

night-time surcharge rate, in relation to the authorised fare for the hiring of a taxi-cab, means the rate, if any, that the Director-General from time to time specifies, by notice published in the Gazette under section 60A of the Act, as the night-time surcharge rate.

non-compliance label and **non-compliance notice** mean a label and a notice (respectively) referred to in clause 232.

operator means:

- (a) in relation to a bus service, the person who is accredited under Division 1 of Part 2 of the Act to operate the service, and
- (b) in relation to a bus, the person who is accredited under Division 1 of Part 2 of the Act to operate the bus service for which the bus is used, and
- (c) in relation to a tourist service, the person who is accredited under Division 1 of Part 2 of the Act to operate the service, and
- (d) in relation to a tourist service vehicle, the person who is accredited under Division 1 of Part 2 of the Act to operate the tourist service for which the tourist service vehicle is used, and
- (e) in relation to a ferry service, the person who carries on the service, and

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Clause 3 Passenger Transport Regulation 2007

Part 1 Preliminary

- (f) in relation to a ferry, the person who carries on the ferry service for which the ferry is used, and
- (g) in relation to a private hire vehicle service, the accredited private hire vehicle operator, and
- (h) in relation to a private hire vehicle, the accredited private hire vehicle operator of the private hire vehicle service to which the private hire vehicle belongs, and
- (i) in relation to a taxi-cab service, the accredited taxi-cab operator, and
- (j) in relation to a taxi-cab, the accredited taxi-cab operator of the taxi-cab service to which the taxi-cab belongs.

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

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.

qualified accountant means:

- (a) a member of CPA Australia who holds a Public Practice Certificate issued by CPA Australia, or
- (b) a member of the Institute of Chartered Accountants in Australia who holds a Certificate of Public Practice issued by that Institute, or
- (c) a member of the National Institute of Accountants who holds a Public Practice Certificate issued by that Institute.

qualified communications engineer means an engineer holding qualifications that meet the requirements for membership of The Institution of Engineers Australia, as an electrical engineer, electronics engineer or telecommunications engineer.

receiver means a receiver referred to in section 31G of the Act.

registered training organisation has the same meaning as it has in the *Vocational Education and Training Act 2005*.

registration number has the same meaning as it has in the regulations made under the *Road Transport (Vehicle Registration) Act 1997*.

regular ferry service means a ferry service that is a regular passenger service.

RTA means the Roads and Traffic Authority of New South Wales constituted under the *Transport Administration Act 1988*.

security camera system means a system that records images of persons in or about a bus or a taxi-cab.

smoke includes be in possession of a lighted cigarette, cigar, pipe or similar article.

stand-by taxi-cab means a motor vehicle that is, in accordance with section 32K of the Act, being operated in place of a taxi-cab that is out of operation while undergoing repair or service.

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.

taxi-cab booking service has the same meaning as it has in Part 4 of the Act.

taxi-cab network has the same meaning as it has in Part 4 of the Act.

taxi-cab service has the same meaning as it has in Part 4 of the Act.

the Act means the *Passenger Transport Act 1990*.

transport district has the same meaning as it has in the *Transport Administration Act 1988*.

vehicle tracking device means a device by which the whereabouts of a taxi-cab can be followed by means of the vehicle tracking system operated by the taxi-cab network to which the taxi-cab is connected.

Western Division means the Western Division as defined by the *Crown Lands Consolidation Act 1913* immediately before its repeal (subject to any regulations made under section 4 (3) of the *Crown Lands Act 1989* that affect the boundary between the Western Division and the Eastern and Central Division).

wheelchair accessible taxi-cab means a taxi-cab that has wheelchair access.

- (2) Notes included in this Regulation do not form part of this Regulation.

4 Regulation does not apply to conduct of certain ferry services

This Regulation does not apply to the conduct of a road-ferry service that is under the control of a roads authority under the *Roads Act 1993*.

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Clause 5 Passenger Transport Regulation 2007

Part 2 Accreditation to carry on public passenger services

Part 2 Accreditation to carry on public passenger services

Division 1 Preliminary

5 Definition

In this Part, the *relevant service*, in relation to an applicant, an application, an accreditation or an accredited operator, means the public passenger service of the kind in respect of which accreditation is sought or has been obtained.

Division 2 Applications for accreditation to carry on public passenger services

6 Standards to be met by applicants for accreditation to carry on public passenger services

- (1) An applicant for accreditation under any of the following Divisions of the Act must meet, to the satisfaction of the Director-General, the standards set forth in this Division:
 - (a) Division 1 of Part 2 (concerning accreditation to carry on a bus service, a four-wheel drive tourist service or a motor cycle tourist service),
 - (b) Division 3 of Part 4 (concerning accreditation to carry on a taxi-cab service),
 - (c) Division 3 of Part 4A (concerning accreditation to carry on a private hire vehicle service).

Note. Operators of ferry services are not required to be accredited—see section 7 (1) of the Act. See section 15A of the Act for the exclusion of taxi-cabs and private hire vehicles from the operation of section 7.

Clause 202 provides that four-wheel drive tourist service vehicles and motor cycle tourist service vehicles are taken to be public passenger vehicles for the purposes of the Act, and further provides that the provisions of the Act apply to those vehicles.

- (2) If the applicant is a corporation, the directors or managers of the corporation who are nominated as designated directors or managers under section 7, 35 or 41 of the Act (as the case may require) must meet, to the satisfaction of the Director-General, the standards set forth in this Division (other than the standards specifically to be met by corporate applicants).

7 Applicant to be of good repute

- (1) The applicant must be of good repute.

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- (2) Evidence of the applicant's good repute is to be provided in the form of references from 2 persons (being persons, excluding employees of the applicant, of any class approved by the Director-General) who have known the applicant for at least 2 years.

8 Applicant to be fit and proper person to carry on relevant service

- (1) The applicant must be a fit and proper person to carry on the relevant service.
- (2) 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,
 - (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 (3),the Director-General may, for the purpose of determining the applicant's fitness to be an operator, cause any investigation that the Director-General considers appropriate to be made into the winding up, conviction or charge concerned.
- (3) 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.
- (4) If there are no convictions or pending proceedings against the applicant, the applicant must give the Director-General a written statement to that effect.

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Clause 9 Passenger Transport Regulation 2007

Part 2 Accreditation to carry on public passenger services

9 Applicant to be competent to carry on relevant service

- (1) The applicant must demonstrate that the applicant has the necessary knowledge and competence to carry on the relevant service.
- (2) In particular, the applicant must:
 - (a) satisfy the Director-General as to the applicant's knowledge of the following:
 - (i) the relevant provisions of the Act and this Regulation,
 - (ii) other laws relating to traffic,
 - (iii) the relevant provisions of the *Occupational Health and Safety Act 2000*,
 - (iv) if the application is for accreditation to carry on a taxi-cab service—the laws relating to bailment of motor vehicles, and
 - (b) if required to do so by the Director-General, undertake and successfully complete (or pass an examination in respect of) such course relating to the operation of the relevant service as is approved by the Director-General and conducted by a registered training organisation, or a higher education institution approved by the Director-General.

10 Applicant to be financially capable of carrying on relevant service

- (1) The applicant must be financially capable of carrying on the relevant service.
- (2) Evidence of the applicant's financial standing is to be provided in the form of a signed statement from a qualified accountant (other than an employee of the applicant), on the accountant's business letterhead, containing the following:
 - (a) a report on the applicant's financial capacity to carry on the relevant 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 public passenger vehicles that, in the opinion of the accountant, can be accommodated by the 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.

11 Applicant to have access to maintenance facilities for vehicles

- (1) The applicant must have access to adequate maintenance facilities for the vehicles intended to be used to provide the relevant service.
- (2) The applicant must provide the Director-General with full details of the premises at which the vehicles will normally be kept when not in use.

12 Additional requirement: bus services

- (1) An applicant for accreditation to carry on a public passenger service by means of one or more buses must also provide the Director-General with a copy of an approval from the relevant council to keep the buses required for the service at the premises specified by the applicant in compliance with clause 11 (2).
- (2) Subclause (1) does not apply in the case of an application for renewal of accreditation by a person who is an accredited service operator on the commencement of this clause.

13 Fees relating to accreditations to carry on certain public passenger services

- (1) The fee for the consideration of an application for accreditation to carry on a taxi-cab service (referred to in section 31A (2) of the Act) is \$100.
- (2) The fee for a renewal of an accreditation to carry on a taxi-cab service (referred to in section 31C (2) of the Act) is as follows:
 - (a) if no taxi-cabs are managed by the accredited taxi-cab operator at a date to be determined by the Director-General that occurs during the period during which the accreditation is in force (the *assessment date*)—\$260,
 - (b) if one or more taxi-cabs are managed by the accredited taxi-cab operator at the assessment date—\$5 for each week of the period during which the accreditation to be renewed has been in force, multiplied by the number of taxi-cabs managed at the assessment date.
- (3) An accreditation referred to in subclause (3) can be renewed only if the fee for the renewal is paid before the end of the period during which the accreditation is in force.
- (4) The fee for the consideration of an application for accreditation to carry on a private hire vehicle service (referred to in section 38A (2) of the Act) is \$100.
- (5) The fee for a renewal of an accreditation to carry on a private hire vehicle service (referred to in section 38C (2) of the Act) is \$45.

Note. Fees relating to accreditations to carry on public passenger services by means of buses and other vehicles (except for ferries) may be fixed by the

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Clause 14 Passenger Transport Regulation 2007

Part 2 Accreditation to carry on public passenger services

Director-General by order published in the Gazette: see sections 9A, 15 and 15A of the Act.

Division 3 Conditions of accreditation to carry on public passenger services

14 Conditions of accreditation to carry on relevant service

- (1) For the purposes of sections 9B (1) (a), 31D (1) (b) and 38D (1) (a) of the Act, compliance with the requirements of this Division is prescribed as a condition to which an accreditation to carry on a relevant service is subject.
- (2) For the purposes of this Division, *relevant service* means a bus service, a four-wheel drive tourist service, a motor cycle tourist service, a taxi-cab service or a private hire vehicle service.

15 Safety of drivers, passengers and the public

The operator of a relevant service must ensure that:

- (a) the vehicles used to provide the service at all times meet the requirements of the law as to registration and vehicle safety and roadworthiness, and
- (b) each person engaged to drive a vehicle used to provide the service:
 - (i) holds an appropriate driver licence, and
 - (ii) holds an appropriate driver authority.

16 Vehicle maintenance

- (1) The operator of a relevant service must have, and adhere to, a public passenger vehicle maintenance plan that:
 - (a) is consistent with the maintenance standards of the manufacturer of the vehicles used to provide the service, and
 - (b) specifies the steps taken to ensure that the vehicles are roadworthy, and
 - (c) specifies the way in which the vehicles are maintained, and
 - (d) specifies the way in which any defects are to be recorded and rectified, and
 - (e) is capable of being audited.
- (2) The operator of a relevant service must not carry out maintenance on, or repairs to, a vehicle used to provide the service, and must not permit any other person to do so, unless the person carrying out the maintenance or repairs is licensed under the *Motor Vehicle Repairs Act 1980* to carry out the work concerned.

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- (3) Subclause (2) applies even if the person who is to carry out the work concerned is exempted under section 5 of the *Motor Vehicle Repairs Act 1980* from the operation of all or any of the provisions of that Act.
- (4) However, for the purposes of subclause (2), ***maintenance*** and ***repairs*** do not include the following:
- (a) adding approved oils or other fluids to engines, transmissions, differentials, power steering reservoirs, windscreen washer reservoirs, master cylinders, radiators or batteries,
 - (b) changing engine, transmission and differential oils,
 - (c) changing engine oil filters and fuel filters,
 - (d) carrying out general lubrication,
 - (e) changing spark plugs,
 - (f) changing wheels and tyres,
 - (g) changing light bulbs,
 - (h) replacing seats and floor coverings,
 - (i) replacing external rear vision mirrors.

17 Condition of vehicles

- (1) The operator of a relevant service must ensure that the interior, exterior and fittings of the vehicles used to provide the service are, at all times during which the vehicles are being used to provide the service, clean and undamaged and (in the case of fittings) duly fitted, securely in place, in good condition and fully operational.
- (2) Without limiting subclause (1), the interior, exterior and fittings of a vehicle include the following:
- (a) the vehicle body and the door panels,
 - (b) the wheels and the bumper bars,
 - (c) the trim,
 - (d) the seats, seat covers and floor covers,
 - (e) the interior lights,
 - (f) any device or equipment that is fitted to the vehicle (whether or not it is required by or under the Act to be fitted),
 - (g) in the case of taxi-cabs and private hire vehicles:
 - (i) where appropriate, the network livery and decals, and
 - (ii) the interior of the boot or load space, and
 - (iii) the window winding mechanisms.

Maximum penalty: 10 penalty units.

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Clause 18 Passenger Transport Regulation 2007

Part 2 Accreditation to carry on public passenger services

18 Changes to information provided

- (1) The operator of a relevant service must notify the Director-General in writing of any of the following changes:
 - (a) a change of address of the premises from which the service is carried on,
 - (b) a change of address of the premises at which the vehicles used to provide the service are kept.
- (2) The notification is to be given no later than 7 days after the change.

Division 4 Other obligations of accredited operators

19 Records relating to operation of public passenger vehicles

A person who is or has been an accredited operator:

- (a) must keep in the English language any record required to be kept by the person under the Act or this Regulation in a form that is capable of being audited, and
- (b) unless otherwise provided by this Regulation, must retain the record for a period of at least:
 - (i) in the case of a bus service—5 years after the date of the last entry in it, and
 - (ii) in any other case—2 years after the date of the last entry in it, and
- (c) must, on demand by an authorised officer, produce it in written form 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.

20 Operator training

- (1) An accredited operator must, whenever reasonably required to do so by the Director-General, undertake and satisfactorily complete (or pass an examination in respect of) such course, or refresher course, relating to the operation of the relevant service as is approved by the Director-General and conducted by a registered training organisation, or a higher education institution approved by the Director-General.
Maximum penalty: 10 penalty units.
- (2) The Director-General may:
 - (a) suspend an accreditation issued to an accredited operator pending the satisfactory completion of (or the passing of an examination in respect of) such a course, or
 - (b) determine (either generally or in a particular case) that an accreditation issued to an accredited operator will be renewed only on the satisfactory completion of (or on the passing of an examination in respect of) such a course.

21 Records of drivers

An accredited operator must keep a record in written or electronic form of the following particulars for each person who drives a vehicle used to provide the relevant service while the vehicle is being used for that purpose:

- (a) the person's full name and residential address,
- (b) the dates and times during which the vehicle was driven by the person,
- (c) the person's driver authority number (that is, the number allocated by the Director-General and displayed on the person's driver authority card) and the date of expiry of the person's driver authority card,
- (d) the person's driver licence number and the date of expiry of the licence.

Maximum penalty: 10 penalty units.

22 Vehicle insurance

- (1) An accredited operator (unless otherwise notified in writing by the Director-General) must ensure that there is maintained one or more policies of insurance providing cover of at least \$5,000,000 for each public passenger vehicle used to provide the relevant service against liability in respect of damage to property caused by or arising out of the use of the vehicle.

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Clause 23 Passenger Transport Regulation 2007

Part 2 Accreditation to carry on public passenger services

- (2) The policies must be issued by a corporation authorised under the *Insurance Act 1973* of the Commonwealth to carry on insurance business.
- (3) Subclauses (1) and (2) do not apply to an accredited taxi-cab operator or an accredited private hire vehicle operator.
Note. See sections 32G and 39G of the Act for insurance requirements relating to taxi-cabs and private hire vehicles, respectively. See also clause 131 of this Regulation.
- (4) An accredited operator must provide an authorised officer, on request, with evidence that the operator's policies of insurance are current.
Maximum penalty: 10 penalty units.

23 Evidence of accredited operator's continuing financial capacity

- (1) An accredited operator must, on written request by the Director-General and within the time specified in the request, provide evidence, in the form specified in clause 10 (2), of the operator's continuing financial capacity to carry on the relevant service.
Note. The Director-General may, having regard to the purposes of accreditation, at any time vary, suspend or cancel a person's accreditation—see sections 10, 31F and 38E of the Act.
- (2) The Director-General is not to make a request under this clause unless the Director-General believes on reasonable grounds that the accredited operator may no longer be financially capable of carrying on the relevant service.

24 Operators to notify detrimental change in driver's medical condition

If the operator of a public passenger service becomes aware of any apparent change in the physical or mental condition of a driver of a public passenger vehicle operated by the operator that may detrimentally affect the driver's ability to drive public passenger vehicles safely, the operator must furnish the Director-General with written details of the apparent change within 48 hours after becoming aware of it.

Maximum penalty: 10 penalty units.

25 Management of public passenger services

An accredited operator must not suffer or permit any person other than:

- (a) a designated director or manager (if the accredited operator is a corporation), or

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- (b) another accredited operator (if the accredited operator is not a corporation),
to operate, manage, supervise or administer the relevant service (except for, in the case of a corporation, a person appointed under any law to manage the affairs of the corporation).

Maximum penalty: 50 penalty units.

26 Operator not to permit vehicle subject to non-compliance notice or non-compliance label to be driven

An accredited operator must not permit a vehicle used to provide the relevant service to be driven if:

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

Maximum penalty: 10 penalty units.

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Clause 27 Passenger Transport Regulation 2007

Part 3 Authorities for drivers of public passenger vehicles

Part 3 Authorities for drivers of public passenger vehicles

27 Definition

In this Part, *public passenger vehicle* means a public passenger vehicle other than a ferry.

28 Categories of driver authorities

(1) The following categories of driver authorities are created under sections 11 (3) and 33 (4) of the Act:

- (a) authorities to drive buses,
- (b) authorities to drive tourist service vehicles (other than buses),
- (c) authorities to drive taxi-cabs in the Metropolitan transport district,
- (d) authorities to drive taxi-cabs in the Newcastle transport district,
- (e) authorities to drive taxi-cabs in the Wollongong transport district,
- (f) authorities to drive taxi-cabs elsewhere than in the transport districts referred to in paragraphs (c), (d) and (e),
- (g) authorities to drive other public passenger vehicles (not being private hire vehicles) of the kind specified in the authority.

Note. Section 40 of the Act provides for the issue of driver authorities in respect of private hire vehicles. Section 40 (4) permits the regulations to create categories or grades of such authorities. However, at the commencement of this Regulation, no such categories or grades have been created.

(2) A driver may be issued with an authority which is valid for any one of the above categories or for any combination of them (whether or not in combination with an authority to drive private hire vehicles).

29 Criteria for authorisation to drive public passenger vehicles

(1) For the purposes of sections 12 (2), 33B (2) and 40B (2) of the Act, the criteria that an applicant for an authorisation to drive a public passenger vehicle must meet before the application is granted are the criteria set out in subclauses (2)–(4).

(2) The applicant:

- (a) must be at least 20 years of age, and
- (b) must hold a driver licence that is not a learner licence, probationary licence, provisional licence, restricted licence, driver licence receipt or 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), and

- (c) must have held an Australian driver licence for a total of at least 12 months in the 2 years immediately preceding the date of the application, and
 - (d) must have passed an examination or assessment, at a level determined by the Director-General, in medical fitness, and
 - (e) must satisfy the Director-General that he or she:
 - (i) may lawfully work in Australia, and
 - (ii) is of good repute and in all other respects a fit and proper person to be the driver of the vehicle concerned, and
 - (iii) has sufficient responsibility to drive the vehicle concerned in accordance with law and custom.
- (3) In the case of an application for authorisation to drive buses, the applicant must also have successfully completed a bus driver training course approved by the Director-General and conducted by a registered training organisation (or must have such competence as a driver of buses as the Director-General considers appropriate).
- (4) In the case of an application for authorisation to drive taxi-cabs, the applicant must also:
- (a) have successfully completed a taxi-cab driver training course approved by the Director-General and conducted by a registered training organisation (or must have such competence as a driver of a taxi-cab as the Director-General considers appropriate), and
 - (b) have passed an examination or assessment, at a level determined by the Director-General, in the following:
 - (i) geographical knowledge of areas in which taxi-cabs ply for hire,
 - (ii) such part or parts of the taxi-cab driver training course referred to in paragraph (a) 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),
 - (iii) knowledge of this Regulation in so far as it relates to taxi-cabs and the driving of taxi-cabs, and
 - (c) have passed an examination or assessment, at a level determined by the Director-General, in both written and oral communication in the English language (or must have such competence in that language as the Director-General considers equivalent to that level).

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Clause 30 Passenger Transport Regulation 2007

Part 3 Authorities for drivers of public passenger vehicles

(5) In this clause:

Australian driver licence means:

- (a) a driver licence, or
- (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, being a licence that is not a learner licence, probationary licence, provisional licence, restricted licence, driver licence receipt or 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).

Note. See clause 237 for the Director-General's power to exempt certain applicants from the requirement that they hold driver licences.

30 Fees relating to authorisations to drive certain public passenger vehicles

(1) **Taxi drivers: consideration of application for authorisation**

The fee for the consideration of an application for authorisation to drive taxi-cabs (referred to in section 33A (2) of the Act) is \$100.

(2) **Taxi drivers: renewal of authorisation**

The fee for a renewal of an authority to drive taxi-cabs (referred to in section 33C (2) of the Act) is \$120.

(3) **Drivers of private hire vehicles: consideration of application for authorisation**

The fee for the consideration of an application for authorisation to drive private hire vehicles (referred to in section 40A (2) of the Act) is \$45.

(4) **Drivers of private hire vehicles: renewal of authorisation**

The fee for a renewal of an authority to drive private hire vehicles (referred to in section 40C (2) of the Act) is \$45.

Note. Fees relating to authorisations to drive buses and other public passenger vehicles (except for ferries) may be fixed by the Director-General by order published in the Gazette: see sections 11A, 15 and 15A of the Act.

31 Driver authority cards

(1) The Director-General may issue a driver authority card to a person who is authorised to drive a public passenger vehicle.

(2) A driver 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 authority card:
 - (a) may display such additional information or endorsement as the Director-General considers appropriate (either generally or in a particular case), and
 - (b) is to be in a form approved by the Director-General.
- (4) A driver authority card expires at midnight on the date specified on the card as the expiry date.
- (5) A person's authority to drive public passenger vehicles and driver authority card do not have any effect, either for the purposes of the Act or for the purposes of this Regulation, while the person's driver licence is cancelled, suspended or expired, or while the person is otherwise disqualified from driving a motor vehicle.

32 Misuse of driver authority cards

A person must not:

- (a) alter or deface any driver authority card, or
- (b) lend or part with any driver authority card, or
- (c) fraudulently obtain a driver authority card, or assist another person to obtain such a card fraudulently, or
- (d) make, supply or use a counterfeit driver authority card.

Maximum penalty: 10 penalty units.

33 Replacement of driver authority cards

- (1) A driver authority card that has been altered or defaced is void and may be returned to the Director-General for replacement.
- (2) On the return of a driver authority card, or on proof to the satisfaction of the Director-General that a driver authority card has been destroyed, stolen or lost, the Director-General may cause a duplicate of it to be issued.
- (3) Before issuing a duplicate driver authority card, the Director-General may require:
 - (a) proof of the identity of the person seeking the duplicate, and
 - (b) a new photo of the person to be supplied for display on the card.
- (4) Any duplicate driver authority card issued under this clause becomes, for the purposes of the Act and this Regulation, the driver authority card in respect of which the duplicate is issued, and the original driver authority card, if it is not already void, becomes void.

2007 No 421

Clause 34 Passenger Transport Regulation 2007

Part 4 General obligations of drivers of public passenger vehicles

Part 4 General obligations of drivers of public passenger vehicles

Note. This Part specifies the obligations that are common to all drivers of public passenger vehicles (other than ferry masters). See also the additional obligations of drivers of buses (Division 3 of Part 7), taxi-cabs (Division 2 of Part 8) and private hire vehicles (Division 2 of Part 9).

34 Definition

In this Part, *public passenger vehicle* means a public passenger vehicle other than a ferry.

35 Dress and conduct of drivers

The driver of a public passenger vehicle must:

- (a) be clean and tidy and wear clean and tidy clothes (including enclosed shoes) when driving the vehicle for the purpose of providing a public passenger service, and
- (b) behave in an orderly manner and with civility and propriety towards any passenger, intending passenger, driver of another public passenger vehicle or authorised officer, and
- (c) comply with every reasonable requirement of an authorised officer or passenger.

Maximum penalty: 10 penalty units.

36 Driver not to smoke, eat or drink in vehicle

- (1) The driver of a public passenger vehicle must not do any of the following:
 - (a) smoke any substance while in the vehicle, whether or not the vehicle is being driven for the purpose of providing a public passenger service,
 - (b) eat or drink in the vehicle while the vehicle is hired or available for hire, or is otherwise in use as a public passenger vehicle.

Maximum penalty: 5 penalty units.

- (2) Nothing in this clause prohibits a driver of a public passenger vehicle from eating or drinking in the vehicle for medical reasons.

37 Driver to ensure vehicles are clean

The driver of a public passenger vehicle must ensure that the vehicle is clean and tidy.

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).

38 Driver not to interfere with equipment of, or damage, vehicle

The driver of a public passenger vehicle must not:

- (a) without reasonable excuse, interfere with any equipment attached to, or forming part of, the vehicle, or
- (b) wilfully damage any part of the vehicle.

Maximum penalty: 5 penalty units.

39 Driver not to drive vehicle subject to non-compliance label

The driver of a public passenger vehicle must not drive the vehicle if:

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

Maximum penalty: 10 penalty units.

40 Driver to move and drive vehicles carefully

The driver of a public passenger vehicle must not:

- (a) move the vehicle while any door is open, or
- (b) negligently or wilfully move or drive or cause the vehicle to be moved or driven so that any person is subjected to the risk of injury.

Maximum penalty: 5 penalty units.

41 Carriage of goods and animals

- (1) The driver of a public passenger 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.

- (2) The driver of a public passenger vehicle must not permit any person to place or carry in or on the vehicle any dog, cat, bird or other animal unless it is suitably confined in a box, basket or other container.

Maximum penalty: 2 penalty units.

- (3) Subclause (2) does not apply to an assistance animal or an assistance animal in training.

- (4) The driver of a public passenger vehicle other than a motor cycle must not refuse to carry an assistance animal or an assistance animal in training in or on the vehicle.

Maximum penalty: 10 penalty units.

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Clause 42 Passenger Transport Regulation 2007

Part 4 General obligations of drivers of public passenger vehicles

42 Lost property given to drivers

A driver of a public passenger vehicle who is given lost property under this Regulation or who finds such property must, within 24 hours after being given or finding the property:

- (a) if the driver is the driver of a taxi-cab that is connected to an authorised taxi-cab network—give the property to the owner of the property or to the authorised taxi-cab network provider of the network to which the driver's taxi-cab is connected, or
- (b) in all other cases—give the property to the owner of the property, to the accredited operator of the public passenger service or to a police officer at a police station.

Maximum penalty: 5 penalty units.

43 Training of drivers

- (1) The driver of a public passenger vehicle must, whenever reasonably required to do so by the Director-General, undertake and satisfactorily complete (or pass an examination in respect of) any one or more of the following training courses, being a training course approved by the Director-General and conducted by a registered training organisation:
 - (a) a public passenger vehicle driver training course,
 - (b) a public passenger vehicle driver training refresher course,
 - (c) a training course concerning the driving of public passenger vehicles in specified places, or in specified circumstances, or in both (for example, a course concerning the driving of public passenger vehicles in the Kosciuszko National Park during winter).
- (2) The Director-General may:
 - (a) suspend a driver's authorisation to drive public passenger vehicles pending the satisfactory completion of (or the passing of an examination in respect of) such a course, or
 - (b) determine (either generally or in a particular case) that a driver's authorisation to drive public passenger vehicles will be renewed only on the satisfactory completion of (or on the passing of an examination in respect of) such a course.

44 Driver to notify Director-General of alleged offence

- (1) The driver of a public passenger 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 public passenger vehicle in respect of an offence referred to in subclause (1) (a) are pending, or
 - (b) a penalty notice of the kind referred to in subclause (1) (b) is in force against a driver of a public passenger vehicle,
 the relevant details 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.

45 Driver to hand over driver licence for inspection

- (1) The driver of a public passenger vehicle must, at the request of an authorised officer, hand his or her driver licence to the authorised officer for inspection.
Maximum penalty: 5 penalty units.
- (2) In this clause:
driver includes a person who:
 - (a) is occupying the driver seat of a vehicle that is on a road or road related area, or
 - (b) is otherwise apparently in charge of such a vehicle.

46 Driver to hand over driver authority card for inspection

The driver of a public passenger vehicle must, at the request of an authorised officer, hand the appropriate driver authority card to the officer for inspection.

Maximum penalty: 10 penalty units (in the case of an offence committed by the driver of a bus, taxi-cab or private hire vehicle in the Sydney Airport precinct) or 5 penalty units (in any other case).

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Clause 47 Passenger Transport Regulation 2007

Part 4 General obligations of drivers of public passenger vehicles

47 Medical condition of drivers

- (1) On attaining the age of 60 years and from then on at intervals of 12 months, the driver of a public passenger vehicle 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.

Maximum penalty: 10 penalty units.

- (2) The Director-General may, by notice in writing, require a driver of a public passenger vehicle to attend a medical practitioner specified in the notice, by a date specified in the notice, for the purposes of undergoing a medical fitness examination.

- (3) The driver of a public passenger 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 public passenger vehicles safely, with written details of the change.

Maximum penalty: 10 penalty units.

Part 5 Conduct of passengers in or on public passenger vehicles

Note. Division 2 of this Part deals with the conduct of passengers on all public passenger vehicles. Division 3 contains additional provisions relating to conduct on buses and ferries. See also the special provisions relating to the conduct of school students on buses (Division 4 of Part 7).

Division 1 Preliminary

48 References to passengers

In this Part, a reference to a passenger is taken to include a reference to an intending passenger.

Division 2 Conduct generally

49 No offensive behaviour or language

A passenger must not, in or on a public passenger vehicle:

- (a) behave in an offensive manner, or
- (b) use any offensive language, or
- (c) wilfully interfere with the comfort or safety of other persons, or
- (d) put his or her feet on a seat, or
- (e) spit.

Maximum penalty: 10 penalty units.

50 No smoking

A passenger must not smoke any substance in or on any public passenger vehicle.

Maximum penalty: 5 penalty units.

51 Limitation on eating and drinking in certain public passenger vehicles

- (1) A passenger must not eat or drink in any taxi-cab.

Maximum penalty: 5 penalty units.

- (2) A passenger must not:

- (a) drink any intoxicating liquor on any bus or ferry, unless the intoxicating liquor is supplied on the bus or ferry by, or with the permission of, the operator of the bus or ferry, or

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Part 5 Conduct of passengers in or on public passenger vehicles

- (b) eat or drink on any bus or ferry, or part of a bus or ferry, in which eating and drinking is prohibited by signs displayed in the bus or ferry (or part of the bus or ferry), except with the written permission of the operator of the bus or ferry.

Maximum penalty: 5 penalty units.

- (3) However, nothing in this clause prohibits a passenger from drinking water, or from eating or drinking for medical reasons, in or on a public passenger vehicle.
- (4) In this clause, *drink*, in relation to intoxicating liquor, includes be in possession of an opened container of intoxicating liquor.

52 No animals

- (1) A passenger must not take into or on any public passenger vehicle any dog, cat, bird or other animal:
 - (a) in the case of a vehicle other than a bus or ferry—unless the animal is suitably confined in a box, basket or other container, and
 - (b) in the case of a bus or ferry—except with the permission of, and in the manner permitted by, the driver of the bus or the ferry master.

Maximum penalty: 5 penalty units.

- (2) Subclause (1) does not apply to an assistance animal or an assistance animal in training.

53 Direction to leave public passenger vehicle

- (1) If, in the opinion of the driver of a public passenger vehicle or an authorised officer:
 - (a) a person's body, clothing or luggage (or any other thing on or carried by the person):
 - (i) may soil or damage the public passenger vehicle or the clothing or luggage of other passengers, or
 - (ii) is of such a size or has such dimensions that it cannot be accommodated in the public passenger vehicle without inconvenience or danger to other passengers or to the driver, or
 - (b) the person is otherwise causing, or is likely to cause, a nuisance or annoyance to other passengers or to the driver (whether because the person is under the influence of alcohol or a drug, or for any other reason), or

(c) the person is committing an offence under this Regulation in or on a public passenger vehicle,
the driver or authorised officer may direct the person to leave, or not to enter, the public passenger vehicle.

- (2) A person who is given such a direction must comply with it.
Maximum penalty: 5 penalty units.

54 Lost property

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

- (a) return the article to its owner, or
- (b) give it to the driver of the public passenger vehicle or to an authorised officer.

Maximum penalty: 5 penalty units.

55 No wilful damage

A passenger must not wilfully damage any part of a public passenger vehicle.

Maximum penalty: 10 penalty units.

56 No removal of property

- (1) A passenger must not remove any property of the driver or operator from any public passenger vehicle.

Maximum penalty: 5 penalty units.

- (2) Subclause (1) does not apply to an authorised officer in the execution of his or her duty.

57 No littering

A passenger must not in or on any public passenger vehicle:

- (a) deposit any litter otherwise than in a receptacle provided for that purpose, or
- (b) deposit any thing that may endanger any person or property.

Maximum penalty: 5 penalty units.

58 No throwing

A passenger must not, without reasonable excuse, throw any thing in or from a public passenger vehicle.

Maximum penalty: 5 penalty units.

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Clause 59 Passenger Transport Regulation 2007

Part 5 Conduct of passengers in or on public passenger vehicles

59 Driver to take action in relation to dangerous conduct

The driver of a public passenger vehicle must take such action as is appropriate (for example, contacting the operator or the police for help) if the driver believes on reasonable grounds that the conduct of a passenger is endangering the safety of any person.

Division 3 Additional prohibitions on certain conduct on buses and ferries

60 No unauthorised commercial activities

- (1) A passenger must not carry on a commercial activity on any bus or ferry except with the written permission of the bus or ferry operator concerned.

Maximum penalty: 5 penalty units.

- (2) For the purposes of this clause, a *commercial activity* means any one or more of the following:

- (a) the sale or hire (or the offer of sale or hire) of any thing,
- (b) the touting or soliciting for custom, hire or employment,
- (c) the distribution of handbills to any person,
- (d) the soliciting of money from any person (whether by way of busking or otherwise).

61 Entry to and exit from buses and ferries

- (1) A passenger must not, without reasonable excuse, enter or leave a bus or a ferry:

- (a) in the case of a ferry—except at the side of the ferry adjoining the ferry wharf or other place designated by the ferry operator for passengers to enter or leave the ferry, or

- (b) in either case:

- (i) while the bus or ferry is in motion, or
- (ii) by getting through a window.

Maximum penalty: 5 penalty units.

- (2) Subclause (1) does not apply to an authorised officer in the execution of his or her duty.

62 Limited stop buses and ferries

- (1) A passenger must not board a bus at a bus stop at which the bus is not scheduled to pick up passengers.

Maximum penalty: 5 penalty units.

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- (2) A passenger must not leave a bus at a bus stop at which the bus is not scheduled to set down passengers.
Maximum penalty: 5 penalty units.
 - (3) A passenger must not board a ferry used for a regular ferry service or a long-distance ferry service at a ferry wharf at which the ferry is not scheduled to pick up passengers.
Maximum penalty: 5 penalty units.
 - (4) A passenger must not leave a ferry used for a regular ferry service or a long-distance ferry service at a ferry wharf at which the ferry is not scheduled to set down passengers.
Maximum penalty: 5 penalty units.

63 No travel allowed on certain parts of bus or ferry

- (1) A passenger must not, without reasonable excuse, travel on any portion of a bus or ferry not intended for the conveyance of passengers.
Maximum penalty: 5 penalty units.
- (2) Without limiting subclause (1), portions of a bus not intended for the conveyance of passengers include the following:
 - (a) the roof, steps and footboard,
 - (b) the stairs of a two-decked bus.
- (3) A passenger must not sit or stand on the side rails of a ferry (whether or not the ferry is moving).
Maximum penalty: 5 penalty units.

64 No entry to driver's compartment of bus or ferry or crew compartment of ferry

- (1) A passenger must not enter the driver's compartment of a bus or ferry.
Maximum penalty: 5 penalty units.
- (2) A passenger must not:
 - (a) enter the crew compartment of a ferry without the permission of the master of the ferry or an authorised officer, or
 - (b) remain in the crew compartment of a ferry after having been requested to leave the compartment by the master of the ferry or an authorised officer.Maximum penalty: 5 penalty units.
- (3) Subclauses (1) and (2) do not apply to an authorised officer in the execution of his or her duty.

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Clause 65 Passenger Transport Regulation 2007

Part 5 Conduct of passengers in or on public passenger vehicles

65 No interference with equipment on buses and ferries

A passenger must not, without reasonable excuse:

- (a) interfere with any equipment attached to or forming part of a bus, or
- (b) block a bus door, or
- (c) open a locked bus door at any time, or
- (d) open an unlocked bus door while the bus is in motion, or
- (e) in any way interfere with an automatically operated bus door, or
- (f) use the public address or other communications system of a ferry, or
- (g) operate any equipment attached to or forming part of a ferry.

Maximum penalty: 10 penalty units.

66 Passengers not to hinder use of ferry facilities by others

- (1) A passenger or intending passenger must not, without reasonable excuse, hinder (whether by obstruction or by other means) another person's use of any ferry facilities.

Maximum penalty: 5 penalty units.

- (2) Without limiting subclause (1):

- (a) *ferry facilities* include the following:

- (i) the entrance to a ferry wharf,
- (ii) the exit from a ferry wharf,
- (iii) stairways and escalators on, or leading to, a ferry wharf,
- (iv) the gangplank between a ferry and a ferry wharf, and

- (b) a passenger or intending passenger who sits on a stairway on a ferry, or on a stairway on or leading to a ferry wharf, is taken to hinder another person's use of ferry facilities.

67 No scooters or rollerblades or the like

A passenger must not use a scooter or skateboard, or roller blades or roller skates, or the like, on a bus or a ferry.

Maximum penalty: 5 penalty units.

68 Seating on buses for aged persons or persons with a disability

- (1) An operator of a bus service may, by appropriate notices, set aside seating on a bus for persons who are aged or have a disability.

- (2) A passenger who is not aged and does not have a disability must not continue to occupy a seat set aside for the aged and persons with disabilities if an aged person or a person with a disability wanting to use the seat (or a person on behalf of that person) asks the passenger to vacate the seat.

Maximum penalty: 5 penalty units.

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Part 6 Tickets

Part 6 Tickets

69 Definitions

(1) In this Part:

concession ticket means:

- (a) in the case of a travelcard—a travelcard that is intended by the Public Transport Ticketing Corporation to provide for:
 - (i) free travel on public passenger vehicles, or
 - (ii) travel on public passenger vehicles at a reduced fare, and
- (b) in the case of any other ticket—a ticket issued free or at a reduced fare.

paid area of a ferry wharf means all parts of the ferry wharf between the place where ferries dock and the ticket barrier.

Note. A ferry wharf that does not have a ticket barrier will not have a paid area. As at the commencement of this clause, only Manly Wharf and the wharves at Circular Quay have ticket barriers.

public passenger service means the carriage of passengers for a fare or other consideration:

- (a) by a bus along a road or road related area, or along the whole or part of a transitway route, or
- (b) by vessel within any New South Wales waterway.

public passenger vehicle means:

- (a) a bus used to provide a public passenger service, or
- (b) a ferry used to provide a regular passenger service.

Public Transport Ticketing Corporation means the Public Transport Ticketing Corporation constituted under the *Transport Administration Act 1988*.

read, in relation to a travelcard and a travelcard reader, means ascertain the cash amount, or travel entitlement, recorded on the travelcard and, in the case of a cash amount so recorded, arrange for a debit or a credit to be made to the cash amount.

scan, in relation to a travelcard, means hold the travelcard in front of a travelcard reader until such time as the travelcard reader indicates (by means of a display, sound or other signal) that it has read the travelcard.

ticket means:

- (a) a travelcard, or
- (b) any other thing issued by or on behalf of the operator of a public passenger service for the purpose of authorising a person to travel on a public passenger vehicle used to carry on the service concerned.

ticket barrier includes a travelcard reader.

travelcard—see clause 70.

travelcard reader means a machine, installed on a public passenger vehicle or at a place at which passengers may board or leave public passenger vehicles (including a transport interchange), for the purpose of reading a travelcard.

valid ticket—see clause 71.

- (2) For the purposes of this Part, a person is *entitled* to a concession ticket for travel on a public passenger vehicle if the person meets the age, occupation or status criteria for entitlement accepted by the operator of the public passenger service concerned.

70 Meaning of “travelcard”

- (1) A *travelcard* means a card, issued by or on behalf of the Public Transport Ticketing Corporation:
- (a) on which cash, or an entitlement to travel on public passenger vehicles, may be recorded electronically, and
 - (b) which may be scanned at, and read electronically by, a travelcard reader for the purpose of enabling the person to whom the travelcard is issued to pay for, or exercise an entitlement to, travel on public passenger vehicles (regardless of whether the travelcard may also be used to pay for, or exercise a right to, travel on other public transport systems).
- (2) Without limiting the way in which an entitlement to travel on a public passenger vehicle may be recorded on a travelcard, the entitlement may be limited by reference to any one or more (or any combination) of the following:
- (a) the kinds of public passenger vehicles on which the entitlement may be exercised,
 - (b) the geographical boundaries within which it may be exercised,
 - (c) the times or periods within which it may be exercised.

71 Valid tickets

- (1) A ticket other than a travelcard is valid for travel only for the journey or journeys for which it is issued.
- (2) A travelcard is valid for travel on a particular journey only if:
- (a) the travelcard is scanned at an appropriate travelcard reader on or before the commencement of the journey, and

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- (b) there is sufficient credit recorded on the travelcard (whether in cash or in entitlement to travel) to permit travel, at the fare appropriate to the holder of the travelcard, for the stage of the journey immediately following the point at which the journey is commenced.
- (3) A ticket transferred in contravention of clause 72 is not a valid ticket.
- (4) In this clause, *stage* of a journey means:
 - (a) in the case of a journey by bus—the distance between the bus-stop at which the journey is commenced and the bus-stop at which the next following section commences, and
 - (b) in the case of a journey by ferry—the distance between the wharf at which the journey is commenced and the next following wharf.

72 Tickets generally not transferable

- (1) A person who is issued with a ticket must not transfer (or offer to transfer) the ticket, or a portion of the ticket, to any person.
Maximum penalty: 5 penalty units.
- (2) This clause does not apply if:
 - (a) the ticket was bought on behalf of that other person and, in the case of a concession ticket, that other person is entitled to use that concession ticket, or
 - (b) the transfer is authorised by the bus operator, or
 - (c) the ticket is a travelcard.

73 Alteration or defacement of tickets prohibited

A person must not, with intent to deceive, alter or deface a ticket or make a ticket illegible (or, in the case of a ticket that has a magnetic strip or is a travelcard, inoperative).
Maximum penalty: 5 penalty units.

74 Valid ticket required for travel

- (1) A person must not travel or attempt to travel on a public passenger vehicle unless the person holds a valid ticket for the travel concerned.
Maximum penalty: 5 penalty units.
- (2) This clause does not apply:
 - (a) in the case of a person who does not hold a ticket—if the person boards a ferry at a ferry wharf where, at all relevant times before the person boarded the ferry, there were no facilities available for the issue of an appropriate ticket, or

- (b) in the case of a person who holds a travelcard—if the person boards a ferry at a ferry wharf where, at all relevant times before the person boarded the ferry, the card reader (if any) on the wharf was not functioning and there is no functioning card reader on the ferry.
- (3) In this clause, **hold** a ticket means be able to produce the ticket on request.

75 Concession tickets

- (1) A person must not travel on a public passenger vehicle on the authority of a concession ticket unless the person is entitled to the concession ticket.
Maximum penalty: 5 penalty units.
- (2) The driver of a public passenger vehicle or an authorised officer may direct a person:
 - (a) who is travelling in a public passenger vehicle on the authority of a concession ticket, or
 - (b) who processes a concession ticket under clause 76, or
 - (c) who makes a concession ticket available for inspection under clause 77,
 to produce to the driver or authorised officer evidence (for example, the person's pensioner or student concession card) that the person is entitled to the concession ticket.
- (3) A person who is given such a direction must comply with it.
Maximum penalty: 5 penalty units.
- (4) A person may not be prosecuted for offences under both subclause (1) and subclause (3) in relation to the same travel.

76 Tickets to be processed

- (1) A person must not, without reasonable excuse:
 - (a) board a bus, or
 - (b) if the person's ticket is a travelcard—leave a bus, or
 - (c) enter (otherwise than by getting off a ferry) or leave the paid area of a ferry wharf used for the purposes of, or in connection with, a regular ferry service, or
 - (d) if there is no paid area of the ferry wharf—board or leave a ferry, without processing the person's ticket in accordance with this clause.
 Maximum penalty: 5 penalty units.

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- (2) For the purposes of this clause, a person processes a ticket:
- (a) in the case of a travelcard—by scanning it at an appropriate travelcard reader, and
 - (b) in the case of a ticket other than a travelcard:
 - (i) by putting it into automatic equipment provided to read or record any details on the ticket, or
 - (ii) by showing the ticket to an authorised officer on request, or
 - (iii) if the person is boarding a bus and the person does not hold a ticket—by buying the appropriate ticket from the driver of the bus.
- (3) A person who holds a ticket other than a travelcard must not process the ticket in the manner specified in subclause (2) (b) (ii) unless:
- (a) the person's ticket is not designed for insertion in automatic equipment, or
 - (b) the bus, ferry or ferry wharf concerned is not supplied with automatic equipment, or
 - (c) the person has a reasonable excuse for not using the automatic equipment.
- (4) The operator of a bus that is being used to provide a regular bus service must ensure that the driver of the bus is provided with facilities that enable the driver to sell tickets for journeys on the bus, unless the bus:
- (a) is clearly designated as a bus on which only pre-paid tickets may be used, or
 - (b) is used to provide a free service.
- Maximum penalty: 5 penalty units.
- (5) The driver of a bus that is being used to provide a regular bus service must (unless the driver has a reasonable excuse for not doing so) ensure that tickets for journeys on the bus are processed in accordance with this clause.
- Maximum penalty: 5 penalty units.

77 Inspection of tickets

- (1) A person who:
- (a) is on, or has just left, a public passenger vehicle, or
 - (b) is in the paid area of a ferry wharf used for the purposes of, or in connection with, a regular ferry service, or

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- (c) has just left the paid area of a ferry wharf used for the purposes of, or in connection with, a regular ferry service, must make his or her ticket available for inspection by an authorised officer on that officer's request.
Maximum penalty: 5 penalty units.
- (2) A person who has just left the paid area of a ferry wharf used for the purposes of, or in connection with, a regular ferry service does not commit an offence under subclause (1) if the person's ticket has been:
- (a) captured by an automatic gate or other equipment provided to read or record any details on the ticket, or
 - (b) given to an authorised officer.

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Part 7 Special provisions relating to buses

Part 7 Special provisions relating to buses

Division 1 Bus operators

78 Buses to show accreditation details

- (1) The operator of a bus service must ensure that each bus used in the service displays, in accordance with this clause, the information required by this clause.
Maximum penalty: 10 penalty units.
- (2) The bus must display the following information:
 - (a) the name under which the accreditation for the bus service in which the bus is normally used is held,
 - (b) the accreditation number allocated by the Director-General to the operator in respect of that bus service,
 - (c) the location of the depot at which the bus is normally based.
- (3) The information must be displayed as follows:
 - (a) on the front nearside or offside panel of the bus,
 - (b) as far forward as possible (forward of the wheel arch, if possible),
 - (c) in English in block letters at least 50 millimetres high,
 - (d) in such a manner as to be clearly readable from a distance of 5 metres.

79 Buses to be fitted with driver authority card holders

The operator of a bus service must ensure that each bus used in the service is fitted with a device suitable for holding the driver authority card in such a manner as to enable the driver to display the card as required by clause 92.

Maximum penalty: 5 penalty units.

80 Management information system

- (1) The operator of a bus service must maintain the following records:
 - (a) a fleet register that includes the vehicle identification number, fleet number (if allocated) and registration details of each vehicle in the fleet,
 - (b) a register of insurance details for each vehicle in the fleet,
 - (c) maintenance records for each vehicle in the fleet,
 - (d) records under the RTA's Heavy Vehicle Inspection Scheme in relation to each vehicle in the fleet,

- (e) copies of drivers' vehicle defect reports,
Note. See clause 81 for the requirement for these reports.
- (f) a register of reports of accidents involving vehicles in the fleet,
- (g) details of accidents involving vehicles in the fleet,
- (h) a complaints register detailing all complaints received in respect of the bus service and the action taken in respect of each complaint.

Maximum penalty: 5 penalty units.

- (2) In this clause:
vehicle identification number, in relation to a motor vehicle, means the number allocated to the vehicle in accordance with the requirements of the Australian Design Rules under the *Motor Vehicle Standards Act 1989* of the Commonwealth.

81 Vehicle defect reports

- (1) The operator of a bus service must make available, in respect of each bus in the fleet, a blank vehicle defect form for each day that the bus is used in the provision of the service.
Maximum penalty: 5 penalty units.
- (2) If the driver of the bus identifies a defect, the driver must fill in the form as appropriate at the end of the driver's period of driving the bus.
Maximum penalty: 5 penalty units.
- (3) The completed form must be returned to the operator of the bus service, in accordance with the relevant procedures established by that operator, as soon as practicable after the bus's last journey on the day to which the form relates (or, in the case of a service that extends beyond midnight on any day, on the following day).

82 Security camera systems and duress alarm systems

- (1) An operator of a bus service who carries on a regular passenger service partly or wholly within the Metropolitan, Newcastle or Wollongong transport district or within the City of Gosford or the Wyong local government area must ensure that each bus in the fleet is fitted with:
 - (a) an approved security camera system, and
 - (b) an approved duress alarm system.
 Maximum penalty: 10 penalty units.
- (2) A person must not wilfully:
 - (a) interfere with any part of a security camera system or duress alarm system fitted to a bus, or

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(b) cause or permit any such interference, in such a manner as to prevent or impede the proper working of the system.

Maximum penalty: 15 penalty units.

- (3) Schedule 1 has effect in relation to any security camera system with which a bus is fitted (whether or not pursuant to this clause).
- (4) Nothing in this clause prevents any authorised officer or other person authorised by the Director-General for the purpose of this clause from carrying out an inspection, check or other test of, or performing any proper function in relation to, a security camera system or duress alarm system.

83 Timetables

- (1) The operator of a long-distance bus service must ensure that the timetable for the service can reasonably be met without any need for buses to break any relevant speed limits.
- (2) The operator of a long-distance bus service must, on request by the Director-General, provide a copy of the timetable for the service so that the timetable may be checked to ensure that it complies with this clause.
Maximum penalty: 10 penalty units.

84 Manifest of passengers

- (1) The operator of a long-distance, tourist or charter service that is provided by means of buses must provide to the driver of each bus concerned, for each day that the bus is used to provide the service, a manifest of passengers that complies with this clause.
Maximum penalty: 5 penalty units.
- (2) The manifest must contain the following information in respect of each passenger:
 - (a) the passenger's name,
 - (b) contact details (such as an address and telephone number) for the passenger,
 - (c) the date and time that the passenger is due to board the bus,
 - (d) the seat number (if any) allocated to the passenger.
- (3) The driver of the bus must return the manifest to the operator as soon as practicable after the completion of the relevant journey.
Maximum penalty: 5 penalty units.

- (4) The operator of the service must retain each manifest for a period of 60 days after the completion of the relevant journey.
Maximum penalty: 5 penalty units.
- (5) This clause does not apply in respect of a bus that:
- (a) is being used only within a radius of 40 kilometres from its usual depot, or
 - (b) is being used for a charter service, but only if the operator of the bus maintains records for 60 days after the bus is used for any such service that include the name, address and telephone number of the person that chartered the bus, the date and time of the charter and the telephone number of a responsible passenger on board the chartered bus.

85 Information in buses

- (1) The operator of a bus service must ensure that information is displayed inside a bus in accordance with this clause while the bus is being used to provide the service.
Maximum penalty: 5 penalty units.
- (2) The following information must be displayed:
- (a) a summary of the rights and obligations of passengers,
 - (b) brief details (including a telephone number) as to how complaints relating to the bus services might be made.
- (3) The information:
- (a) must be approved by the Director-General, and
 - (b) must be displayed in a position where it may easily be read by passengers.

86 Buses to be clean and tidy

The operator of a bus service must not allow a bus to be used to provide the service unless the bus is clean and tidy.

Maximum penalty: 10 penalty units.

87 Destination signs on buses

- (1) The operator of a bus service must not use a bus to conduct a regular passenger service unless the bus displays a destination sign in accordance with this clause.
Maximum penalty: 5 penalty units.
- (2) The sign:
- (a) must be displayed on the front of the bus, and

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- (b) must show the route number and the destination of the bus, and
 - (c) must be capable of being illuminated.
- (3) This clause does not apply to or in respect of a bus that is being used principally to provide transport to school students pursuant to a contract with the Director-General under the Act.

88 Notification of accidents and incidents

- (1) An operator of a bus service who becomes aware that a bus being used to provide the service has been involved in an accident or incident must notify the Director-General of the accident or incident, in accordance with this clause, if the accident or incident:
- (a) resulted in a person being injured, or
 - (b) prevented the bus from continuing its journey, or
 - (c) is, in the reasonable opinion of the operator of the service, otherwise likely to arouse serious public concern.

Maximum penalty: 5 penalty units.

- (2) A notification under subclause (1):
- (a) must be given within 3 days after the operator becomes aware of the accident or incident concerned, and
 - (b) must be given in a form approved by the Director-General.
- (3) An operator of a bus service who becomes aware that a bus being used to provide the service has been involved in an accident or incident must notify the Chief Investigator of the accident or incident, in accordance with this clause, if the accident or incident:
- (a) involved or resulted in any one or more of the following:
 - (i) a person being injured,
 - (ii) the driver of the bus being incapacitated,
 - (iii) a mechanical or electrical fire or an explosion on the bus,
 - (iv) a failure of the steering or brakes of the bus,
 - (v) a bus being in motion while not under the effective control of a driver,
 - (vi) the bus being unable to continue its journey,
 - (vii) a person being caught in the doors of the bus and being dragged by the bus, or
 - (b) is, in the reasonable opinion of the operator of the service, otherwise likely to arouse serious public concern.

Maximum penalty: 5 penalty units.

- (4) A notification under subclause (3):
 - (a) must be given immediately after the operator becomes aware of the accident or incident concerned, and
 - (b) must be given by telephone or by such other means as the Chief Investigator may reasonably require, and
 - (c) must include such details of the accident or incident as the Chief Investigator may reasonably require.
- (5) The Director-General and Chief Investigator are to provide each other with access to the details of any notification given under this clause including access to any telephone recording that may have been made.

89 Passengers to be notified of requirement to use seatbelts in buses

- (1) The operator of a bus service must take reasonable steps to ensure that every passenger on a bus operated by the operator is made aware that the passenger is required to wear a seatbelt (if fitted) in the bus unless the passenger is exempt from that requirement under rule 267 of the *Australian Road Rules*.
Maximum penalty: 10 penalty units.
- (2) Steps that may be taken under subclause (1) include (but are not limited to) the following:
 - (a) putting up signs inside the bus,
 - (b) arranging for the driver of the bus to notify passengers (for example, through a public address system on the bus or by means of a recorded audio message or video).

90 Audit

- (1) The Director-General may require an operator of a bus service, at regular intervals or at any particular time, to undertake (at the operator's expense) an audit of such of the operator's records and bus operations as the Director-General may specify.
- (2) An operator of whom a requirement is made under subclause (1):
 - (a) must cause the audit to be carried out in accordance with the Director-General's requirements, and
 - (b) must submit the audit to the Director-General within the period, or by the date, specified by the Director-General.Maximum penalty: 5 penalty units.
- (3) The Director-General may require any one or more of the audits under this clause to be carried out by an auditor, or by an auditor from a class, approved by the Director-General.

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Clause 91 Passenger Transport Regulation 2007

Part 7 Special provisions relating to buses

Division 2 Conditions of service contracts

91 Conditions of service contracts

- (1) The following are conditions of every service contract that authorises the carrying on of a bus service:
 - (a) the operator of the bus service must ensure that every driver of a bus in the service is made aware of the provisions of Part 4 and of any guidelines referred to in clause 99,
 - (b) the operator must take all reasonable steps to notify a parent or guardian of a school student:
 - (i) before action is taken by the operator or a driver of a bus in the service in relation to a contravention of this Regulation by the school student, or
 - (ii) as soon as possible after such action is taken if immediate action was required in the circumstances,unless the operator considers that the action or the behaviour was of a minor nature,
 - (c) the operator must take all necessary steps to comply with any requirement given to the operator by the Director-General as a result of a review undertaken under clause 103.
- (2) An operator is to be considered to have taken all reasonable steps to notify a parent or guardian for the purposes of subclause (1) (b) if the operator sends the notification to the last address that the operator has recorded for the parent or guardian.
- (3) The conditions specified in subclause (1) for a service contract are in addition to the terms and conditions set out in the contract under section 16 (1) of the Act.
- (4) An operator of a bus service who is the holder of a service contract authorising the carrying on of the bus service must not contravene or fail to comply with the terms and conditions of the service contract.
Maximum penalty: 50 penalty units.

Division 3 Drivers of buses

92 Driver to display driver authority card

The driver of a bus must not drive the bus unless the appropriate driver authority card:

- (a) is contained in a holder firmly affixed to the interior of the bus, and

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- (b) is displayed so that its face can be easily seen by any passenger in the bus.

Maximum penalty: 5 penalty units.

93 Driver to stop bus to pick up and set down passengers

- (1) Subject to this clause, the driver of a bus:
 - (a) must stop the bus and set down any passenger who indicates to the driver that the passenger wishes to leave the bus, and
 - (b) must stop the bus and pick up any person who indicates to the driver that the person wishes to board the bus.

Maximum penalty: 5 penalty units.

- (2) The driver of a bus must not stop the bus 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 bus may refuse to stop the bus:
 - (a) at any place at which stopping the bus would be unlawful or, in the opinion of the driver, unsafe, or
 - (b) in the case of a bus operating along a route for which bus stops are indicated by signs, at any place other than a bus stop.

- (4) The driver of a bus may refuse to stop the bus to set down a passenger at a bus stop at which the bus is not scheduled, as indicated on the bus or in the timetable for the relevant journey, to set down passengers.

- (5) The driver of a bus may refuse to stop the bus to pick up a passenger:
 - (a) if by doing so the driver would contravene the provisions of clause 41 (Carriage of goods and animals) or 94 (Driver not to overload bus), or
 - (b) if the intending passenger is a person who is, or who is carrying a thing that is, likely to soil or damage the bus or the clothing or luggage of other passengers, or otherwise to cause inconvenience, a nuisance or annoyance to other passengers or to the driver (as referred to in clause 53 (1) (a) or (b)), or
 - (c) at a bus stop at which the bus is not scheduled, as indicated on the bus or in the timetable for the relevant journey, to pick up passengers.

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Clause 94 Passenger Transport Regulation 2007

Part 7 Special provisions relating to buses

94 Driver not to overload bus

- (1) The driver of a bus must not:
- (a) carry at any one time in a single-decked bus (or on either deck of a two-decked bus) a greater number of passengers seated than the number authorised to be carried seated in the single-decked bus (or on that deck of the two-decked bus), or
 - (b) carry at any one time in a single-decked bus (or on the lower deck of a two-decked bus) a greater number of passengers standing than the number authorised to be carried standing.

Maximum penalty: 5 penalty units.

- (2) In calculating the number of passengers being carried, the following persons are not to be taken into account:
- (a) any child apparently under the age of 5 years who is being held on the lap of a seated passenger,
 - (b) of the children apparently under the age of 12 years (whether seated or standing), every third such child.
- (3) For the purposes of subclause (2) (b), the following children are not to be taken into account:
- (a) children who are seated on single seats,
 - (b) children who are seated on multiple seats that are designed (either by means of fixed armrests or seating places contoured for individual passengers) so as to be impracticable for use by more than the number of passengers for whom they are designed.
- (4) The number of passengers who, for the purposes of this clause, are authorised to be carried seated, or are authorised to be carried standing, is the appropriate number specified in a certificate issued by the manufacturer of the bus or by a consulting engineer approved by the RTA for the purposes of this clause.

95 Operator to display sign showing maximum number of passengers

The operator of a bus must ensure that there is displayed on the bus, in a conspicuous position on the outside of the rear of the bus and in letters at least 25 mm high and of proportionate breadth, the number of passengers authorised to be carried on the bus, seated and standing respectively.

Maximum penalty: 5 penalty units.

96 Driver not to carry passengers on certain portions of bus

The driver of a bus must not:

- (a) carry any passenger on any portion of the bus not set apart or intended for the conveyance of passengers, or
- (b) in the case of a two-decked bus, permit any passenger to stand on the upper deck of the bus, or
- (c) permit any person to occupy any portion of the driving seat or of the bus on the right-hand side of that seat and abreast of it, or
- (d) permit any person to be on any portion of the bus in front of the driving seat.

Maximum penalty: 5 penalty units.

97 Driver to remain in bus

The driver of a bus must not, without reasonable excuse, leave the driving seat of the bus.

Maximum penalty: 5 penalty units.

98 Driver to provide medical certificates

The driver of a bus must, at the driver's own expense, furnish the Director-General at intervals of 36 months until the driver attains the age of 60 years 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.

Note. See clause 47 for requirements for medical certificates after the driver attains the age of 60 years.

Division 4 Special provisions relating to conduct of school students on buses**99 Dealing with contraventions of this Regulation by school students**

- (1) Despite any other provision of this Regulation, the operator of a bus service, a driver of a bus or an authorised officer may take only such action under this Regulation as is reasonable in the circumstances when dealing with a school student who has contravened a provision of this Regulation concerning travel on buses.
- (2) In determining what action is reasonable for the purposes of subclause (1), regard is to be had to any guidelines for managing the behaviour of school students on buses published from time to time by the Director-General.

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Clause 100 Passenger Transport Regulation 2007

Part 7 Special provisions relating to buses

100 Directions to move to certain part of the bus

- (1) A driver of a bus, or an authorised officer on a bus, may direct a school student on the bus to occupy a specified seat on the bus, or to move to a particular part of the bus, if the driver or authorised officer believes on reasonable grounds that it is necessary for the preservation of order on the bus.
- (2) A school student who is given such a direction must comply with it.
Maximum penalty: 5 penalty units.

101 Direction to leave bus

A driver of a bus, or an authorised officer on a bus, is not to direct a person who the driver or authorised officer knows is a school student (or ought reasonably to know is a school student) to leave the bus unless:

- (a) on leaving the bus, the school student will be in the care of a person who is legally responsible for the student, or
- (b) the place at which the student is directed to leave the bus would appear to a reasonable person to be appropriate, having regard to the traffic conditions, proximity to other transport and nature of the locality.

102 Refusal to pick up school student

A driver of a bus may refuse to stop for, or to allow onto the bus, a school student who the driver believes on reasonable grounds has contravened a provision of this Regulation concerning travel on buses (whether or not the student has been prosecuted in relation to the contravention).

103 Review of action taken by operator or driver

The Director-General may review any action taken by the operator of a bus service or by a driver of a bus that involves the refusal to carry a particular school student on a bus or the placing of conditions on the carrying of a particular school student on a bus.

Division 5 Miscellaneous

104 Appointment of bus stops

- (1) The Director-General may appoint bus stops, to be indicated by signs erected or displayed with the approval of the roads authority for the road concerned and on which the words "BUS STOP", "BUS STAND" or "BUS ZONE", or some suitable pictorial representation, appear.

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- (2) An operator of a bus service may appoint bus stops, but only in accordance with a prior written approval of the roads authority for the road concerned.
 - (3) If times are specified on a sign referred to in this clause, the sign operates only during those times, but if no times are so specified the sign operates at all times.
 - (4) In this clause, *roads authority* has the same meaning as it has in the *Roads Act 1993*.

105 Buses registered interstate

A person must not carry on a bus service using a bus that is not registered under the *Road Transport (Vehicle Registration) Act 1997* unless there is displayed in the bus, in a manner and form approved by the Director-General, an indication that the person is an accredited bus operator.

Maximum penalty: 10 penalty units.

106 Interstate bus drivers: exemption from section 11

- (1) A person who holds a licence, permit or other authority:
 - (a) that allows the person to drive a public bus (that is, a bus that is used to provide a public passenger service) in some other State or Territory, and
 - (b) that is recognised by the Department for the purposes of this clause,is exempt from the provisions of section 11 (1) of the Act, and so is not required to hold an authority under Division 2 of Part 2 of the Act in order to drive such a bus in New South Wales.
- (2) This exemption does not apply in relation to journeys that take place wholly within New South Wales.

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Clause 107 Passenger Transport Regulation 2007

Part 8 Special provisions relating to taxi-cabs

Part 8 Special provisions relating to taxi-cabs

Division 1 Operators of taxi-cab services and taxi-cabs

107 Identification of taxi-cabs

An operator of a taxi-cab service must notify the Director-General in writing of the following:

- (a) the registration number of each taxi-cab used to provide the taxi-cab service,
- (b) any change in the registration number of any such taxi-cab (no later than 48 hours after the change).

Maximum penalty: 5 penalty units.

108 Wheelchair accessible taxi-cabs

An operator of a taxi-cab service that involves the use of a wheelchair accessible taxi-cab must ensure that the taxi-cab concerned:

- (a) is capable of being fitted with a child restraint, and
- (b) carries a child restraint that is not more than 10 years old at all times that the taxi-cab is available for hire, and
- (c) is fitted with a hoist, or is equipped with a ramp, that allows safe access to the taxi-cab by a person using a wheelchair, and
- (d) carries wheelchair restraints that enable the maximum number of occupied wheelchairs that the taxi-cab is capable of conveying to be safely and securely attached to the taxi-cab, and
- (e) is driven only by a person who has successfully completed a course of training and instruction (approved by the Director-General and conducted by a registered training organisation) in respect of the care and transport of persons with physical disabilities, and
- (f) is not subject to any change of drivers between the hours of 12 noon and 5 pm on any day, and
- (g) on or after 1 January 2008, displays signs, of a design and in a manner approved by the Director-General, indicating the taxi-cab is wheelchair accessible.

Maximum penalty: 40 penalty units.

109 Accommodation standard for taxi-cabs

- (1) The operator of a taxi-cab must ensure that the taxi-cab complies with this clause.

Maximum penalty: 5 penalty units.

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- (2) A vehicle that is used as a taxi-cab must have seating accommodation for the driver and for at least 4 and not more than 11 other adult persons.
 - (3) The vehicle must have at least 4 side doors.
 - (4) Subclauses (2) and (3) do not apply to a maxi-cab or wheelchair accessible taxi-cab.
 - (5) The distance between the back of one seat and the front of the seat behind it must be at least 180 mm when the rear seat is occupied.
 - (6) For the purposes of subclause (5), any approved driver protection screen installed in the vehicle is to be ignored.
 - (7) Each seating position in the vehicle must be such that it is adequate when assessed in accordance with section 7.2 of the *Single Uniform Type Inspection (SUTI) Manual for Third Edition Australian Design Rules* as published in January 1988 by the Australian Motor Vehicle Certification Board.
 - (8) A station-wagon that is used as a taxi-cab must not have any seat (other than a seat installed when the vehicle was manufactured) installed in the part of the station-wagon that is designed or intended for the conveyance of goods.
 - (9) Subclause (8) does not apply to a station-wagon that:
 - (a) had such a seat installed, and
 - (b) was being used as a taxi-cab, immediately before 1 September 2001.
 - (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.

110 Maximum age of taxi-cabs

- (1) A person must not operate a vehicle licensed as a taxi-cab (other than a wheelchair accessible taxi-cab) in respect of the Metropolitan transport district if the vehicle is more than 6 years old.
Maximum penalty: 10 penalty units.

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- (2) A person must not operate a vehicle licensed as a taxi-cab (other than a wheelchair accessible taxi-cab) in respect of an area other than the Metropolitan transport district if the vehicle is more than 8 years old.
Maximum penalty: 10 penalty units.
- (3) A person must not operate a vehicle licensed as a taxi-cab that is a wheelchair accessible taxi-cab if the vehicle is more than 10 years old.
Maximum penalty: 10 penalty units.
- (4) The Director-General may grant written approval to extend the period referred to in subclause (1), (2) or (3) or may in writing exempt an operator or class of operators from the operation of any or all of those subclauses.
- (5) An approval or exemption under this clause may be revoked or varied by the Director-General in the same manner as it was granted or given.
- (6) For the purposes of this clause, the age of a vehicle is to be measured from 6 months after the date on which, in accordance with the regulations made under the *Road Transport (Vehicle Registration) Act 1997*:
 - (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,whichever first occurs.

111 Taxi-meters

- (1) The operator of a taxi-cab must not allow the taxi-cab to be driven unless the taxi-cab is fitted with a taxi-meter that complies with the standards for taxi-meters set out in Schedule 2.
Maximum penalty: 10 penalty units.
- (2) The Director-General may by instrument in writing exempt a taxi-cab from the provisions of subclause (1).
- (3) If any such exemption is granted, the licence for the taxi-cab is to be endorsed accordingly.
- (4) The operator of a taxi-cab must ensure that all fares and other figures displayed on the face of the taxi-meter are clearly visible at all times to all persons in the taxi-cab, whether on the taxi-meter itself or by means of an auxiliary display unit connected to the taxi-meter.
Maximum penalty: 5 penalty units.

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- (5) A person must not interfere with, or permit any interference with, a taxi-meter fitted to a taxi-cab, any seal attached to the taxi-meter or any portion of the mechanism controlling the taxi-meter so as to prevent the proper working of the taxi-meter.

Maximum penalty: 10 penalty units.

- (6) An exemption under this clause may be revoked or varied by the Director-General in the same manner as it was given.

112 Duress alarm systems

- (1) The operator of a taxi-cab that is connected to a taxi-cab network must ensure that the taxi-cab is fitted with an approved duress alarm system for taxi-cabs of that type.

Maximum penalty: 10 penalty units.

- (2) The operator must ensure that a taxi-cab that has a fully enclosed boot compartment is equipped with a lock release device that:

- (a) enables the boot compartment to be opened from inside the compartment, and
- (b) has a distinctively coloured and easily accessible handle, and
- (c) is not able to be rendered inoperable from outside the compartment when the boot is closed.

Maximum penalty: 10 penalty units.

113 Vehicle tracking devices

- (1) The operator of a taxi-cab that:
- (a) is operating in the Metropolitan, Newcastle or Wollongong transport district or within the City of Gosford or the Wyong local government area, and
 - (b) is connected to a taxi-cab network,

must ensure that the taxi-cab is fitted with an approved vehicle tracking device.

Maximum penalty: 10 penalty units.

- (2) An approved vehicle tracking device is taken to be an approved mandatory duress alarm system of the kind required by clause 112 (1).

- (3) A person must not wilfully:

- (a) interfere with any part of an approved vehicle tracking device fitted to a taxi-cab, or

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(b) cause or permit any such interference, in such a manner as to prevent or impede the proper working of the device.

Maximum penalty: 15 penalty units.

- (4) Nothing in this clause prevents any authorised officer or other person authorised by the Director-General for the purpose of this clause from carrying out an inspection, check or other test of, or performing any proper function in relation to, a vehicle tracking device.

114 Security cameras

- (1) The operator of a taxi-cab that is connected to a taxi-cab network and that operates within the Metropolitan, Newcastle or Wollongong transport district or within the City of Gosford or the Wyong local government area must ensure that the taxi-cab is fitted:

(a) before 1 March 2008, with either an approved driver protection screen or an approved security camera system, and

(b) on or after 1 March 2008, with an approved security camera system.

Maximum penalty: 15 penalty units.

- (2) The operator of a taxi-cab, other than a taxi-cab referred to in subclause (1), must ensure that on or after 1 September 2008, the taxi-cab is fitted with an approved security camera system.

Maximum penalty: 15 penalty units.

- (3) A person must not wilfully:

(a) interfere with any part of an approved security camera system fitted to a taxi-cab, or

(b) cause or permit any such interference,

in such a manner as to prevent or impede the proper working of the system.

Maximum penalty: 15 penalty units.

- (4) Schedule 1 has effect in relation to any security camera system with which a taxi-cab is fitted (whether or not pursuant to this clause).

- (5) Nothing in this clause prevents any authorised officer or other person authorised by the Director-General for the purpose of this clause from carrying out an inspection, check or other test of, or performing any proper function in relation to, a security camera system.

115 Driver protection screens

- (1) The operator of a taxi-cab must ensure that on or after 1 March 2008, any driver protection screen fitted in the taxi-cab is of a design, and is fitted in a manner, that is approved by the Director-General.
Maximum penalty: 15 penalty units.
- (2) A person must not wilfully:
 - (a) interfere with an approved driver protection screen fitted to a taxi-cab, or
 - (b) cause or permit any such interference,in such a manner as to remove or reduce the protection it affords to the driver of the taxi-cab.
Maximum penalty: 15 penalty units.
- (3) Nothing in this clause prevents any authorised officer or other person authorised by the Director-General for the purpose of this clause from carrying out an inspection, check or other test of, or performing any proper function in relation to, a driver protection screen.

116 Air-conditioning

The operator of a taxi-cab must ensure:

- (a) that the taxi-cab is fitted with an air-conditioning system that is fully operational and in good repair, and
- (b) if the taxi-cab is a wheelchair accessible taxi-cab—that adequate air-conditioning is available to all parts of the vehicle in which passengers are carried.

Maximum penalty: 10 penalty units.

117 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.

118 Information in taxi-cabs

- (1) The operator of a taxi-cab must ensure that information is displayed inside the taxi-cab in accordance with this clause while the taxi-cab is being used to provide a taxi-cab service.
Maximum penalty: 5 penalty units.
- (2) The following information must be displayed:
 - (a) a summary of the rights and obligations of the hirer,

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- (b) brief details (including a telephone number) as to how complaints and comments relating to taxi-cab services might be made,
 - (c) the maximum fares and charges (as determined for the time being by the Director-General) on which the authorised fare for hiring is calculated,
 - (d) the maximum number of passengers that may be carried in the taxi-cab,
 - (e) a summary of the rights and obligations of the driver,
 - (f) the registration number of the taxi-cab.
- (3) The information must be:
- (a) approved by the Director-General, and
 - (b) displayed:
 - (i) in a form approved by the Director-General, and
 - (ii) in a position where it may easily be read by any passenger (even if this requires the display of the information in more than one place in the taxi-cab).
- (4) The reference to a registration number in subclause (2) (f) is, in the case of a stand-by taxi-cab, a reference to the normal registration number of the vehicle that is being used as a stand-by taxi-cab.

119 Regular inspection of taxi-cabs

- (1) The operator of a taxi-cab must present the taxi-cab at an authorised taxi-cab inspection station for inspection at least as frequently as the following (calculated from the date on which the taxi-cab was first registered as a taxi-cab):
- (a) if the taxi-cab's area of operation is a transport district—every four months,
 - (b) if the taxi-cab's area of operation is a place in the Western Division—every twelve months,
 - (c) if the taxi-cab's area of operation is an area other than an area referred to in paragraph (a) or (b)—every six months.
- (2) The operator of a taxi-cab must ensure that the current label issued by or on behalf of the Department in connection with the periodic inspections carried out on the taxi-cab is prominently affixed next to the taxi-cab's registration label.

Maximum penalty: 10 penalty units.

120 Child restraint anchorage bolts in taxi-cabs

The operator of a taxi-cab must ensure that the taxi-cab is fitted with a child restraint anchorage bolt that is capable of securing a child restraint that is not more than 10 years old.

Maximum penalty: 5 penalty units.

121 Signs and lights on taxi-cabs

- (1) A taxi-cab must be fitted with a roof sign:
 - (a) made of opaque plastic or some other substance approved by the Director-General, and
 - (b) enclosing a lamp capable of showing a white light, and
 - (c) displaying the word "TAXI" on the front and back of the sign in black capital letters at least 70 mm high.
- (2) The roof sign must have positioned on its top an amber lamp the light from which is capable of being clearly seen in daylight at a distance of 40 metres.
- (3) If a taxi-cab's area of operation is an urban area, the taxi-cab must also have positioned on the rear face of its roof sign (or in another position approved by the Director-General) a red lamp the light from which:
 - (a) is capable of being clearly seen in daylight from the rear of the taxi-cab at a distance of 40 metres at any point within an arc of 90 degrees (45 degrees on either side of the taxi-cab) extending from the middle of the roof of the taxi-cab, and
 - (b) is not visible from the front of the taxi-cab.
- (4) Subclause (3) does not apply to or in respect of a taxi-cab that is the subject of an exemption under clause 111 or 237.
- (5) In the case of a taxi-cab that is fitted with a taxi-meter, the lamp enclosed by the roof sign, the red lamp (if fitted) and the amber lamp must all be wired to the taxi-meter so that:
 - (a) while the taxi-cab is not for hire, all the lamps will be extinguished, and
 - (b) while the taxi-cab is available for hire, both the lamp enclosed by the roof sign and the amber lamp will be illuminated, and
 - (c) while the taxi-cab is engaged:
 - (i) both the lamp enclosed by the roof sign and the amber lamp will be extinguished, and
 - (ii) if the meter is computing the fare at the night-time surcharge rate, the red lamp will be illuminated.

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- (6) If a taxi-cab is the subject of an exemption under clause 111:
- (a) the roof sign lamp and amber lamp must each be operated so that:
 - (i) while the taxi-cab is engaged or not for hire, both the roof sign lamp and the amber lamp will be extinguished, and
 - (ii) while the taxi-cab is available for hire, both the roof sign lamp and the amber lamp will be illuminated, and
 - (b) the operator of the taxi-cab must not install, or (as the case may require) must remove, the red lamp.

Maximum penalty (subclause (6) (b)): 5 penalty units.

- (7) Except as permitted by this clause, a taxi-cab must not display any word, letter or sign that indicates that it is available for hire.

Maximum penalty: 5 penalty units.

- (8) The operator must ensure that a taxi-cab is fitted with all the equipment necessary for compliance with this clause and that the equipment is properly connected, wired and adjusted.

Maximum penalty: 5 penalty units.

- (9) A person must not wilfully:

- (a) interfere with any equipment (or the connection, wiring or adjustment of the equipment) necessary for compliance with this clause, or

- (b) cause or permit any such interference,

in such a manner as to prevent or impede the proper working of the equipment.

Maximum penalty: 5 penalty units.

- (10) In this clause:

urban area means an area that the Director-General from time to time specifies, by notice published in the Gazette under section 60A of the Act, as an urban area in respect of taxi-cab fares.

122 Network decals and livery

- (1) The operator of a taxi-cab that is connected to a taxi-cab network must ensure that:

- (a) the taxi-cab is fitted with a network decal sign (being a decal sign approved by the Director-General in relation to the network) securely mounted on each of the front doors of the taxi-cab, and

- (b) the taxi-cab is painted in the colours approved by the Director-General in relation to the network.

Maximum penalty: 5 penalty units.

- (2) Relevant network decal signs additional to those mounted on the front doors of the taxi-cab may, with the approval of the Director-General, be mounted on other parts of the taxi-cab.

123 Taxi-cabs to display registration details

- (1) The operator of a taxi-cab (other than a stand-by taxi-cab) must ensure that the taxi-cab displays, in accordance with this clause, the numbers corresponding to the vehicle registration number of the taxi-cab shown on the number-plates of the taxi-cab.

Maximum penalty: 5 penalty units.

- (2) The operator of a stand-by taxi-cab that is connected to a taxi-cab network must ensure that on or after 1 January 2008, the taxi-cab displays, in accordance with this clause, the numbers corresponding to the vehicle identification number allocated to the taxi-cab by the network.

Maximum penalty: 5 penalty units.

- (3) The numbers required to be displayed under this clause must be displayed as follows:

- (a) on the upper half of both the front nearside and offside panels of the taxi-cab,
- (b) as far back as possible,
- (c) in numbers at least 50 millimetres high,
- (d) in such a manner as to be clearly readable from a distance of 5 metres.

124 Stand-by taxi-cabs

- (1) The operator of a stand-by taxi-cab that is connected to a taxi-cab network must not operate the taxi-cab without giving prior notice to the network of the operator's intention to do so.

Maximum penalty: 5 penalty units.

- (2) The operator of a stand-by taxi-cab must maintain a record of the operation of the stand-by taxi-cab in a form approved by the Director-General.

Maximum penalty: 5 penalty units.

- (3) The operator of a stand-by taxi-cab must, while the taxi-cab is operating as such, display on it a sign with the words "STAND-BY TAXI" clearly visible from the front of the taxi-cab.

Maximum penalty: 5 penalty units.

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Clause 125 Passenger Transport Regulation 2007

Part 8 Special provisions relating to taxi-cabs

- (4) A motor vehicle that is operated as a stand-by taxi-cab must comply with any standards for the time being applied by the RTA for the registration of vehicles intended to be used as taxi-cabs.
- (5) A motor vehicle that is operated as a stand-by taxi-cab in place of a wheelchair accessible taxi-cab must meet all the requirements of a wheelchair accessible taxi-cab specified in clause 108 (a)–(f).
- (6) A motor vehicle that is operated as a stand-by taxi-cab in place of a taxi-cab that is connected to a taxi-cab network must:
 - (a) have mounted on the front doors of the motor vehicle the decal signs approved by the Director-General in relation to the network concerned, and
 - (b) be painted in the colours approved by the Director-General in relation to that network, and
 - (c) be fitted with the following (but only to the extent to which the taxi-cab that the stand-by taxi-cab is replacing was required to be so fitted):
 - (i) a receiver that has continuous access to receivers forming part of the network,
 - (ii) an approved vehicle tracking device connected to the vehicle tracking system operated by the network,
 - (iii) a security device by which the driver can (in a discreet manner) notify the driver's whereabouts to the network from anywhere within the vehicle's area of operation, and
 - (d) be driven by a person wearing the approved network uniform relating to the network.
- (7) The requirements of subclauses (4), (5) and (6) are prescribed for the purposes of section 32K (2) (g) of the Act.
- (8) The other provisions of this Division apply to a stand-by taxi-cab in the same way as they apply to any other taxi-cab.

125 Taxi-cabs to comply with on-road standards when inspected

The operator of a taxi-cab must ensure that, at the time any inspection of the taxi-cab is carried out under Division 2 of Part 4C of the Act:

- (a) if the taxi-cab is a wheelchair accessible taxi-cab:
 - (i) the taxi-cab carries a child restraint that is not more than 10 years old as required by clause 108 (b), and
 - (ii) the taxi-cab is fitted with a hoist or is equipped with a ramp as required by clause 108 (c), and
 - (iii) the taxi-cab carries wheelchair restraints as required by clause 108 (d), and

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- (b) the taxi-cab complies in all respects with the requirements of clause 109, and
 - (c) the taxi-cab does not exceed the maximum permissible age as specified in clause 110 (1), (2) or (3) (as appropriate), and
 - (d) the taxi-cab is duly fitted with a taxi-meter of the kind referred to in clause 111 (unless the taxi-cab is exempted under clause 111 (2)), and
 - (e) the taxi-cab is duly fitted with a duress alarm system and lock release device as required by clause 112, and
 - (f) the taxi-cab is duly fitted with an approved tracking device as required by clause 113, and
 - (g) the taxi-cab is duly fitted with any approved driver protection screen or approved security camera system required by clause 114 and any signs required by clause 3 of Schedule 1, and
 - (h) the taxi-cab is fitted with an air-conditioning system as required by clause 116, and
 - (i) the taxi-cab is not fitted with any prohibited communication device, and
 - (j) the interior, exterior and fittings of the taxi-cab comply in all respects with the requirements of clause 17, and
 - (k) the information required by clause 118 is duly displayed in the taxi-cab, and the numbers required by clause 123 (1) are duly displayed on the taxi-cab, and
 - (l) the label required by clause 119 (2) is affixed in accordance with that subclause, and
 - (m) the taxi-cab is duly fitted with the child restraint anchorage bolt required by clause 120, and
 - (n) the taxi-cab is duly fitted with the roof sign lamp and other roof lamps required by clause 121, and
 - (o) if the taxi-cab is connected to a taxi-cab network:
 - (i) the taxi-cab is duly fitted with a receiver, and
 - (ii) the decal signs required by clause 122 (1) (a) are mounted on the taxi-cab, and
 - (iii) the taxi-cab is painted as required by clause 122 (1) (b).

Maximum penalty: 5 penalty units.

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Clause 126 Passenger Transport Regulation 2007

Part 8 Special provisions relating to taxi-cabs

126 Advertisements and notices in or on outside of taxi-cabs

The operator of a taxi-cab must not display, affix or install, or permit a person to display, affix or install, any advertisement or notice in or on the outside of the taxi-cab unless the advertisement or notice, the manner of its display and its location have been approved by the Director-General.

Maximum penalty: 5 penalty units.

127 Alteration of a taxi-cab

The operator of a taxi-cab that is altered in respect of any particulars contained in the licence for the taxi-cab 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.

128 Network uniforms to be provided

The operator of a taxi-cab that is connected to a taxi-cab network must provide approved network uniforms for the use of persons who drive the taxi-cab for hire.

Maximum penalty: 10 penalty units.

129 Taxi-cab to be fitted with driver authority card holders

The operator of a taxi-cab must ensure that the taxi-cab is fitted with a device suitable for holding the driver authority card in such a manner as to enable the driver to display the card as required by clause 132.

Maximum penalty: 10 penalty units.

130 Driver to be supplied with worksheets

The operator of a taxi-cab must provide each person who drives the taxi-cab with blank driver's worksheets, of a kind approved by the Director-General, for the person to complete in accordance with the requirements of clause 134.

Maximum penalty: 10 penalty units.

131 Driver to be indemnified

- (1) The operator of a taxi-cab must maintain insurance policies, and provide evidence of their currency, in accordance with this clause.

Maximum penalty: 10 penalty units.

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- (2) The operator must maintain one or more policies that indemnify the driver for the time being of a taxi-cab in relation to any damage (including any excess payable on a claim) arising out of the use of the taxi-cab.
 - (3) The policies must be maintained with a corporation authorised under the *Insurance Act 1973* of the Commonwealth to carry on insurance business.
 - (4) The operator must provide an authorised officer, on request, with evidence that the policies are current.
 - (5) The operator must ensure that evidence that the policies are current is carried in the taxi-cab at all times.

Division 2 Drivers of taxi-cabs

Subdivision 1 General

132 Driver to display driver authority card

The driver of a taxi-cab must not drive the vehicle unless the appropriate driver authority card:

- (a) is contained in a holder firmly affixed to the interior of the taxi-cab, and
- (b) is displayed so that its face can be easily seen by any passenger in the taxi-cab.

Maximum penalty: 5 penalty units.

133 Driver of wheelchair accessible taxi-cab to be trained

- (1) A person must not drive a wheelchair accessible taxi-cab that is hired or for hire unless the person has successfully completed a course of training and instruction (approved by the Director-General and conducted by a registered training organisation) in respect of the care and transport of persons with physical disabilities.

Maximum penalty: 40 penalty units.

- (2) A person who successfully completes such a course of training and instruction must ensure that the Director-General is notified, in writing, of the person's completion of the course within 7 days after the person completes the course.

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Clause 134 Passenger Transport Regulation 2007

Part 8 Special provisions relating to taxi-cabs

134 Driver's worksheets

- (1) The driver of a taxi-cab must enter on a driver's worksheet:
 - (a) when beginning a driving shift:
 - (i) the driver's name, driver licence number and driver 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
 - (b) when beginning a break of 30 minutes or more during a driving shift, the time the break began, and
 - (c) when ending a break of 30 minutes or more during a driving shift, the time the break ended, and
 - (d) when ending a driving shift:
 - (i) a brief description of any faults in the taxi-cab or its equipment that have come to the driver's attention during the shift, and
 - (ii) the date and time the shift ended and the odometer reading at that time.

Maximum penalty: 5 penalty units.

- (2) The driver of a taxi-cab:
 - (a) must, on demand by an authorised officer during a driving shift, produce his or her driver's worksheet for that shift for inspection, and
 - (b) must, at the end of each driving shift, give his or her driver's signed worksheet for that shift to the operator of the taxi-cab.

Maximum penalty: 5 penalty units.

- (3) For the purposes of clause 19, driver's worksheets constitute records that the operator of the taxi-cab is required to retain.

135 Certain behaviour prohibited

The driver of a taxi-cab must not do any of the following:

- (a) cause or allow the taxi-meter in the taxi-cab to display the night-time surcharge rate at a time when that rate is not applicable,

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- (b) display, affix or install, or permit a person to display, affix or install, any advertisement or notice in or on the outside of the taxi-cab unless the advertisement or notice, the manner of its display and its location have been approved by the Director-General,
 - (c) sell (or offer to sell) any service or thing to a hirer of, or a passenger in, a taxi-cab.
- Maximum penalty: 5 penalty units.

136 Driver to wear uniform

The driver of a taxi-cab that is connected to a taxi-cab network must wear an approved network uniform at all times while driving the taxi-cab for hire.

Maximum penalty: 5 penalty units.

137 Driver to remain with taxi-cab

- (1) The driver of a taxi-cab must not, without reasonable excuse, move more than 3 metres from the taxi-cab.

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).

- (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.

138 Taxi zones

- (1) The driver of a taxi-cab must not cause or allow the taxi-cab to stand in a taxi zone if the taxi-cab is hired or is not available for hire.

Maximum penalty: 5 penalty units.

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Clause 139 Passenger Transport Regulation 2007

Part 8 Special provisions relating to taxi-cabs

- (2) Unless otherwise directed by an authorised officer, the driver of a taxi-cab, on arriving at a taxi zone that contains positions for 2 or more taxi-cabs, must place and keep the taxi-cab in the first available position in the taxi zone.
Maximum penalty: 5 penalty units.
- (3) Subclause (2) does not apply if the taxi zone provides for angle or parallel parking.
- (4) If more than one taxi-cab is in a taxi zone, the first taxi-cab in the taxi zone has a right to the hiring unless the person hiring selects a particular taxi-cab.
- (5) At any place where taxi-cabs are congregated, a police officer may appoint temporary taxi zones and every driver must use the taxi zones as directed by a police officer.
Maximum penalty: 5 penalty units.
- (6) The driver of a taxi-cab must not cause or allow the taxi-cab to leave a taxi zone, or to leave any other place where passengers are picked up or set down, in contravention of a direction given by an authorised officer.
Maximum penalty: 5 penalty units.
- (7) The driver of a taxi-cab may set down a passenger in a taxi zone only if the taxi-cab concerned occupies the last available position in the taxi zone.

139 Standing otherwise than in a taxi zone

The driver of a taxi-cab must not permit the taxi-cab to stand otherwise than in a taxi zone, except as follows:

- (a) while loading or unloading luggage or goods or taking up or setting down passengers,
- (b) by the direction or with the consent of a police officer,
- (c) while hired,
- (d) while not available for hire.

Maximum penalty: 5 penalty units.

140 Use of taxi-cab network

The driver of a taxi-cab:

- (a) must use the taxi-cab's receiver in accordance with procedures for the taxi-cab network to which the taxi-cab is connected, and
- (b) must otherwise observe the published rules and by-laws of the network, and

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- (c) must comply with all reasonable requests of the network in relation to the provision of taxi-cab services.

Maximum penalty: 5 penalty units.

141 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.

142 Display of destination sign on taxi-cab

- (1) A taxi-cab that is available for hire may display a sign (a *destination sign*), in accordance with this clause, showing the name of the locality to which the driver is proceeding.

- (2) The driver of a taxi-cab must not permit the taxi-cab to display a destination sign otherwise than in accordance with this clause.

Maximum penalty: 5 penalty units.

- (3) A destination sign:

- (a) must be of a type, size and material, and
- (b) must contain only the wording, and
- (c) must be located in a position, approved by the Director-General.

- (4) A destination sign may be displayed only:

- (a) while the driver is proceeding, for the purpose of terminating a driving shift, in the general direction of the locality shown on the sign between the hours of:
 - (i) 1.30 am and 4.30 am, or
 - (ii) 12.30 pm and 4.30 pm, or
- (b) while the taxi-cab is standing between the hours of 1.30 pm and 3.30 pm in one of the following taxi zones in the City of Sydney:
 - (i) the taxi zone on the eastern side of Phillip Street between Bent and Hunter Streets,
 - (ii) the taxi zone on the northern side of Park Street between Pitt and Castlereagh Streets,
 - (iii) the taxi zone on the western side of George Street, between Alfred and Essex Streets, at Circular Quay.

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Clause 143 Passenger Transport Regulation 2007

Part 8 Special provisions relating to taxi-cabs

- (5) The driver of a taxi-cab that is displaying a destination sign must remove the sign:
- (a) when the taxi-cab is hired, or
 - (b) on arrival at the locality concerned, or
 - (c) at whichever of the following times is appropriate:
 - (i) 4.30 am or 4.30 pm,
 - (ii) 3.30 pm (in the case of a taxi-cab referred to in subclause (4) (b) that remains standing in the taxi zone concerned beyond that time),
- whichever of (a), (b) or (c) is the sooner.

Subdivision 2 Drivers in Sydney Airport precinct

143 Driver to be hired only at specific 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) Subclause (1) does not apply in respect of a hiring that is made by means of a taxi-cab booking service.

144 Driver to supply information on hirings

- (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 vehicle is hired,
 - (b) if the driver indicates that the vehicle 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.

145 Directions to driver 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.

Division 3 Taxi-cab hirings

146 Driver of taxi-cab to accept hiring

- (1) Subject to this clause, the driver of a taxi-cab that is available for hire must accept a hiring immediately when offered.
Maximum penalty: 5 penalty units.
- (2) The driver of a taxi-cab may refuse to accept a hiring:
- (a) if acceptance of the hiring would result in the number of passengers in the taxi-cab exceeding the maximum number of passengers that may be carried in the taxi-cab, or
 - (b) if acceptance of the hiring would cause the driver to contravene the provisions of clause 41 (Carriage of goods and animals), or
 - (c) in the case of a taxi-cab that is displaying a sign in accordance with clause 142 (Display of destination sign on taxi-cab), if the intending passenger indicates that he or she wishes to be taken to a location that is not on the way to the destination displayed by the sign, or
 - (d) if the intending passenger indicates that he or she wishes to be taken to a location that is outside the taxi-cab's area of operation, or
 - (e) if the intending passenger is smoking, eating or drinking and refuses to stop doing so, or
 - (f) if the intending passenger is a person who is, or who is carrying a thing that is, likely to soil or damage the taxi-cab or the clothing or luggage of other passengers, or to otherwise cause inconvenience, a nuisance or annoyance to other passengers or to the driver (as referred to in clause 53 (1) (a) or (b)), or
 - (g) if one of the intending passengers is under the age of 1 year and neither the driver of the taxi-cab nor any other intending passenger is carrying a child restraint that is not more than 10 years old, or
 - (h) if the intending passenger cannot, on request, satisfy the driver that the person is able to pay the estimated fare.

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Clause 147 Passenger Transport Regulation 2007

Part 8 Special provisions relating to taxi-cabs

147 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.

148 Driver of wheelchair accessible taxi-cab to give preference to person using wheelchair

- (1) The driver of a wheelchair accessible taxi-cab that is available for hire must accept a hiring offered by a person using a wheelchair in preference to a hiring offered by a person not using a wheelchair.

Maximum penalty: 5 penalty units.

- (2) The driver of a wheelchair accessible taxi-cab must accept a hiring offered by a person using a wheelchair even if the driver has already accepted the offer of a person not using a wheelchair unless one or more intending passengers are already seated in the taxi-cab at the time the person using a wheelchair offers to hire the taxi-cab.

Maximum penalty: 5 penalty units.

- (3) However, the driver of a wheelchair accessible taxi-cab is not obliged to accept a hiring by a person using a motorised wheelchair or scooter unless the driver is satisfied that conveyance of the motorised wheelchair or scooter will be safe for the driver and the person, having regard to the capacity of the taxi-cab, its loading equipment and its wheelchair restraints.

149 Police officer may direct driver to accept hiring

- (1) A police officer may direct the driver of a taxi-cab to accept a hiring, even though clause 146 (2) would otherwise allow the driver to refuse the hiring, but may not do so if the carrying out of the hiring would involve the driver in committing an offence (other than an offence against this Regulation).

- (2) The driver of the taxi-cab to whom such a direction is given must not, without reasonable excuse, fail to carry out the hiring in accordance with the direction.

Maximum penalty: 5 penalty units.

- (3) In the event that the driver of a taxi-cab carries out a hiring in accordance with a direction under this clause:
- (a) the driver is exempt from any provision of this Regulation that would otherwise prohibit the driver from carrying out the hiring, and
 - (b) the police officer by whom the direction was given is liable to pay the driver, in addition to the authorised fare, reasonable compensation for any damage, injury, loss of time or other detriment consequent on the hiring.

150 Manner in which hiring to be carried out

- (1) The driver of a taxi-cab:
- (a) must not refuse or fail to carry out punctually any hiring accepted, and
 - (b) must drive the taxi-cab by the shortest practicable route to any place specified by the hirer that is within the taxi-cab's area of operation, unless the hirer requests that the taxi-cab be driven to that place by some other route.

Maximum penalty: 5 penalty units.

- (2) The hirer of a taxi-cab may at any time during the hiring direct the driver to carry the hirer to any place within the taxi-cab's area of operation, even if that place was not originally specified by the hirer, and the driver must not, without reasonable excuse, fail to comply with that direction.

Maximum penalty: 5 penalty units.

- (3) The driver of a taxi-cab must not stop the taxi-cab 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.

- (4) The driver of a taxi-cab:
- (a) must refuse to stop the taxi-cab at any place at which stopping the taxi-cab would be unlawful, and
 - (b) may refuse to stop the taxi-cab at any place at which stopping the taxi-cab would be, in the opinion of the driver, unsafe.

151 Wheelchair to be safely and securely attached to taxi-cab

The driver of a wheelchair accessible taxi-cab who is conveying a person using a wheelchair must ensure that the wheelchair is safely and securely attached to the taxi-cab throughout the hiring.

Maximum penalty: 10 penalty units.

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Clause 152 Passenger Transport Regulation 2007

Part 8 Special provisions relating to taxi-cabs

152 Operation of taxi-cab's air conditioning

The driver of a taxi-cab must, on request made by the hirer, cause the taxi-cab's air-conditioning system to operate.

Maximum penalty: 5 penalty units.

153 Journey by taxi-cab to pick-up point

(1) If a taxi-cab travels to a specified place to convey a hirer or the hirer's luggage or goods from that place, the following provisions apply:

- (a) the driver must, on arrival at the specified place, advise the hirer personally of such arrival (not by the sounding of a horn) or arrange for the hirer to be advised by any other lawful means of the actual or imminent arrival of the taxi-cab at that place,
- (b) unless the hirer and the driver otherwise agree, the hiring is to be regarded as commencing at the time the taxi-cab has arrived at the specified place and the hirer has been advised of its arrival, or at the time appointed for the arrival of the taxi-cab at the specified place, whichever of those times is the later,
- (c) if a taxi-meter is fitted to the taxi-cab, the driver must set the taxi-meter in operation at the time the hiring commences,
- (d) if the fares and charges determined by the Director-General include a booking fee, the booking fee is payable.

Maximum penalty: 5 penalty units.

(2) Nothing in this clause requires the driver of a taxi-cab to comply with the request of a person to travel to another place to pick up a passenger, luggage or goods unless that person agrees to commence the hiring immediately.

(3) While a taxi-cab is travelling to a specified place as referred to in subclause (1), the taxi-cab is to be taken for the purposes of clause 121 to be hired and not available for hire.

154 Carriage of luggage and goods

(1) Subject to this clause, the driver of a taxi-cab must, when requested by a hirer, convey in or on the taxi-cab any luggage or goods.

Maximum penalty: 5 penalty units.

(2) The driver of a taxi-cab may refuse to convey any luggage or goods if by doing so the driver would contravene the provisions of clause 41 (Carriage of goods and animals).

(3) The driver of a taxi-cab must not:

- (a) except with the consent of the hirer, convey any luggage or goods on the roof of the taxi-cab,

- (b) convey in any portion of the taxi-cab that is provided for the accommodation of passengers, any goods (except luggage) of an aggregate weight exceeding 25 kg.

Maximum penalty: 5 penalty units.

- (4) The driver of a taxi-cab must afford every reasonable assistance in loading and removing luggage or goods from or to any door or entrance of any house, station, wharf or place where the hiring of the taxi-cab commences or terminates, as the case may be, or in the near vicinity of it, and must take due care with and of the luggage or goods.

Maximum penalty: 5 penalty units.

- (5) The driver of a taxi-cab removing luggage or goods must promptly deliver the luggage or goods in the condition in which the driver received them.

Maximum penalty: 5 penalty units.

155 Driver waiting or instructed to return

- (1) If the hirer of a taxi-cab requests the driver to wait, the driver must wait for a period not exceeding 15 minutes, unless a shorter or longer period is agreed on, in which case the driver must wait for the period agreed.

Maximum penalty: 5 penalty units.

- (2) On arriving at a point at which the hirer requests the driver to wait, the driver may refuse to wait unless the hirer pays the authorised fare to that point and the authorised fare for waiting time.

- (3) The driver of a taxi-cab, on being discharged at any place and instructed to return, may claim the authorised fare to the time of discharge and is not obliged to accept the hiring to return.

156 Termination of hiring by hirer

The hirer of a taxi-cab may discharge the hire at any time.

157 Termination of hiring by driver

- (1) The driver of a taxi-cab may terminate a hiring in the following circumstances:

- (a) on any ground on which the driver could refuse to accept a hiring, as referred to in clause 146 (2),
- (b) if a passenger behaves in an offensive manner or uses offensive language,
- (c) if any passenger who is under 16 years of age is not wearing a seatbelt or other restraint that is properly adjusted and securely fastened,

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- (d) on any ground set out in clause 53 (1) (a)–(c).
- (2) If the driver of a taxi-cab terminates a hiring under this clause, the hirer must, on demand, pay the authorised fare to the place where the hiring was terminated.
Maximum penalty: 5 penalty units.

158 Additional passengers

The driver of a taxi-cab must not:

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

Maximum penalty: 5 penalty units.

159 Sharing of taxi-cabs

- (1) At the commencement of (or during) a hiring of a taxi-cab, the hirer may require the driver:
 - (a) to permit other persons to share the taxi-cab with the hirer, and
 - (b) to drive one or more of the other persons to a destination other than the hirer's destination before driving the hirer to his or her destination.
- (2) The driver of the taxi-cab must comply with any such requirement.
Maximum penalty: 5 penalty units.
- (3) The driver of a shared taxi-cab must not demand payment from any passenger other than the hirer.
Maximum penalty: 5 penalty units.

160 Multiple hiring of taxi-cabs

- (1) The driver of a taxi-cab may accept separate hirings from 2 or more persons concurrently if:
 - (a) all of the hirers commence the hiring of the taxi-cab at the same time, and
 - (b) each of the hirers agrees that the driver may accept the other hirings, and
 - (c) all of the hirers are travelling to destinations in the same general locality or the same general direction.

- (2) A driver of a taxi-cab must not accept separate hirings from 2 or more persons concurrently otherwise than in accordance with subclause (1).
Maximum penalty: 5 penalty units.

161 Operation of meter by taxi-cab driver

- (1) The driver of a taxi-cab to which a taxi-meter is fitted:
- (a) must not set the taxi-meter in motion before the taxi-cab is hired, and
 - (b) as soon as the taxi-cab is hired, must set the taxi-meter in motion, and
 - (c) during any hiring, must keep the taxi-meter in motion, and
 - (d) during any hiring, must stop the taxi-meter for as long as may be necessary to prevent it from registering a charge during any period during which:
 - (i) a hirer in a multiple hire is paying the authorised fare for his or her hire and getting out of the taxi-cab, or
 - (ii) the taxi-cab is delayed for a reason mentioned in clause 163 (5), and
 - (e) on the termination of any hiring (other than a hiring that is not the last hiring in a multiple hiring), must operate the taxi-meter so that the fare indicators return to zero.

Maximum penalty: 5 penalty units.

- (2) For the purposes of this clause, the hiring of a wheelchair accessible taxi-cab by a person using a wheelchair terminates (unless it is sooner terminated) when the taxi-cab stops at the hirer's destination. The driver of the taxi-cab must not demand payment in respect of any period during which the wheelchair:
- (a) is being released from its restraints in the taxi-cab, or
 - (b) is being manoeuvred (with or without the assistance of the driver of the taxi-cab) from the taxi-cab to a place at the hirer's destination such as a bus stop, railway station or wharf or the ground level entrance or door to a residence, hotel, surgery, hospital, office, factory or the like.

Maximum penalty: 5 penalty units.

- (3) Before receiving payment in respect of any hiring, the driver of a taxi-cab to which a taxi-meter is fitted:
- (a) must cause the amount recorded on the taxi-meter to be displayed so that it may be easily read by the hirer (and, if necessary for that purpose, must cause the face of the taxi-meter to be illuminated), and

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- (b) must state the amount of any extra charge for luggage, goods, tolls or charges.

Maximum penalty: 5 penalty units.

162 Hirings outside area of operation

- (1) 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 outside its area of operation.

Maximum penalty: 50 penalty units.

- (2) Despite subclause (1) (b) or any term or condition of the taxi-cab's licence, the driver of a taxi-cab may 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:

- (a) to a place inside the taxi-cab's area of operation, or
- (b) to a place outside the area of operation of any other taxi-cab.

163 Fares for taxi-cabs

- (1) The driver of a taxi-cab must not demand (or enter into an agreement to accept) more than the authorised fare for any hiring of the taxi-cab, unless:
 - (a) the taxi-cab is hired to convey a passenger to a place outside the taxi-cab's area of operation, and
 - (b) the fare is negotiated and agreed with the hirer before the start of the journey.

Maximum penalty: 10 penalty units.

- (2) After the termination of a hiring (or on leaving the taxi-cab in compliance with a direction to do so), the hirer must pay to the driver of the taxi-cab the authorised fare for the hiring.

Maximum penalty: 10 penalty units.

- (3) The driver of the taxi-cab must not, without reasonable cause, fail to offer the correct change if given money of greater value than the amount of the authorised fare for the hiring.

Maximum penalty: 5 penalty units.

- (4) The driver of a wheelchair accessible taxi-cab must, on receiving payment of the authorised fare for a hiring of the taxi-cab by or on behalf of a person using a wheelchair, provide the person with a receipt.

Maximum penalty: 5 penalty units.

- (5) The driver of a taxi-cab must not demand the amount of a charge made for any period during which the taxi-cab is delayed:
- (a) because of any shortage of fuel or any accident to the tyres, mechanism or any other portion of the taxi-cab, or
 - (b) from any cause that it is in the power of the driver to prevent.
- Maximum penalty: 5 penalty units.
- (6) If a passenger soils a taxi-cab in such a manner that it would cause the driver to be in breach of the driver's obligation to ensure that the taxi-cab is clean and tidy, the driver is entitled to collect, and the hirer must pay, a cleaning fee equivalent to one hour of the waiting time fee determined by the Director-General under section 60A of the Act.
- (7) A hirer who fails to comply with the requirements of subclause (6) is guilty of an offence.
- Maximum penalty: 5 penalty units.

Division 4 Taxi-cab networks

Subdivision 1 Authorisations to operate taxi-cab networks

164 Standards to be met, and information to be provided, by applicants for authorisation to operate taxi-cab networks

- (1) An applicant for authorisation under Division 6 of Part 4 of the Act (that is, authorisation to operate a taxi-cab network) must meet the standards set forth in, and provide the information required by, this Subdivision, to the satisfaction of the Director-General.
- (2) If the applicant is a corporation, the directors or managers of the corporation who are nominated as designated directors or managers under section 35 of the Act must meet the standards (other than the standards specifically to be met by corporation applicants) set forth in, and provide the information required by, this Subdivision, to the satisfaction of the Director-General.

165 Applicant to be of good repute

- (1) The applicant must be of good repute.
- (2) Evidence of the applicant's good repute is to be provided in the form of references from 2 persons (being persons, excluding employees of the applicant, of any class approved by the Director-General) who have known the applicant for at least 2 years.

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Clause 166 Passenger Transport Regulation 2007

Part 8 Special provisions relating to taxi-cabs

166 Applicant to be fit and proper person to operate taxi-cab network

- (1) The applicant must be a fit and proper person to operate a taxi-cab network.
- (2) 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 section 592 (Incurring of certain debts; fraudulent conduct) of the Corporations Act,
 - (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 (3),the Director-General may, for the purpose of determining the applicant's fitness to be an authorised taxi-cab network provider, cause any investigation that the Director-General considers appropriate to be made into the winding up, conviction or charge concerned.
- (3) 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.
- (4) If there are no convictions or pending proceedings against the applicant (as referred to in subclause (3)), the applicant must give the Director-General a written statement to that effect.

167 Applicant to have technical competence to operate taxi-cab network

- (1) The applicant must:
- (a) demonstrate that the applicant has the necessary technical knowledge, equipment and competence to operate a taxi-cab network, and
 - (b) satisfy the Director-General that:
 - (i) appropriate technicians (whether employees or contractors of the applicant) will be available at all times to ensure that, as far as possible, faults in transmission can be rectified within an hour after they occur, and
 - (ii) the network will have in place arrangements (including a Disaster Recovery Plan) that will, in the event of a breakdown in the central transmitter, permit continuous access to and from the network by all the taxi-cabs of the accredited taxi-cab operators affiliated to the network, and
 - (iii) appropriate facilities (whether those of the applicant or of a contractor of the applicant) will be available to service and repair the network's equipment expeditiously, and
 - (c) provide the Director-General with the following:
 - (i) a copy of the applicant's licence to operate a communications network issued by the Australian Communications and Media Authority,
 - (ii) full details and specifications of the equipment to be used by the network, together with a report from a qualified communications engineer certifying that, in the opinion of the engineer, the equipment is reliable and will provide adequate transmission and reception throughout the areas of operation of the taxi-cabs to be connected to the network,
 - (iii) full details of a regular maintenance program for the equipment,
 - (iv) full details of the method by which the network will register the activation of duress alarm systems in taxi-cabs and identify the location of the taxi-cabs concerned,
 - (v) if any taxi-cab to be connected to the network is required by this Regulation to be fitted with an approved security camera system—full details of the applicant's facilities for the receipt, storage, reproduction and disposal of video recordings from security camera systems.

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Clause 168 Passenger Transport Regulation 2007

Part 8 Special provisions relating to taxi-cabs

168 Applicant to be financially capable of operating taxi-cab network

- (1) The applicant must be financially capable of operating a taxi-cab network.
- (2) Evidence of the applicant's financial standing is to be provided in the form of the following:
 - (a) a report from a qualified accountant (other than an employee of the applicant), on the accountant's business letterhead, on the applicant's financial capacity to operate a taxi-cab network,
 - (b) a statement from the applicant's banker setting out the bank's credit assessment of the applicant (or the applicant's relevant business),
 - (c) if the applicant is:
 - (i) a corporation—copies of its annual financial reports, as lodged with the Australian Securities and Investments Commission, or
 - (ii) a co-operative—copies of its annual reports lodged under section 252 of the *Co-operatives Act 1992*,
for the immediately preceding 5 years (or, if the corporation or co-operative has been in existence for less than 5 years, for all the preceding years of its existence).

169 Applicant to have managerial competence to operate taxi-cab network

- (1) The applicant must satisfy the Director-General that the applicant has the necessary managerial skills and expertise to operate a taxi-cab network.
- (2) In particular, the applicant must:
 - (a) provide the Director-General with full details of:
 - (i) a training program, to be undertaken by drivers of taxi-cabs and other users of the network, covering customer relations and the use of the communications equipment, duress alarm systems, vehicle tracking devices and security cameras, and
 - (ii) the standards and rules that will govern the operation of the taxi-cab network (including standards and rules concerning the booking and despatching procedures and the operation of communications equipment by drivers of taxi-cabs), and
 - (b) satisfy the Director-General that the applicant has the ability and the willingness to discipline any user of the network who fails to meet the standards or comply with the rules referred to in subclause (2) (a) (ii).

170 Information to be provided

The applicant must provide the following with the application:

- (a) if the applicant is a corporation or co-operative, copies of:
 - (i) the applicant's constitution or rules, and
 - (ii) the proposed network by-laws,
- (b) a copy of the proposed agreement between the applicant and affiliated accredited operators,
- (c) if the applicant intends to use or retain the services of a particular authorised taxi-cab inspection station—details of that station,
- (d) if the applicant intends to pass booking requests received by it to another authorised taxi-cab network provider—a copy of the proposed agreement between the applicant and the other provider,
- (e) if the applicant intends to provide a taxi-cab booking service through a booking service despatch provider, copies of:
 - (i) the booking service despatch provider's licence to operate a communications network, issued by the Australian Communications and Media Authority, and
 - (ii) the proposed agreement between the applicant and the booking service despatch provider concerned.

171 Fees relating to authorisations to operate taxi-cab networks

- (1) The fee for the consideration of an application for authorisation to operate a taxi-cab network (referred to in section 34A (2) of the Act) is \$500.
- (2) The fee for a renewal of an authorisation to operate a taxi-cab network (referred to in section 34C (2) of the Act) is \$300.

Subdivision 2 Conditions of authorisation to operate taxi-cab network**172 Conditions of authorisation to operate taxi-cab network**

For the purposes of section 34D (1) (b) of the Act, compliance with the requirements of this Subdivision is prescribed as a condition to which an authorisation to operate a taxi-cab network is subject.

173 Continuing capacity to operate taxi-cab network

The authorised taxi-cab network provider must continue to meet the standards set forth in Subdivision 1.

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Clause 174 Passenger Transport Regulation 2007

Part 8 Special provisions relating to taxi-cabs

174 Driver safety

The authorised taxi-cab network provider must ensure that:

- (a) the equipment of the network is maintained, and users of the equipment are trained, to a level that ensures, as far as is possible, the efficient operation of duress alarm systems in taxi-cabs and the prompt response of network operators when such a system is activated, and
- (b) equipment that registers the activation of duress alarm systems in taxi-cabs is monitored at all times that taxi-cabs connected to the network are being used as taxi-cabs, and
- (c) if any taxi-cab connected to the network is required by this Regulation to be fitted with an approved driver protection screen or an approved security camera system—the equipment of the network is capable of producing video recordings from any such camera at all times while the taxi-cab to which it is fitted is being used as a taxi-cab.

175 Operator of taxi-cab service to be given access to booking service

The authorised taxi-cab network provider must not:

- (a) unreasonably (in the opinion of the Director-General) refuse to provide access to its taxi-cab booking service to an operator of a taxi-cab service, or
- (b) impose such charges for, or conditions on, access to its taxi-cab booking service as are, in the opinion of the Director-General, so unreasonable as to be intended to prevent or limit access to the service.

176 Child restraints to be carried in at least 10% of taxi-cabs

The authorised taxi-cab network provider must ensure that, on every day on which the network is being used, the following number of taxi-cabs using the network's booking service are capable of being fitted with, and carry, a child restraint that is not more than ten years old:

- (a) in the case of a taxi-cab network that has fewer than 10 taxi-cabs using its taxi-cab booking service—at least one of the taxi-cabs, and
- (b) in the case of a taxi-cab network that has 10 or more taxi-cabs using its taxi-cab booking service—at least one out of every 10 taxi-cabs using the service (disregarding any number of those taxi-cabs that exceeds the maximum number of them that is divisible by 10).

177 Persons booking wheelchair accessible taxi-cabs to be notified of estimated time that taxi-cab will arrive

The authorised taxi-cab network provider must ensure that every person who books a wheelchair accessible taxi-cab through the network is notified, within a reasonable time, of the time at which it is estimated that the taxi-cab will arrive at the nominated collection point unless the person directs that no such notice is necessary.

178 Lost property

- (1) The authorised taxi-cab network provider must ensure that it has adequate facilities (including a secure storage area and sufficient staff) for dealing with lost property in accordance with procedures approved by the Director-General.
- (2) Any lost property given to an operator of a taxi-cab network 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.

179 Affiliates of network

The authorised taxi-cab network provider must give the Director-General written notice of the following:

- (a) within 7 days after being requested to do so by the Director-General—full details (including the name, address and place of business) of all accredited taxi-cab operators who are affiliated to the network,

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Clause 180 Passenger Transport Regulation 2007

Part 8 Special provisions relating to taxi-cabs

- (b) within 48 hours after a new accredited taxi-cab operator becomes affiliated to the network (whether by way of transfer from another network or otherwise)—full details (including the name, address, place of business and accreditation number) of that accredited taxi-cab operator,
- (c) within 7 days after an operator of a taxi-cab service who is affiliated to the network connects an additional taxi-cab to the network—the registration number of the taxi-cab concerned.

180 Drivers to be authorised and affiliates to be accredited

The authorised taxi-cab network provider:

- (a) must not allow a taxi-cab to operate through the network unless the taxi-cab:
 - (i) is operated by an accredited taxi-cab operator, and
 - (ii) is driven by an authorised taxi-cab driver, and
- (b) must not accept a person as an affiliate of the network unless the person is an accredited taxi-cab operator.

181 Use of network equipment

The authorised taxi-cab network provider:

- (a) must not adopt any communication procedures that are likely to disadvantage the public, and
- (b) must provide the Director-General with written details of:
 - (i) any zones established in the network in relation to the despatch of taxi-cabs in response to bookings, and
 - (ii) the method of identifying those zones.

Division 5 Miscellaneous

182 Performance reports

- (1) The authorised taxi-cab network provider must provide the Director-General, at the Director-General's request, with an accurate report on such aspects of the performance of the authorised taxi-cab network provider relating to the provision of taxi-cab services as the Director-General may specify when making the request.
- (2) Such a report must be made in the manner or format, within the time, and as frequently, as the Director-General may reasonably require.
Maximum penalty 10 penalty units.

183 Appointment of taxi zones

- (1) The Director-General may appoint taxi zones for taxi-cabs.

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- (2) Taxi zones are to be indicated by signs erected on or near a road.
 - (3) A sign referred to in this clause may specify the class or classes of taxi-cabs that may use the taxi zone to which it relates.
 - (4) If times are specified on a sign referred to in this clause, the sign operates only during those times, but if no times are so specified the sign operates at all times.
 - (5) The wording on a sign referred to in this clause is to be approved by the RTA.

184 Director-General to be notified of lease of licence for taxi-cab

- (1) The holder of a licence for a taxi-cab who leases the licence to another person must cause written notice of the lease to be given to the Director-General in accordance with this clause.
Maximum penalty: 10 penalty units.
- (2) The notice must be given no later than 7 days after the licence is leased.
- (3) The notice must specify:
 - (a) the name, date of birth, residential address, telephone number and facsimile number (if any) of the lessee, and
 - (b) the commencement date of the lease.
- (4) This clause applies to a lessee of a licence who subleases the licence in the same way as it applies to the lessor of the licence.

185 Condition of licence: information concerning transfer

For the purposes of section 32F (1) (a) of the Act, it is a condition of a licence for a taxi-cab that, if the licence is to be transferred, the transferor and the transferee must furnish to the Director-General such information as the Director-General may reasonably require from them to enable the Director-General:

- (a) to calculate the amount of tax payable under section 44 of the Act on the transfer, and
- (b) to register the transfer.

186 Reduction or waiver of fees for licences for taxi-cabs

- (1) For the purposes of section 32I (2) of the Act, the following circumstances are specified as circumstances in which the Director-General may fix the licence fee for a taxi-cab licence at less than the current value of the licence on the open market or decide not to impose a fee for the licence:

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Clause 186 Passenger Transport Regulation 2007

Part 8 Special provisions relating to taxi-cabs

- (a) circumstances in which the Director-General is of the opinion that the service concerned would, for economic or other reasons, be unlikely to be provided if the full licence fee were to be imposed,
 - (b) circumstances in which conditions of the licence impose restrictions on the use of the taxi-cab to which the licence relates in respect of:
 - (i) the days on which the taxi-cab may be used to provide a taxi-cab service, or
 - (ii) the times during which the taxi-cab may be used to provide a taxi-cab service, or
 - (iii) the kind of taxi-cab service that the taxi-cab may be used to provide.
- (2) Without limiting the generality of subclause (1) (a), circumstances of the kind referred to in that subclause may include the following:
- (a) circumstances in which the service is to be provided for the benefit of persons who have disabilities,
 - (b) circumstances in which the service is to be provided in a fringe area of a transport district or outside such a district.

Part 9 Special provisions relating to private hire vehicles

Division 1 Design, equipment and fittings of private hire vehicles

187 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 vehicles 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, in accordance with the regulations made under the *Road Transport (Vehicle Registration) Act 1997*:
 - (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,whichever first occurs.

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Clause 188 Passenger Transport Regulation 2007

Part 9 Special provisions relating to private hire vehicles

188 Meters not to be installed in private hire vehicles

- (1) The operator of a private hire vehicle must ensure that there is not installed in the private hire vehicle any taxi-meter or similar device designed or intended or used to compute any of the following in relation to a journey:
 - (a) the distance travelled,
 - (b) the time taken,
 - (c) the fare payable.Maximum penalty: 5 penalty units.
- (2) Subclause (1) does not apply to a clock, an odometer or a Global Positioning System device.

Division 2 Drivers of private hire vehicles

Subdivision 1 General

189 No plying or standing for hire

The driver of a private hire vehicle must not:

- (a) ply, stand or park 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, or
- (c) if the licence for the private hire vehicle specifies an area of operation for the vehicle—use the vehicle to carry out a hiring to convey a passenger from a place outside the vehicle's area of operation to a place other than a place inside that area.

Maximum penalty: 50 penalty units.

190 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.

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- (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.

191 Termination of hiring by hirer

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

192 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.

193 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.

194 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 195 Passenger Transport Regulation 2007

Part 9 Special provisions relating to private hire vehicles

(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.

Subdivision 2 Drivers in Sydney Airport precinct

195 Driver to remain with vehicle

(1) The driver of a private hire vehicle in the Sydney Airport precinct must not, without reasonable excuse, move more than 3 metres from the vehicle.

Maximum penalty: 15 penalty units.

(2) This clause does not apply if the driver of a private hire vehicle moves more than 3 metres from the vehicle for the purpose of loading luggage or goods into, or removing luggage or goods from, the vehicle.

196 Driver to be hired only at specific zones

(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: 50 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.

197 Driver to supply information on hirings

(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 driver's vehicle is hired,
- (b) if the driver indicates that the 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.

198 Directions to driver 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:
 - (a) to stop the vehicle, or
 - (b) to move the 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.

Division 3 Miscellaneous

199 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 private hire 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.

200 Condition of licence: information concerning transfer

For the purposes of section 39F (1) (a) of the Act, it is a condition of a licence for a private hire vehicle that, if the licence is to be transferred, the transferor and the transferee must furnish to the Director-General such information as the Director-General may reasonably require from them to enable the Director-General to register the transfer.

201 Reduction or waiver of fees for licences for private hire vehicles

- (1) For the purposes of section 39I (2) of the Act, the following circumstances are specified as circumstances in which the Director-General may fix the licence fee for a private hire vehicle licence at less than the current value of the licence on the open market or decide not to impose a fee for the licence:
 - (a) circumstances in which the Director-General is of the opinion that the service concerned would, for economic or other reasons, be unlikely to be provided if the full licence fee were to be imposed,

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Clause 201 Passenger Transport Regulation 2007

Part 9 Special provisions relating to private hire vehicles

- (b) circumstances in which conditions of the licence impose restrictions on the use of the private hire vehicle to which the licence relates in respect of:
 - (i) the days on which the private hire vehicle may be used to provide a private hire vehicle service, or
 - (ii) the times during which the private hire vehicle may be used to provide a private hire vehicle service, or
 - (iii) the kind of private hire vehicle service that the private hire vehicle may be used to provide.
- (2) Without limiting the generality of subclause (1) (a), circumstances of the kind referred to in that subclause may include circumstances in which the service is to be provided in a fringe area of a transport district or outside such a district.

Part 10 Special provisions relating to tourist service vehicles

Division 1 General

202 Tourist services

- (1) For the purposes of the definition of *tourist service* in section 3 of the Act, the following vehicles are prescribed kinds of vehicles (and, when used to provide a tourist service, are *tourist service vehicles* for the purposes of this Regulation):
 - (a) four-wheel drive vehicles,
 - (b) motor cycles.
- (2) For the purposes of section 6 of the Act:
 - (a) a tourist service vehicle is to be taken to be a public passenger vehicle for the purposes of the Act, and
 - (b) the provisions of the Act apply to all tourist service vehicles.
- (3) A person must not operate, or drive, a vehicle as a tourist service vehicle unless the vehicle is a bus, a ferry, a four-wheel drive vehicle or a motor cycle.
Maximum penalty: 20 penalty units.

203 Only tourists to be carried

- (1) The operator of a tourist service, and the driver of the tourist service vehicle used in the provision of a particular tour by the service, must not allow a person to be carried as a passenger in or on the tourist service vehicle if the operator or driver concerned has reason to believe that the person is not a tourist.
Maximum penalty: 10 penalty units.
- (2) Subclause (1) does not apply to a person who is carried in connection with the provision of the relevant tour (such as a relief driver, cook, guide or interpreter).

Division 2 Motor cycle tourist services

Note. For the meanings of "LC vehicle", "LD vehicle" and "LE vehicle", see the definition of *motor cycle* in clause 3 (1).

204 Certain kinds of motor cycles required for unsealed roads

If a tour offered by a motor cycle tourist service operator involves the carriage of passengers on any part of an unsealed road, the operator of the service, and the driver of the motor cycle to be used in the provision

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Clause 205 Passenger Transport Regulation 2007

Part 10 Special provisions relating to tourist service vehicles

of the tour, must ensure that the motor cycle concerned is either an LD vehicle or an LE vehicle.

Maximum penalty: 5 penalty units.

205 Specifications for certain motor cycles

The operator of a motor cycle tourist service must ensure that any LC vehicle used to provide the service:

- (a) does not have a two-stroke engine, and
- (b) does not have an engine capacity of less than 500 cc, and
- (c) is not designed for agricultural use, trail riding, off-road use or racing, and
- (d) is fitted with side guards or crash bars of sufficient strength to support the motor cycle clear of the ground, with enough space to safeguard legs, if the motor cycle falls over or slides on its side.

Maximum penalty: 10 penalty units.

206 Protective clothing to be available for passengers on motor cycles

- (1) The operator of a motor cycle tourist service must ensure that the following equipment is available for use by prospective passengers:
 - (a) full-face crash helmets with visors,
 - (b) riding gloves,
 - (c) protective jackets,
 - (d) boots or gaiters.
 - (2) The equipment must be clean, undamaged and available in a range of sizes and sufficient quantities, having regard to the number of passengers that the service is capable of carrying at any particular time.
- Maximum penalty: 5 penalty units.

207 Pillion passengers on motor cycles

- (1) The operator of a motor cycle tourist service must ensure that the driver of any LC vehicle or LD vehicle used to provide the service has sufficient competence and experience to carry pillion passengers safely.
- (2) The driver of an LC vehicle or LD vehicle must ensure that a pillion passenger:
 - (a) wears fully-enclosed leather shoes or boots, or fully-enclosed non-leather shoes and gaiters, and
 - (b) is fully clothed, including having the arms and legs covered, and
 - (c) is instructed in the following:
 - (i) the correct fitting of helmets and other protective clothing,

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- (ii) the use of footrests and leaning while the motor cycle is in motion,
 - (iii) the method of communicating with the driver.

Maximum penalty: 5 penalty units.

208 Motor cycle headlight to be on

The driver of a motor cycle must ensure that the headlight of the motor cycle is illuminated at all times during which the motor cycle is being used to provide a tourist service.

Maximum penalty: 5 penalty units.

Division 3 Four-wheel drive tourist services

209 Four-wheel drive vehicles not to be used wholly on sealed roads

The following persons must ensure that at least part of each tour offered by a four-wheel drive tourist service involves the carriage of passengers on a surface other than a sealed road:

- (a) the operator of the tourist service,
- (b) in relation to a particular tour—the driver of the four-wheel drive vehicle used to provide the service.

Maximum penalty: 5 penalty units.

210 Emergency equipment for four-wheel drive vehicles

- (1) The operator of a four-wheel drive vehicle must ensure that, while the vehicle is being used to provide a tour that involves the carriage of passengers over more than 80 unbroken kilometres on a surface other than a sealed road, it carries adequate and appropriate emergency equipment.

Maximum penalty: 5 penalty units.

- (2) For the purposes of subclause (1), the equipment to be carried includes (but is not limited to) the following:
 - (a) a radio transceiver or mobile telephone,
 - (b) spare fuel and drinking water,
 - (c) a fire extinguisher,
 - (d) a first aid kit,
 - (e) a tow rope,
 - (f) a winch or recovery strap,
 - (g) a high-lift jack or a long-handled shovel.

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Clause 211 Passenger Transport Regulation 2007

Part 11 Special provisions relating to ferries

Part 11 Special provisions relating to ferries

Division 1 Ferry operators

211 Condition of ferries

The operator of a regular ferry service must not allow a ferry to be used in the service unless it is clean and tidy.

Maximum penalty: 5 penalty units.

212 Records in relation to operation of ferry

A person who is or has been the operator of a regular ferry service:

- (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 the record for inspection, and
- (d) must, if required by the Director-General in writing to do so, deliver the record to the Director-General when required.

Maximum penalty: 10 penalty units.

213 Notification of accidents and incidents

- (1) An operator of a ferry service who becomes aware that a ferry being used to provide the service has been involved in an accident or incident must notify the regulator and the Chief Investigator of the accident or incident, in accordance with this clause, if the accident or incident:
 - (a) involved or resulted in any one or more of the following:
 - (i) a person being injured,
 - (ii) a person falling from the ferry,
 - (iii) the loss, presumed loss or abandonment of the ferry,
 - (iv) a collision involving the ferry,
 - (v) the grounding, sinking, flooding or capsizing of the ferry,
 - (vi) a fire or explosion on board the ferry,
 - (vii) a loss of stability affecting the safety of the ferry,
 - (viii) the structural stability of the ferry, or
 - (b) is, in the reasonable opinion of the operator of the service, otherwise likely to arouse serious public concern.

- (2) A notification under subclause (1):
- (a) must be given as soon as practicable after the operator becomes aware of the accident or incident concerned, and
 - (b) in the case of notification to the regulator, be given by telephone and in writing no later than 24 hours after the operator becomes aware of the accident or incident concerned, and
 - (c) must contain the following information:
 - (i) the name of the ferry,
 - (ii) the name and contact details of the ferry master,
 - (iii) the accredited service operator for the ferry, and if the operator is a corporation the name and contact details of a responsible person,
 - (iv) details of the accident or incident.
- (3) Nothing in this clause affects any other requirement on a person to report an accident involving a vessel.

Division 2 Ferry masters**214 Ferry master to observe timetable**

The ferry master on a regular ferry service must operate the ferry in accordance with the timetable and the route for the service as identified and published by the ferry operator.

Maximum penalty: 5 penalty units.

215 Ferry master not to smoke on ferry

The ferry master must not smoke on the ferry.

Maximum penalty: 5 penalty units.

216 Ferry master not to damage ferry

The ferry master must not maliciously damage any part of the ferry or its fittings or equipment.

Maximum penalty: 5 penalty units.

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Clause 217 Passenger Transport Regulation 2007

Part 12 Penalty notices

Part 12 Penalty notices

217 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 3 is declared to be a penalty notice offence, and
 - (b) the prescribed penalty for such an offence is as follows:
 - (i) the amount specified in Column 2 of Schedule 3, unless subparagraph (ii) applies,
 - (ii) in the case of an offence for which an amount is specified in Column 3 of Schedule 3, and that is an offence committed in the Sydney Airport precinct, the amount specified in Column 3 of Schedule 3.
- (2) If the reference to a provision in Column 1 of Schedule 3 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.

Part 13 Special provisions relating to arbitrations under clause 39 of Schedule 3 to Act

Division 1 General

218 Interpretation

- (1) In this Part:

Arbitration Act means the *Commercial Arbitration Act 1984*.

arbitrators panel list means the list of persons compiled under clause 221.

arbitrators panel member means a person whose name is included in the arbitrators panel list for the time being.

Association means the Bus and Coach Association of New South Wales.

award means an award made by the arbitrator under the Arbitration Act (as modified by clause 227).

valuation arbitration means an arbitration under clause 39 of Schedule 3 to the Act.

working day means any day that is not a Saturday, Sunday or public holiday.

- (2) Words and expressions used in this Part that are defined in clauses 27 and 39 of Schedule 3 to the Act or in the Arbitration Act have the same meanings as in those Acts, except in so far as the context or subject-matter otherwise indicates or requires.

219 Application of Arbitration Act to valuation arbitrations

- (1) For the purposes of clause 39 (4) and (5) of Schedule 3 to the Act, the application of the Arbitration Act is modified in accordance with this Part.
- (2) The provisions of this Part are to be read as if they formed part of the Arbitration Act and any reference in that Act to an arbitration agreement is taken to be a reference to the requirements of this Part.

Division 2 Appointment of arbitrators

220 Modification of Arbitration Act in relation to appointment of arbitrators

This Division applies instead of Part 2 (Appointment of arbitrators and umpires) of the Arbitration Act.

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Clause 221 Passenger Transport Regulation 2007

Part 13 Special provisions relating to arbitrations under clause 39 of Schedule 3 to Act

221 Arbitrators panel

- (1) The Director-General is to compile a list of one or more persons (the *arbitrators panel list*) considered by the Director-General to be suitable to be arbitrators for the purposes of valuation arbitrations.
- (2) The Director-General may include a person in the arbitrators panel list only if:
 - (a) the Director-General is satisfied that the person has demonstrated experience in the bus industry or other transport industry and, in particular, in the valuation of bus service assets or similar kinds of assets, and
 - (b) the person consents to being included in the list, and
 - (c) the Director-General has given the Association written notice of the person's name and qualifications for appointment (an *inclusion notice*), and
 - (d) the Association has given the Director-General its written consent to the person's inclusion in the list.
- (3) For the purposes of subclause (2) (d), the Association is taken to have consented to a person's inclusion in the arbitrators panel list if the Association fails, within 7 working days after receiving an inclusion notice, to inform the Director-General in writing about whether or not it consents to the person's inclusion in the list.
- (4) The Director-General may, in consultation with the Association, amend or revoke the arbitrators panel list.

222 Appointment of arbitrators to conduct valuation arbitrations

- (1) The Director-General may appoint a person who is an arbitrators panel member to be the arbitrator in a valuation arbitration if:
 - (a) an existing service provider (the *applicant*) has made an application to the Director-General under clause 39 (2) of Schedule 3 to the Act in respect of a bus service asset, and
 - (b) the existing service provider has provided such details concerning the bus service asset as the Director-General considers necessary to identify the asset.
- (2) The power to appoint an arbitrator conferred by subclause (1) extends to the appointment of a new arbitrator in place of an arbitrator who dies or otherwise ceases to hold office.
- (3) The Director-General must, within 10 working days after receiving the application, decide whether to refer the valuation of the bus service asset in question for a valuation arbitration and give the applicant:

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- (a) if the Director-General decides to refer the valuation of the bus service assets for a valuation arbitration—written notice of the following:
 - (i) that the Director-General has decided to refer the valuation for arbitration,
 - (ii) the name of the arbitrator to be appointed by the Director-General to conduct the valuation arbitration, or
 - (b) if the Director-General decides not to refer the valuation of the bus service asset for a valuation arbitration—written notice of that decision.

Division 3 Conduct of valuation arbitrations

223 Parties to valuation arbitration

In its application to a valuation arbitration, references (however expressed) in the Arbitration Act (as modified by this Part) to the parties or any party is to be read as a reference to the following:

- (a) the existing service provider who has made an application to the Director-General under clause 39 (2) of Schedule 3 to the Act in respect of the bus service asset in question in the valuation arbitration,
- (b) the proposed new service provider to whom the existing service provider wishes to sell or otherwise dispose of the bus service asset.

224 Commencement of valuation arbitrations

An arbitrator must commence the valuation arbitration within 7 working days (or such further period as the parties may agree or, in the absence of such an agreement, as the Director-General may allow) after the arbitrator's appointment.

Note. Section 14 of the Arbitration Act provides that, subject to that Act and the provisions of the arbitration agreement (which is taken to be this Part by clause 219 (2)) the arbitrator in a valuation arbitration may conduct the proceedings in such manner as the arbitrator thinks fit.

225 Duties of parties

Without limiting the duties of the parties to a valuation arbitration under section 37 of the Arbitration Act:

- (a) the applicant must make the bus service assets in question available for inspection by the arbitrator at the times and places requested by the arbitrator, and

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Clause 226 Passenger Transport Regulation 2007

Part 13 Special provisions relating to arbitrations under clause 39 of Schedule 3 to Act

- (b) each party must not provide the arbitrator with any document or other information that is false or misleading in a material particular.

226 Valuation principles

- (1) In determining the valuation of any bus service assets in question in a valuation arbitration, the arbitrator must apply the following principles:
 - (a) the valuation of the asset must be determined by reference to the market value of the asset having regard to the following:
 - (i) the price that a willing, but not anxious, purchaser would be prepared to pay for the asset for use in the provision of a regular bus service,
 - (ii) the price that a willing, but not anxious, vendor would accept as payment for the asset,
 - (b) the asset's value to the applicant as a going concern must be included in the valuation,
 - (c) the value of any intellectual property of the applicant (such as logos and trademarks) used in connection with the asset must not be included in the valuation.
- Note.** The term **bus service asset** is defined in clause 39 (1) of Schedule 3 to the Act to exclude any goodwill. Accordingly, an arbitrator in a valuation arbitration will not be able to take into account the value of any goodwill.
- (2) This clause prevails over the provisions of section 22 of the Arbitration Act to the extent of any inconsistency.

227 Nature of awards that can be made

- (1) An award (whether or not final) made in a valuation arbitration must be limited to the determination of the valuation of the bus service assets in question.
- (2) The following provisions of the Arbitration Act do not apply with respect to an award or arbitrator in a valuation arbitration:
 - (a) section 24 (Specific performance),
 - (b) section 31 (Interest up to making of award),
 - (c) section 32 (Interest on debt under award).

228 Draft award to be provided to parties for comment

- (1) The arbitrator in a valuation arbitration may not make a final award in the arbitration unless the arbitrator has provided the parties to the arbitration with a draft award for comment in accordance with this clause.

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- (2) The arbitrator must provide the parties with a draft award for comment within 15 working days (or such further period as the parties may agree or, in the absence of such an agreement, as the Director-General may allow) after the conclusion of the arbitration hearing.
 - (3) The arbitrator must provide the parties with an opportunity to make written submissions concerning the draft award within a period (being a period of not less than 5 working days) specified by the arbitrator (the *submission period*) following the giving of the draft award.
 - (4) The parties to a valuation arbitration in which a draft award has been given may make written submissions to the arbitrator concerning the draft award, but only if the submissions are made within the submission period.
 - (5) Any party that makes a written submission during the submission period must provide the other party with a copy of the submission as soon as is reasonably practicable after making the submission.
 - (6) This clause prevails over the provisions of the Arbitration Act concerning the making of awards to the extent of any inconsistency.

229 Final awards

- (1) The arbitrator in a valuation arbitration must provide the parties with a final award within 5 working days (or such further period as the Director-General may allow) after the expiry of the submission period for the draft award referred to in clause 228.
- (2) In making a final award in a valuation arbitration, the arbitrator:
 - (a) must take into account any written submissions made by the parties under clause 228 within the submission period, and
 - (b) must not take into account any written submissions made by the parties after the expiry of the submission period.
- (3) The arbitrator must provide the Director-General with a copy of the final award as soon as is reasonably practicable after making the award.
- (4) Without limiting clause 39 (6) of Schedule 3 to the Act, and subject to any review under section 38 of the Arbitration Act, the Director-General should endeavour to make a decision as to whether or not to require the proposed new service provider to acquire any bus service assets that have been the subject of a final award in a valuation arbitration at the determined valuation within 7 working days after receiving a copy of the final award.
- (5) This clause prevails over the provisions of the Arbitration Act concerning the making of awards to the extent of any inconsistency.

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Clause 230 Passenger Transport Regulation 2007

Part 13 Special provisions relating to arbitrations under clause 39 of Schedule 3 to Act

230 Costs

- (1) The fees and expenses of the arbitrator in a valuation arbitration are to be borne jointly by the parties to the arbitration.
- (2) Any other costs incurred by a party to the arbitration are to be borne by that party.
- (3) This clause applies instead of sections 34 and 36 of the Arbitration Act.

231 Early termination of valuation arbitration

- (1) If the applicant in a valuation arbitration withdraws the application made to the Director-General under clause 39 (2) of Schedule 3 to the Act in respect of the bus service assets in question before the conclusion of the arbitration, the arbitrator must terminate the arbitration as soon as the arbitrator receives a written notice from the Director-General to that effect.
- (2) Nothing in this clause affects the operation of clause 230.
- (3) This clause prevails over section 18 of the Arbitration Act and any other provision of that Act to the extent of any inconsistency.

Part 14 Miscellaneous

232 Non-compliance labels and notices

- (1) An authorised officer carrying out an inspection, under Division 2 of Part 4C of the Act, of a vehicle used for the purposes of a public passenger service may affix a label (a *non-compliance label*) to the vehicle if it appears to the authorised officer that the vehicle does not meet the following requirements:
 - (a) in the case of any vehicle—the requirements set out in clause 17,
 - (b) if the vehicle is a taxi-cab—the additional requirements set out in clause 125,
 - (c) if the vehicle is a private hire vehicle—the additional requirements set out in a notice issued under clause 187.
- (2) The authorised officer is to issue a notice (a *non-compliance notice*) to the operator of the vehicle concerned.
- (3) A non-compliance label and a non-compliance notice must 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 public passenger service unless the label concerned has been removed by an authorised officer.
- (4) An authorised officer may remove a non-compliance label from a vehicle if satisfied on inspection of the vehicle that the necessary action specified in the label or notice has been taken.
- (5) A person must not remove a non-compliance label from a vehicle unless the person is an authorised officer (or is authorised in writing to do so by an authorised officer).
Maximum penalty: 10 penalty units.

233 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 public passenger vehicle.
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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Clause 234 Passenger Transport Regulation 2007

Part 14 Miscellaneous

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

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).

234 False advertising

- (1) A person must not advertise, or otherwise represent, that the person:
- (a) is accredited under the Act to carry on a public passenger service of a particular kind, or
 - (b) holds an authority of a particular category under the Act, or
 - (c) is authorised by the Director-General to inspect, test and assess taxi-cabs for compliance with the *Manual of Inspection Standards for Taxi-Cabs*, or
 - (d) carries on a public passenger service by means of a vehicle that is licensed under the Act for the purposes of a public passenger service of a particular kind,
- unless the person is so accredited or authorised, or the vehicle concerned is so licensed (as the case may be).
- (2) A person must not display a sign to the effect, or otherwise represent, that particular premises constitute an authorised taxi-cab inspection station unless the premises concerned constitute such an inspection station.

Maximum penalty: 20 penalty units.

235 Change of name or address of operator or driver

- (1) An accredited operator or an authorised driver who changes his or her (or, in the case of an accredited operator that is a corporation, its) name or residential address must, within 7 days after the change, give written notice of the change and of the new name or address to the Director-General.
- Maximum penalty: 5 penalty units.
- (2) The authorised driver must also give the written notice required by subclause (1) to the operator of each of the public passenger vehicles that the driver drives.
- Maximum penalty: 5 penalty units.

236 Additional agencies with whom regulator may exchange information

The following agencies are prescribed for the purposes of section 53 (6) (c) of the Act:

- (a) the NSW Police Force,
- (b) the RTA,
- (c) the Independent Transport Safety and Reliability Regulator constituted under the *Transport Administration Act 1988*.

237 Exemptions

- (1) The Director-General may, by order in writing, exempt a person or a vehicle, or a class of persons or vehicles, from all or any of the provisions of the Act or any regulation under the Act.
- (2) An exemption under this clause may be expressed to be conditional on the observance of certain conditions specified in the exemption and, if the exemption is given in those terms, it ceases to have effect if the conditions are not observed.
- (3) Notice of an exemption given under this clause is to be given by the Director-General in such manner as the Director-General considers appropriate in the circumstances of the case.

238 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
- (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).

239 Authorised officers

For the purposes of section 46W (1) of the Act, the following classes of persons are prescribed:

- (a) police officers,
- (b) persons employed in the Roads and Traffic Authority Division or the State Transit Authority Division of the Government Service within the meaning of the *Public Sector Employment and Management Act 2002*,

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Clause 240 Passenger Transport Regulation 2007

Part 14 Miscellaneous

- (c) persons holding an examiner's authority that is in force under regulations made under the *Road Transport (Vehicle Registration) Act 1997*.

240 Savings

Any act, matter or thing that had effect under any of the following Regulations immediately before the repeal of the Regulation concerned is taken to have effect under this Regulation:

- (a) the *Passenger Transport (Bus Services) Regulation 2000*,
- (b) the *Passenger Transport (Ferry Services) Regulation 2000*,
- (c) the *Passenger Transport (General) Regulation 2000*,
- (d) the *Passenger Transport (Private Hire Vehicle Services) Regulation 2001*,
- (e) the *Passenger Transport (Taxi-cab Services) Regulation 2001*.

Schedule 1 Approved security camera systems

(Clauses 82 (3) and 114 (4))

1 Definitions

In this Schedule:

authorised purpose, in relation to the use of a video recording made by a security camera system fitted in or to a bus or a taxi-cab, means the purpose of, or any purpose in connection with, any of the following:

- (a) an activity referred to in section 18 (a)–(d) of the *Workplace Surveillance Act 2005*,
- (b) the prosecution of, or the issue of a penalty notice in respect of, an offence under the Act, this Regulation or the *Crimes Act 1900* committed in or about a bus or a taxi-cab,
- (c) ensuring an operator's compliance with the operator's conditions of accreditation,
- (d) ensuring a driver's compliance with the driver's conditions of authorisation,
- (e) ensuring a passenger's compliance with any approved scheme of subsidised travel (as referred to in section 39 of the *Transport Administration Act 1988*).

vehicle means a bus or a taxi-cab.

video recording includes:

- (a) any electronically stored information from which a recorded image can be generated, and
- (b) any print-out or other reproduction of the recorded image.

2 Use of recording for unauthorised purpose

A person must not use a video recording made by a security camera system for a purpose other than an authorised purpose.

Maximum penalty: 20 penalty units.

3 Presence of camera in vehicle to be indicated

The operator of a bus or taxi-cab service must ensure that signs are conspicuously placed within and on the outside of a bus or taxi-cab (as appropriate) that is fitted with a security camera system, advising persons that they may be under video surveillance while in or about the bus or taxi-cab concerned.

Maximum penalty: 5 penalty units.

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Schedule 1 Approved security camera systems

4 Storage of recordings made by security camera

The operator of a bus or taxi-cab service must cause:

- (a) such security safeguards as the Director-General may specify from time to time by notice published in the Gazette in relation to a bus service or a taxi-cab service (or both a bus service and a taxi-cab service), and
- (b) such other security safeguards as are reasonable in the circumstances,

to be taken, to ensure that any video recordings made by a security camera system are protected against misplacement and against use for unauthorised purposes, until disposed of in accordance with clause 5.

Maximum penalty: 5 penalty units.

5 Disposal of recordings made by security camera

- (1) The operator of a bus or taxi-cab service must cause any video recording made by a security camera system to be disposed of in accordance with subclause (2) within 30 days after the recording was made.

Maximum penalty: 5 penalty units.

- (2) The recording may be disposed of by destroying it by deletion or otherwise or, if it is to be used for an authorised purpose, by giving it to:
 - (a) a police officer, or
 - (b) an officer of the Department authorised by the Director-General to receive it.
- (3) It is the duty of the Commissioner of Police or the Director-General (as the case requires) to ensure the destruction of any video recording that was given to a police officer or to an officer of the Department and which is no longer to be used for an authorised purpose.
- (4) Subclause (1) does not apply in respect of a video recording made during the installation or testing of the security camera.

6 Relationship with Workplace Surveillance Act 2005

Nothing in this Schedule affects the operation of the *Workplace Surveillance Act 2005*.

Schedule 2 Standards for taxi-meters

(Clause 111)

Part 1 Components of meters

1 Components

- (1) A taxi-meter:
 - (a) must be constructed of durable materials, and
 - (b) must have a unique identification number that is permanently stamped or otherwise marked on it, and
 - (c) must be provided with attachments that enable it to be installed as required by Part 2 (Location and installation of meters), and
 - (d) must be capable of displaying the authorised fare as required by Part 3 (Recording and display of meters), and
 - (e) must have suitable holes or lugs at each point at which disassembly or adjustment is possible so as to permit sealing of the meter as required by Part 4 (Sealing of meters).
- (2) There must be provision for illumination of the face of the meter.

2 New taxi-meters

A taxi-meter that is installed for the first time on or after the commencement of this clause:

- (a) must include a sealed clock (capable of automatic adjustment for daylight saving for the purposes of the night-time surcharge) and calendar that are capable of activating, at a particular time and date, any fares that have been programmed into the meter, and
- (b) must be capable of storing post-dated fare changes to be activated at a designated time and date.

Note. This clause reflects an administrative requirement that has been in place since March 2007.

3 Operation of taxi-meters

- (1) A taxi-meter (other than a taxi-meter that is installed for the first time on or after the commencement of clause 2) may be operated either mechanically or electronically.
- (2) Each part of the controlling mechanism of the meter must be in sound working condition.

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Passenger Transport Regulation 2007

Schedule 2 Standards for taxi-meters

Part 2 Location and installation of meters

4 Location of meter: general

- (1) A taxi-meter must be securely fixed to the instrument panel of the taxi-cab on the left side of the driver's seating position.
- (2) The meter must face the interior of the taxi-cab.
- (3) The controls of the meter must be within easy reach of the driver.

5 Meter not to cause danger or obstruction

- (1) A taxi-meter must not be located in any position, or installed in any way, in which it is likely to cause injury to the driver or any passenger during normal operation of the taxi-cab or in the event of severe acceleration or deceleration.

Note. See *Vehicle Standard (Australian Design Rule 21/00—Instrument Panel) 2006* in the Federal Register of Legislative Instruments of the Commonwealth. The function of that Rule is to specify requirements for instrument panels of vehicles so as to reduce their injury potential to occupants on impact.

- (2) The meter and its associated equipment must not obstruct or otherwise interfere with the operation of the taxi-cab's driving controls.

6 Identification number of meter to be visible

A taxi-meter must be so located and installed that its identification number (as required by clause 1 (1) (b)) is visible without any necessity to remove or dismantle the meter.

7 Meter to be accessible for fixing and inspection of seals

A taxi-meter must be so located and installed that the seals required by Part 4 may be fixed and inspected without any necessity to use tools to remove the meter or any of its panels or covers.

8 Connection of meter

- (1) If a taxi-meter is electrically operated, it must be connected in such a way that power is supplied to the meter whenever power is supplied to the ignition system of the taxi-cab (or, if the taxi-cab has a diesel engine, whenever fuel is available to the combustion chamber of the engine).
- (2) The meter may be directly wired to the taxi-cab's battery, but only if there is no switch in the part of the circuit connecting the meter and the battery.

Part 3 Recording and display of meters

9 Recording and increments of fare

- (1) A taxi-meter must display the authorised fare for any hiring of the taxi-cab.
- (2) The meter is to record and indicate increments in the fare in units of not more than 10 cents.
- (3) The meter must not, at any time, compute or display a fare that exceeds the authorised fare.

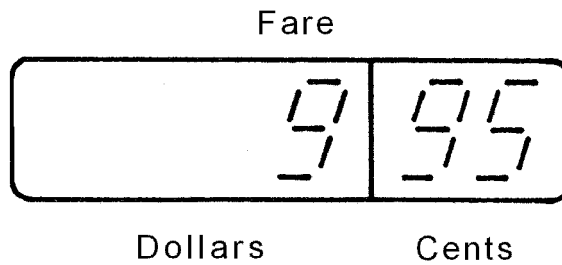
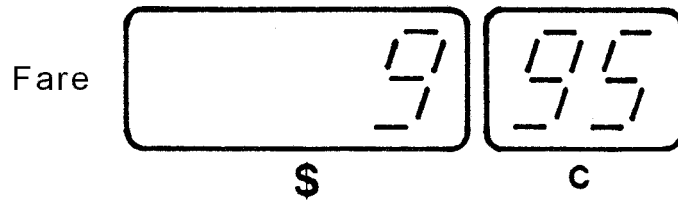
10 Appearance of meter

- (1) A taxi-meter must display the word “Fare”, together with words or numerals (or both) indicating the amount of the authorised fare and its division into dollars and cents, prominently on the face of the meter in any of the ways shown in Figure 1 following this subclause.

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Schedule 2 Standards for taxi-meters



- (2) Any words or numerals indicating anything other than the authorised fare, and displayed in such a manner as may be construed to be a fare, must not be displayed continuously for any period exceeding eight seconds at a time.
- (3) It is sufficient compliance with subclause (2) if the display flashes on and off at a rate of at least 60, but not more than 120, cycles per minute after having been displayed continuously for a period not exceeding eight seconds.

11 Stopping of meter

- (1) The design and construction of a taxi-meter must be such that, if the meter is stopped, the meter:
 - (a) will continue to display any fare then registered, and
 - (b) will not be capable of computing any additional fare until it is restarted.
- (2) If the meter is restarted, the meter:
 - (a) must add any fare computed after the restart to the original fare, and
 - (b) display the total fare.

12 Accuracy of meter

- (1) A taxi-meter must be proofed against inaccuracies that could arise from any external sources, including fluctuations in its electrical supply, electromagnetic radiation and magnetic fields.
- (2) The accuracy of the fare display must be such that, when the meter is tested in accordance with Part 5:
 - (a) in the case of a moving taxi-cab—the authorised fare for the length of the test course (consisting of the distance rate for that length, plus the flag fall, specified in, or calculable from, the notice under section 60A of the Act that is current at the time of the test) is first displayed on the meter at the point within the section of the test course bounded by the course's "Finish" and "1% Slow" marks, and
 - (b) in the case of a taxi-cab that is on hire but stationary—the meter displays a fare that is the pro rata equivalent (with 5% tolerance in favour of a notional hirer), when measured to the nearest second, of the amount per hour specified for waiting time in the notice under section 60A of the Act that is current at the time of the test, plus the flag fall specified in, or calculable from, that notice.

Part 4 Sealing of meters**13 Requirement for sealing**

A taxi-meter (regardless of when installed) must be lead-sealed in accordance with this Part.

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Schedule 2 Standards for taxi-meters

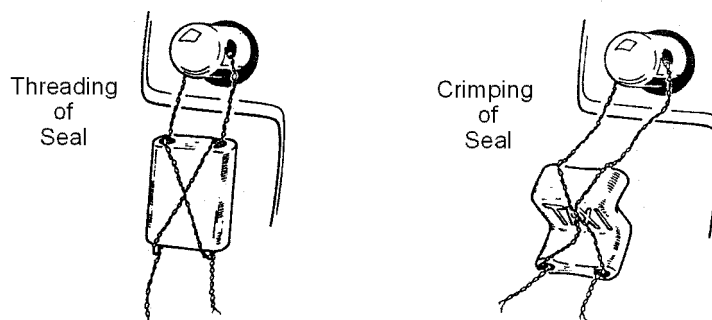
14 Seal to be visible

Although more than one seal may be needed to satisfy the requirements of this Part, at least one such seal must be visible to a passenger sitting in the front of the taxi-cab.

15 Method of sealing

A taxi-meter must be sealed in the following way (as illustrated by the drawings in Figure 2 to this clause):

- (a) a length of two-strand, twisted copper (or equivalent) wire must be stretched to remove any kinks,
- (b) the wire must then be threaded through the appropriate holes in, or around the appropriate lugs on, the meter and its connections so as to prevent:
 - (i) any interference with the fare display or fare schedule appropriate to the taxi-cab's area of operation or calibration, and
 - (ii) the removal of the meter from the taxi-cab, without breaking the seal or sealing wire,
- (c) a standard-issue lead seal must then be threaded onto the wire and the wire crossed over and rethreaded,
- (d) the seal must then be crimped with sealing pliers approved by the Director-General so that the wire cannot be released without damaging the seal.



16 Resealing

If a seal or any sealing wire is damaged or removed from a taxi-meter for any reason, the meter must be retested in accordance with Part 5 and resealed in accordance with this Part.

Part 5 Testing of meters

Division 1 Course to be used for testing taxi-meters

17 Location of course

The course to be used to test taxi-meters:

- (a) must start within 200 metres of premises on which a person who carries on the business of repairing and sealing taxi-meters conducts that business, and
- (b) must be on sealed roads only, and
- (c) must avoid, as far as possible, shopping centres and areas of high traffic density.

18 Components of course

The course must include the following:

- (a) a designated taxi-meter test “Start” mark,
- (b) a designated taxi-meter test “Finish” mark that is not less than one kilometre from the “Start” mark,
- (c) a designated taxi-meter test “1% Slow” mark that is located at the point beyond the “Finish” mark at which an accurate taxi-meter would first display the authorised fare for the length of the test course after the taxi-cab passes the “Finish” mark but before the “1% Slow” mark.

19 Length of testing course

The part of the course between the “Start” mark and the “Finish” mark (the *testing course*) must be at least one kilometre long.

20 Other requirements of course

The course must also:

- (a) have as few turns as possible, and
- (b) contain the same number of left-turns and right-turns, and
- (c) have the marks required by clause 18 situated:
 - (i) at least 15 metres from any intersection, and
 - (ii) at least 3 metres from any driveway or obstruction, and
 - (iii) otherwise in a position that is not likely to cause traffic congestion or constitute a traffic hazard, and
- (d) have the “Finish” and “1% Slow” marks situated on the same straight section of road.

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Schedule 2 Standards for taxi-meters

Division 2 Meter testing

21 Meter to be tested for all tariffs

If the taxi-cab meter provides for different tariffs according to different circumstances, the meter must be tested in respect of each of the tariffs concerned.

22 Testing computation of fare for distance

- (1) A taxi-meter's computation of the fare for distance travelled is to be tested as follows:
 - (a) the taxi-cab must be stationary with its front wheel centres in line with the "Start" mark of the test course,
 - (b) the meter must then be started and the taxi-cab set in motion,
 - (c) the taxi-cab is to be driven over the testing course as nearly as possible at a constant speed, without skidding or wheel-spin or violent acceleration or deceleration, and avoiding divergences such as lane-changing and overtaking,
 - (d) as the taxi-cab approaches the "Finish" mark, the meter must be monitored and the point at which the authorised fare for the length of the testing course is first displayed must be noted.
- (2) If the meter first displays the authorised fare for the length of the testing course at any point other than while the taxi-cab is between the "Finish" mark and the "1% Slow" mark, the meter has failed the test and:
 - (a) a non-compliance notice must be issued in respect of the taxi-cab concerned, and
 - (b) the meter must be recalibrated and resealed.

23 Testing computation of fare for waiting time

- (1) A taxi-meter's computation of the fare to be charged for waiting time is to be tested as follows:
 - (a) the taxi-cab must be stationary,
 - (b) the meter must then be started and a stopwatch set in motion,
 - (c) the time (measured to the nearest second) taken for the meter to display a fare that is equivalent to the authorised fare for the length of the testing course must be noted.
- (2) If the fare noted is other than the pro rata equivalent (with 5% tolerance in favour of a notional hirer) of the amount per hour specified for waiting time in the notice under section 60A of the Act that is current at the time of the test:
 - (a) the meter has failed the test, and

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- (b) a non-compliance notice must be issued in respect of the taxi-cab concerned, and
 - (c) the meter must be recalibrated and resealed.

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Passenger Transport Regulation 2007

Schedule 3 Penalty notice offences

Schedule 3 Penalty notice offences

(Clause 217)

Part 1 Offences under Passenger Transport Act 1990

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Section 9B (3)	\$500	
Section 11 (1)	\$200	
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 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 this Regulation

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 17	\$200	
Clause 19	\$200	
Clause 20 (1)	\$200	

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 21	\$200	
Clause 22	\$300	
Clause 25	\$1,000	
Clause 26	\$200	
Clause 32 (a)	\$100	
Clause 32 (b)	\$200	
Clause 32 (c)	\$300	
Clause 32 (d)	\$300	
Clause 35	\$100	
Clause 36 (1) (a)	\$200	
Clause 36 (1) (b)	\$150	
Clause 37	\$150	\$750
Clause 38	\$200	
Clause 39	\$200	
Clause 40	\$200	
Clause 41 (1)	\$200	
Clause 41 (2)	\$150	
Clause 42	\$150	
Clause 44 (1)	\$300	
Clause 45 (1)	\$200	
Clause 46	\$100	\$750
Clause 49	\$300	
Clause 50	\$300	
Clause 51 (1)	\$150	
Clause 51 (2) (a)	\$300	
Clause 51 (2) (b)	\$100	

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Schedule 3 Penalty notice offences

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 52 (1)	\$100	
Clause 53 (2)	\$200	
Clause 54	\$100	
Clause 55	\$300	
Clause 56 (1)	\$200	
Clause 57	\$150	
Clause 58	\$200	
Clause 60 (1)	\$100	
Clause 61 (1)	\$200	
Clause 62	\$100	
Clause 63	\$200	
Clause 64	\$200	
Clause 65	\$300	
Clause 66 (1)	\$200	
Clause 68 (2)	\$100	
Clause 73	\$100	
Clause 74 (1)	\$100	
Clause 75	\$100	
Clause 76	\$100	
Clause 77 (1)	\$100	
Clause 78 (1)	\$200	
Clause 79	\$200	
Clause 80	\$200	
Clause 81	\$200	
Clause 82	\$300	
Clause 83 (2)	\$200	

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 84 (1)	\$200	
Clause 84 (4)	\$200	
Clause 85 (1)	\$150	
Clause 86	\$250	
Clause 87 (1)	\$200	
Clause 88 (1)	\$200	
Clause 89 (1)	\$300	
Clause 90 (2)	\$200	
Clause 91 (4)	\$1,000	
Clause 92	\$100	
Clause 93	\$100	
Clause 94	\$100	
Clause 95	\$100	
Clause 96	\$200	
Clause 97	\$100	
Clause 100 (2)	\$100	
Clause 105	\$200	
Clause 108	\$400	
Clause 109	\$200	
Clause 110	\$300	
Clause 111	\$300	
Clause 112	\$300	
Clause 113	\$300	
Clause 114	\$300	
Clause 115	\$300	
Clause 116	\$300	

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Schedule 3 Penalty notice offences

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 117	\$200	
Clause 118	\$150	
Clause 120	\$200	
Clause 121 (6) (b)	\$150	
Clause 121 (7)	\$150	
Clause 121 (8)	\$200	
Clause 121 (9)	\$300	
Clause 122 (1)	\$150	
Clause 123	\$150	
Clause 124 (2)	\$200	
Clause 124 (3)	\$100	
Clause 125	\$150	
Clause 126	\$150	
Clause 127	\$200	
Clause 128	\$200	
Clause 129	\$150	
Clause 130	\$150	
Clause 131 (1)	\$200	
Clause 132	\$150	
Clause 133 (1)	\$400	
Clause 134	\$75	
Clause 135 (a)	\$150	
Clause 135 (b)	\$150	
Clause 135 (c)	\$150	
Clause 136	\$75	
Clause 137	\$150	\$1,000

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 138 (1)	\$150	
Clause 139	\$150	
Clause 140	\$150	
Clause 141	\$200	
Clause 142 (2)	\$150	
Clause 143 (1)		\$5,000
Clause 144		\$750
Clause 145 (2)		\$750
Clause 146 (1)	\$150	
Clause 147	\$200	
Clause 148	\$150	
Clause 149 (2)	\$150	
Clause 150	\$150	
Clause 151	\$200	
Clause 152	\$150	
Clause 153	\$150	
Clause 154	\$150	
Clause 155 (1)	\$150	
Clause 157 (2)	\$150	
Clause 158	\$150	
Clause 159	\$150	
Clause 160	\$150	
Clause 161	\$150	
Clause 162 (1)	\$500	
Clause 163 (1)	\$300	
Clause 163 (2)	\$300	

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Passenger Transport Regulation 2007

Schedule 3 Penalty notice offences

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 182	\$500	
Clause 187 (4)	\$500	
Clause 188 (1)	\$150	
Clause 189	\$750	
Clause 190 (1)	\$150	
Clause 192	\$150	
Clause 193	\$150	
Clause 194	\$100	
Clause 195 (1)		\$1,000
Clause 196 (1)		\$5,000
Clause 197		\$750
Clause 198		\$750
Clause 199	\$200	
Clause 203	\$300	
Clause 204	\$150	
Clause 205	\$300	
Clause 206	\$150	
Clause 207	\$150	
Clause 208	\$150	
Clause 209	\$300	
Clause 210	\$150	
Clause 211	\$200	
Clause 214	\$100	
Clause 215	\$200	
Clause 216	\$200	
Clause 232	\$300	

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 233	\$150	\$5,000
Clause 235 (1)	\$75	
Schedule 1, clause 2	\$500	
Schedule 1, clause 3	\$200	
Schedule 1, clause 4	\$200	
