



New South Wales

Passenger Transport (General) Regulation 2017

under the

Passenger Transport Act 1990

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

ANDREW CONSTANCE, MP
Minister for Transport and Infrastructure

Explanatory note

The object of this Regulation is to repeal and remake, with minor updating amendments, the provisions of the *Passenger Transport Regulation 2007*, which will be repealed on 1 September 2017 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation:

- (a) provides for standards for accreditation as an operator of a public passenger service and conditions of accreditation, and
- (b) sets out other obligations of operators of public passenger services in relation to drivers, training, insurance and other matters, and
- (c) provides for matters relating to driver authorities to drive buses, private hire vehicles and taxi-cabs, including the categories of driver authorities, authorisation criteria, fees and requirements for driver authority cards, and
- (d) establishes general offences relating to conduct on public passenger vehicles and public passenger premises, and particular offences relating to buses and bus services, trains and railway services, taxi-cabs and taxi-cab services and private hire vehicles and private hire vehicle services, and
- (e) establishes offences relating to payment for services, including ticketing and smartcard use offences, and
- (f) provides for standards for authorisation as an operator of a taxi-cab network and conditions of authorisation, and
- (g) prescribes fees, or mechanisms for determining fees, for accreditations, authorisations and taxi licences, and
- (h) sets out requirements for tourist services conducted using four-wheel drive vehicles or motor cycles, and
- (i) sets out requirements for the keeping of records by the operators of ferry services, and
- (j) prescribes the offences under the *Passenger Transport Act 1990* (the **1990 Act**) and the proposed Regulation for which penalty notices may be issued, and the penalty amounts that may be imposed under those notices for the offences, and

- (k) enables TfNSW, by order, to exempt a person or a vehicle, or a class of persons or vehicles, from all or any provisions of the 1990 Act or this Regulation, and
- (l) provides for matters relating to the enforcement of the 1990 Act or this Regulation, including the issue of non-compliance notices for vehicles, the service of notices and prescribing persons who may be appointed as authorised officers, and
- (m) contains savings and transitional provisions, and
- (n) prescribes the NSW Police Force as an agency with whom RMS may exchange information, and
- (o) enables TfNSW to delegate its functions under the 1990 Act to certain persons, and
- (p) sets out standards for approved security systems for buses or taxi-cabs and taxi-meters, and
- (q) provides for other minor matters.

This Regulation is made under the *Passenger Transport Act 1990*, including sections 3 (1) (the definitions of **smartcard**, **smartcard reader** and **tourist service**), 7 (3) (a), 8 (3), 9B (1) (a), 11 (3), 11B (1) (a), 12 (2), 31A (2), 31C (2) and (3), 31D (1) (b), 32A, 32B (2), 32F (1) (a), 32I (2), 32K (2) (g), 33 (4), 33A (2), 33B (2), 33C (2) and (3), 34 (4) (a), 34A (2) and (5), 34C (2), 34D (1) (b), 38D (1) (a), 39I (2), 40A (2), 40B (2), 40C (2) and (3), 46W (1), (2) and (6), 53 (6) (paragraph (c) of the definition of **relevant agency**), 59, 62A (3) (b) and 63 (the general regulation-making power) and clause 39 of Schedule 3.

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Passenger Transport (General) Regulation 2017

under the

Passenger Transport Act 1990

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Passenger Transport (General) Regulation 2017*.

2 Commencement

This Regulation commences on 1 September 2017 and is required to be published on the NSW legislation website.

Note. This Regulation replaces the *Passenger Transport Regulation 2007*, which will be repealed on 1 September 2017 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 duress alarm system, a security camera system or a vehicle tracking device, means complying with requirements established for the time being by TfNSW by order published in the Gazette.

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 TfNSW 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 TfNSW 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 statutory rule under the *Road Transport Act 2013* 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 RMS 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 AS/NZS 1754:2004, *Child restraint systems for use in motor vehicles*, as amended by *Amendment 1* published on 29 December 2004.

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

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 Act 2013*.

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.

exempt private hire vehicle operator means a person who carries on a private hire vehicle service and who relies on the exemption under clause 26A to carry on that service without obtaining an accreditation.

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 published in November 2012 and that is available from RMS.

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 TfNSW 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
- (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.
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 Institute of Public Accountants who holds a Professional Practice Certificate issued by that Institute.

registered training organisation means an NVR registered training organisation within the meaning of the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth.

registration number has the same meaning as it has in the statutory rules made under the *Road Transport Act 2013*.

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

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*.

tourist service vehicles—see clause 202.

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 has the same meaning as it has in the *Crown Lands Act 1989*.

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

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

- (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*.

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 RMS, the standards set out 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 RMS, the standards set out 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.
- (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 RMS) who have known the applicant for at least 2 years.
- (3) This clause does not apply to an applicant for accreditation to carry on a public passenger service by means of a taxi-cab or a private hire vehicle.

Note. Section 7 of the Act provides that a purpose of accreditation is to attest that an applicant is considered to be of good repute. Section 8 of the Act requires RMS to have regard to the purpose of accreditation when granting an accreditation.

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), RMS may, for the purpose of determining the applicant's fitness to be an operator, cause any investigation that RMS considers appropriate to be made into the winding up, conviction or charge concerned.
- (3) The applicant must give RMS 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 RMS a written statement to that effect.
- (5) Subclause (2) does not apply to an applicant for accreditation to carry on a public passenger service by means of a taxi-cab or private hire vehicle.

Note. Section 7 of the Act provides that a purpose of accreditation is to attest that an applicant is considered to be of good repute and in all other respects fit and proper to be responsible for the operation of a public passenger service. Section 8 of the Act requires RMS to have regard to the purpose of accreditation when granting an accreditation.

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 RMS 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 *Work Health and Safety Act 2011*, and
 - (b) if required to do so by RMS, 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 TfNSW and conducted by a registered training organisation or by a higher education institution approved by TfNSW.
- (3) This clause does not apply to an applicant for accreditation to carry on a public passenger service by means of a taxi-cab or private hire vehicle.

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.
- (3) Subclause (2) does not apply to an applicant for accreditation to carry on a public passenger service by means of a taxi-cab or private hire vehicle.

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 RMS with full details of the premises at which the vehicles will normally be kept when not in use.
- (3) Subclause (2) does not apply to an applicant for accreditation to carry on a public passenger service by means of a taxi-cab or private hire vehicle.

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 RMS 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 \$45.
- (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 RMS 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 (2) 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 \$45.

- (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 TfNSW 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 (other than an accredited taxi-cab operator or an accredited private hire vehicle operator) 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.
- (1A) An accredited taxi-cab operator or an accredited private hire vehicle operator must:
- (a) maintain the vehicles used to provide the service in a way that is consistent with the maintenance standards of the manufacturer of the vehicles used to provide the service, and
 - (b) keep records of the maintenance that are 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 Dealers and Repairers Act 2013* to carry out the work concerned.
- (3) Subclause (2) applies even if the person who is to carry out the work concerned is exempted under the *Motor Dealers and Repairers Act 2013* 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).
- (3) This clause does not apply to an accredited taxi-cab operator or an accredited private hire vehicle operator.
Maximum penalty: 10 penalty units.

18 Changes to information provided

- (1) The operator of a relevant service must notify RMS 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 the record in written form for inspection, and
- (d) must, if required by RMS in writing to do so, deliver the record to RMS when required.

Maximum penalty: 10 penalty units.

20 Operator training

- (1) An accredited operator must, whenever reasonably required to do so by RMS, 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 TfNSW and conducted by a registered training organisation, or a higher education institution approved by TfNSW.

Maximum penalty: 10 penalty units.

- (2) RMS 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.
- (3) This clause does not apply to an accredited taxi-cab operator or an accredited private hire vehicle operator.

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 RMS 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 RMS) 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.
- (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 RMS 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. RMS may, having regard to the purposes of accreditation, at any time vary, suspend or cancel a person's accreditation—see section 10 of the Act.

- (2) RMS is not to make a request under this clause unless RMS believes on reasonable grounds that the accredited operator may no longer be financially capable of carrying on the relevant service.
- (3) This clause does not apply to an accredited taxi-cab operator or an accredited private hire vehicle operator.

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 RMS 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
- (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.

Division 5 Provisions relating to private hire vehicle services

26A Private hire vehicle service exemption

For the purposes of section 63 (3) of the Act, a person who carries on a private hire vehicle service is exempt from the requirement to hold an accreditation to carry on the service and from any provisions of the Act or this Regulation relating to compliance with the conditions of any such accreditation if:

- (a) the person was not the holder of an accreditation for the service immediately before the commencement of this clause, and
- (b) the person holds an authority to drive a private hire vehicle, and
- (c) the person complies with the provisions of clauses 15, 16, 18, 19, 25 and 26 as if the person were an accredited operator.

Note. A person is only the subject of an exemption while the conditions of the exemption are complied with (ie the person who does not comply is committing the offence of carrying on a public passenger service without an accreditation).

26B Procedures for renewal of certain accreditations: ss 31C, 38C and 63 (3) of the Act

- (1) An accreditation to carry on a taxi-cab service, or an accreditation to carry on a private hire vehicle service that was in force immediately before the commencement of this clause, may be renewed under this clause without an application being made to RMS.
- (2) An accreditation renewed under this clause is taken to be renewed on the date that it would otherwise expire for a term expiring on 31 October 2017 or another day determined by RMS in accordance with section 31C (1) or 38C (1) of the Act.
- (3) A person who holds an accreditation that is renewed under this clause is exempt from the requirement to pay the renewal fee fixed under clause 13.
- (4) This clause does not prevent:
 - (a) a person from surrendering an accreditation, or
 - (b) RMS taking action to vary, suspend or cancel an accreditation.

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,
 - (d)–(f) (Not used)
 - (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)–(4A).
- (2) The applicant for a driver authority (other than an authority to drive a taxi-cab or a private hire vehicle):
 - (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 TfNSW, in medical fitness, and
 - (e) must satisfy RMS 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 TfNSW and conducted by a registered training organisation (or must have such competence as a driver of buses as RMS considers appropriate).

- (4) An applicant for an authority to drive a taxi-cab:
- (a) must hold a driver licence that is not a learner licence, probationary licence, provisional licence, restricted licence 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
 - (b) 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
 - (c) must have passed an examination or assessment, at a level determined by TfNSW, in medical fitness, and
 - (d) must have passed an examination or assessment, at a level determined by TfNSW, in both written and oral communication in the English language (or must have such competence in that language as RMS considers equivalent to that level).

Note. Section 33 of the Act provides that a purpose of a driver authority for a taxi-cab driver is to attest that the holder is considered to be of good repute and in all other respects fit and proper to be the driver of a taxi-cab. Section 33B of the Act requires RMS to have regard to the purpose of authorisation when granting an authorisation.

- (4A) An applicant for an authority to drive a private hire vehicle:
- (a) must hold a driver licence that is not a learner licence, probationary licence, provisional licence, restricted licence 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
 - (b) 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
 - (c) must have passed an examination or assessment, at a level determined by TfNSW, in medical fitness.

Note. Section 40 of the Act provides that a purpose of a driver authority for a private hire vehicle driver is to attest that the holder is considered to be of good repute. Section 40B of the Act requires RMS to have regard to the purpose of authorisation when granting an authorisation.

- (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 TfNSW'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-cab 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 \$45.

(2) **Taxi-cab 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 \$45.

(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 TfNSW by order published in the Gazette: see sections 11A, 15 and 15A of the Act.

31 Driver authority cards

- (1) RMS 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 RMS considers appropriate (either generally or in a particular case), and
 - (b) is to be in a form approved by RMS.
- (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 RMS for replacement.
- (2) On the return of a driver authority card, or on proof to the satisfaction of RMS that a driver authority card has been destroyed, stolen or lost, RMS may cause a duplicate of it to be issued.
- (3) Before issuing a duplicate driver authority card, RMS 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.

33A Conditions for certain authorities to drive private hire vehicles

- (1) This clause applies to a person who holds a driver authority and who is an exempt private hire vehicle operator.
- (2) It is a condition of the driver authority to drive a private hire vehicle that the person complies with the conditions of the exemption.

33B Procedures for renewal of certain authorities: ss 33C, 40C and 63 (3) of the Act

- (1) A driver authority to drive a taxi-cab or a private hire vehicle, that was in force immediately before the commencement of this clause, may be renewed under this clause without an application being made to RMS.
- (2) An authority renewed under this clause is taken to be renewed on the date that it would otherwise expire for a term expiring on 31 October 2017 or another day determined by RMS in accordance with section 33C (1) or 40C (1) of the Act.
- (3) A person who holds an existing authority is exempt from the requirement to pay the renewal fee fixed under clause 30.
- (4) This clause does not prevent:
 - (a) a person from surrendering a driver authority, or
 - (b) RMS taking action to vary, suspend or cancel a driver authority.

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 Conduct of drivers

- (1) The driver of a public passenger vehicle must:
 - (a) 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
 - (b) comply with every reasonable requirement of an authorised officer or passenger.

Maximum penalty: 50 penalty units.

- (2) The driver of a public passenger vehicle (other than a taxi-cab or a private hire vehicle) must 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.

Maximum penalty: 10 penalty units.

36 Driver not to eat or drink in vehicle

- (1) The driver of a public passenger vehicle must not 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.

- (3) This clause does not apply to the driver of a taxi-cab or a private hire vehicle.

37 Driver to ensure vehicles are clean

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

- (2) This clause does not apply to the driver of a taxi-cab or a private hire vehicle.

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 (Not used)

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: 50 penalty units.

41 Carriage of goods and animals

- (1) The driver of a public passenger vehicle (other than a taxi-cab or a private hire 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 (other than a taxi-cab or a private hire 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.

42 Lost property given to drivers

- (1) 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, 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.

- (2) This clause does not apply to the driver of a taxi-cab or a private hire vehicle.

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 RMS, 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 TfNSW 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) RMS 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.
- (3) This clause does not apply to the driver of a taxi-cab or a private hire vehicle.

44 Driver to notify RMS of alleged offence

- (1) The driver of a public passenger vehicle must, in accordance with this clause, furnish RMS 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) (Not used)
- (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).

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 RMS with a certificate from a medical practitioner containing the medical practitioner's assessment, in accordance with any requirements of RMS, of the driver's medical condition.
Maximum penalty: 10 penalty units.
- (2) RMS 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 RMS, 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 and other persons in or on public passenger vehicles, trains and railway premises

Division 1 Preliminary

48 Definitions

(1) In this Part:

hold, in relation to a ticket or reservation, means be able to produce the ticket or reservation on request.

passenger has the same meaning as in the Act and includes an intending passenger but does not include the driver or crew of a train.

public area means any part of railway premises that the public uses or is entitled to use.

rail infrastructure has the same meaning as in the *Rail Safety National Law (NSW)*.

rail infrastructure manager has the same meaning as in the *Rail Safety National Law (NSW)*.

rail transport operator means:

- (a) a rail infrastructure manager, or
- (b) a rolling stock operator, or
- (c) a person who is both a rail infrastructure manager and a rolling stock operator.

railway crossing does not include any crossing over the running lines of a light rail system in a road or road related area.

restricted area of a station has the same meaning as in Part 6.

road and **road related area** have the same meanings as in the *Road Transport Act 2013*.

rolling stock operator means a person who has effective management and control of the operation or movement of rolling stock on rail infrastructure for a particular railway but does not include a person merely because the person drives the rolling stock or controls the network or the network signals.

running line means all railway tracks (other than sidings) that are used for the through movement of trains.

station has the same meaning as in Part 6.

(2) In this Part, a reference to a bus or ferry is a reference to a bus or ferry used to provide a public passenger service.

49 Exemptions for authorised officers

An authorised officer is not liable for an offence under this Part for anything done in the course of the officer's duty.

Division 2 Conduct generally

50 No offensive behaviour or language

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

- (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 any of the person's feet on a seat, or

(e) spit.

Maximum penalty: 10 penalty units.

51 No smoking

(1) A person must not smoke in or on any public passenger vehicle or train or in any public area.

Maximum penalty: 5 penalty units.

(2) This clause does not apply to a part of a public area in or on which smoking is permitted by signs displayed by or with the authority of the operator of the public passenger service or the rail transport operator concerned.

(3) In this clause:

smoke means smoke, hold or otherwise have control over an ignited smoking product.

smoking product means any tobacco or other product that is intended to be smoked.

52 Limitation on eating and drinking in certain public passenger vehicles and trains

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

Maximum penalty: 5 penalty units.

(2) A person must not drink any alcohol on any bus, ferry or train or in any public area.

Maximum penalty: 10 penalty units.

(3) Subclause (2) does not apply if the alcohol was supplied by, or with the permission of, the operator of the bus or ferry or the rail transport operator of the train concerned.

(4) A passenger must not eat or drink on any bus, ferry or train (or part of a bus, ferry or train) in which eating and drinking is prohibited by signs displayed, by or with the authority of the operator of the bus or ferry or the rail transport operator concerned, in the bus, ferry or train (or part), except with the written permission of the operator or the permission of an authorised officer.

Maximum penalty: 5 penalty units.

(5) However, nothing in this clause prohibits a person from drinking water, or from eating or drinking for medical reasons, in or on a public passenger vehicle or train.

(6) In this clause, **drink**, in relation to alcohol, includes be in possession of an opened container of alcohol.

53 Control of animals

(1) A person must not take into or on any public passenger vehicle or any train intended for the conveyance of passengers any dog, cat, bird or other animal:

(a) in the case of a public passenger vehicle—unless the animal is suitably confined in a box, basket or other container, and

(b) in the case of a train—except under the conditions imposed by the rail transport operator of the relevant railway for the conveyance of the animal.

Maximum penalty: 5 penalty units.

(2) A person must not allow an animal under the person's care or control on, or to stray onto, railway premises unless the animal is being taken onto or from a train in accordance with the conditions referred to in subclause (1).

Maximum penalty: 5 penalty units.

- (3) Subclauses (1) and (2) do not apply in respect of an assistance animal or an assistance animal in training.
- (4) A person must not, without the permission of an authorised officer, take a dog onto any part of a station, or have a dog in the person's charge on a station, unless the dog is under the person's direct physical control by means of a lead, chain or frame (such as those used to control assistance animals) or otherwise.
Maximum penalty: 5 penalty units.

54 Conveyance of petrol and things containing petrol and things intended for vandalism

- (1) A person must not have any of the following in the person's possession on any public passenger vehicle, train or any part of railway premises:
 - (a) any petrol or substance containing petrol,
 - (b) any vehicle, article or other thing that contains petrol or a substance containing petrol.Maximum penalty: 10 penalty units.
- (2) Subclause (1) does not apply to:
 - (a) an employee of the operator of a public passenger service or a rail transport operator in the execution of the employee's duty, or
 - (b) a person authorised by the operator of a public passenger service or a rail transport operator.
- (3) A person must not, without reasonable excuse, have in the person's possession on any public passenger vehicle, train or any part of railway premises any thing intended for use in damaging property.
Maximum penalty: 10 penalty units.

55 Direction to leave public passenger vehicle, train or railway premises

- (1) A driver of a public passenger vehicle or train or an authorised officer may direct a person to leave, or not to enter, a public passenger vehicle or train if the driver or authorised officer is of the opinion that:
 - (a) the 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 train 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 or train without inconvenience or danger to other passengers or to the driver, or
 - (b) the person is otherwise causing, or is likely to cause, inconvenience to other passengers or to the driver of the public passenger vehicle or train (whether because the person is under the influence of alcohol or another drug, or for any other reason), or
 - (c) the person is committing an offence under this Regulation in or on the public passenger vehicle or train, or
 - (d) the person is committing an offence under section 4 of the *Graffiti Control Act 2008* in relation to the public passenger vehicle or train.
- (2) An authorised officer may direct a person to leave, or not to enter, railway premises if the authorised officer is of the opinion that:
 - (a) the person is causing, or is likely to cause, inconvenience to other persons on those railway premises (whether because the person is under the influence of alcohol or another drug, or for any other reason), or

- (b) the person is committing an offence under this Regulation in or on those railway premises, or
 - (c) the person is committing an offence under section 4 of the *Graffiti Control Act 2008* in relation to any part of the infrastructure of a railway or any property on those railway premises.
- (3) A person who is given a direction under subclause (1) or (2) must comply with it.
Maximum penalty: 10 penalty units.
- (4) A person who has been directed to leave a public passenger vehicle, train or railway premises must not, without a reasonable excuse, re-enter the public passenger vehicle, train or railway premises within 2 hours of the direction being given.
Maximum penalty: 10 penalty units.
- (5) A person who refuses or fails to comply with a direction given under this clause may be removed from the relevant public passenger vehicle, train or railway premises by an authorised officer.

56 Lost property

- (1) A person who finds any article that appears to be lost 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, an employee of the operator of the public passenger service concerned or an authorised officer.
- Maximum penalty: 5 penalty units.
- (2) A person who finds any article that appears to be lost in a train or any public area must:
- (a) return it to its owner, or
 - (b) give it, or report its location, to an employee of the relevant rail transport operator or an authorised officer.
- Maximum penalty: 5 penalty units.
- (3) A rail transport operator must develop and implement procedures that comply with this clause for dealing with any lost property that is found in a train or any public area for which the operator is responsible.
Maximum penalty: 5 penalty units.
- (4) Those procedures are to include (but are not limited to) procedures involving:
- (a) the keeping of registers of:
 - (i) lost property that is found, and
 - (ii) enquiries as to lost property, and
 - (b) the keeping of written records as to when and how lost property, when found, is to be returned or disposed of.
- (5) Those procedures must be capable of being audited.

57 No interference with equipment of, or damage to, vehicle

A person must not:

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

Maximum penalty: 50 penalty units.

58 No removal of property

A person (other than the owner of the property concerned) must not, without reasonable excuse, remove from any public passenger vehicle or train any property of the driver or operator of the vehicle or train or of the crew of the vehicle or train.

Maximum penalty: 10 penalty units.

59 No littering

- (1) A person must not in or on any public passenger vehicle or train or in any public area:
- (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: 10 penalty units.

- (2) A person must not abandon any building material on any train, any part of a railway or any railway premises.

Maximum penalty: 10 penalty units.

60 No throwing

A person must not, without reasonable excuse:

- (a) throw any thing in or from a public passenger vehicle or train or any station, light rail stop or any other part of the rail infrastructure, or
- (b) throw any thing at a public passenger vehicle or train or any station, light rail stop or any other part of the rail infrastructure, or
- (c) drop any thing on or towards a public passenger vehicle or train or any station, light rail stop or any other part of the rail infrastructure.

Maximum penalty: 20 penalty units.

61 Vandalism

A person must not destroy or damage any public passenger vehicle or train, any rail infrastructure or any property on railway premises.

Maximum penalty: 20 penalty units.

Note. Offences relating to graffiti are contained in Part 2 of the *Graffiti Control Act 2008*.

62 Lighting fires

A person must not:

- (a) light a fire on, or
- (b) bring any burning substance into or onto, or cause a burning substance to be brought into or onto, or
- (c) throw or drop any burning substance on or from, or cause any burning substance to be thrown or dropped on or from,

any public passenger vehicle or train, any part of a railway or any railway premises.

Maximum penalty: 10 penalty units.

63 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 conduct offences relating to buses, ferries, trains and railway premises

64 No unauthorised commercial activities

- (1) A person must not carry on a commercial activity on any bus, ferry or train or public area except with the written permission of the bus, ferry or railway 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 for sale or hire) of any thing to a person who is present on the bus, ferry or train or in the public area concerned,
 - (b) the touting or soliciting for custom, hire or employment if it is directed at one or more persons who are present on the bus, ferry or train or in the public area concerned,
 - (c) the distribution of handbills to any person,
 - (d) the soliciting of money (whether by way of busking or otherwise) from any person who is present on the bus, ferry or train or in the public area concerned.

65 Entry to and exit from buses, ferries, trains and railway premises

A passenger must not, without reasonable excuse:

- (a) enter or leave a ferry except at a place designated by the ferry operator for passengers to enter or leave the ferry, or
- (b) enter or leave a train operated on a railway other than a light rail system—except at a place designated by the rail transport operator of the railway for persons to enter or leave the train, or
- (c) enter or leave a train operated on a railway that is a light rail system—except at the side of the train adjoining the light rail stop designated by the rail transport operator for persons to enter or leave the train, or
- (d) enter or leave a bus, ferry or train:
 - (i) while the bus, ferry or train is in motion, or
 - (ii) through a window, or
- (e) enter or leave a station, platform or other work or premises connected with a railway otherwise than by a place designated by the rail transport operator of the railway for entry or exit.

Maximum penalty: 5 penalty units.

66 Limited stop buses, ferries and trains

- (1) A passenger must not, without the permission of an authorised officer:
- (a) board a bus at a bus stop at which the bus is not scheduled to pick up passengers, or
 - (b) 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, or
 - (c) board a train at a station at which the train is not scheduled to pick up passengers.

Maximum penalty: 5 penalty units.

- (2) A passenger must not, without the permission of an authorised officer:
- (a) leave a bus at a bus stop at which the bus is not scheduled to set down passengers, or
 - (b) 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, or
 - (c) leave a train at a station at which the train is not scheduled to set down passengers.

Maximum penalty: 5 penalty units.

67 No travel allowed on certain parts of bus, ferry or train

- (1) A passenger must not, without reasonable excuse, travel on any portion of a bus, ferry or train not intended for the conveyance of passengers.

Maximum penalty: 5 penalty units.

- (2) Without limiting subclause (1):

- (a) the portions of a bus not intended for the conveyance of passengers include the roof, steps and footboard and the stairs of a double-decker bus, and
- (b) the portions of a train not intended for the conveyance of passengers include the engine or locomotive, the roof, steps and footboard and the stairs of a double-decker train.

- (3) A passenger must not stand on the top deck of a double-decker bus otherwise than in the course of entering or exiting the top deck.

Maximum penalty: 5 penalty units.

- (4) 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.

- (5) A person who is on a train must not, without reasonable excuse:

- (a) protrude any part of the person's body from an open door or window of the train, or
- (b) touch any building, structure or other object outside the train with any part of the person's body or with an object.

Maximum penalty: 5 penalty units.

68 No entry to driver's compartment of bus, ferry or train or crew compartment of ferry or train

- (1) A passenger must not enter the driver's compartment of a bus, ferry or train.

Maximum penalty: 10 penalty units.

- (2) A passenger must not:

- (a) enter the crew compartment of a ferry without the permission of the driver 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 driver of the ferry or an authorised officer.

Maximum penalty: 10 penalty units.

- (3) A passenger must not:

- (a) enter any crew compartment of a train without the permission of an authorised officer, or

- (b) remain in the crew compartment of a train after having been requested to leave the compartment by an authorised officer.

Maximum penalty: 10 penalty units.

68A No hindering or distracting of bus driver

A passenger on a bus must not:

- (a) hinder the driver of the bus in the exercise of the driver's functions, or
- (b) distract the driver of the bus in a manner that is likely to affect the driving of the bus.

Maximum penalty: 10 penalty units.

68B No interference with equipment on buses, ferries or trains

- (1) A passenger must not, without reasonable excuse:

- (a) interfere with any equipment attached to or forming part of a bus, ferry or train, or
- (b) interfere with any part of a security camera system or duress alarm system fitted to a bus in accordance with clause 82 or cause or permit any such interference, or
- (c) block a bus door or train door, or
- (d) open a locked bus door or train door at any time, or
- (e) open an unlocked bus door while the bus is in motion, or
- (f) open an unlocked train door (other than an internal door or a door between carriages) while the train is moving, or
- (g) in any way interfere with an automatically operated bus door or train door, or
- (h) use the public address or other communications system of a ferry.

Maximum penalty: 50 penalty units.

- (2) A person must not, without reasonable excuse, do any of the following:

- (a) use the public address system of a train or on a station or at a light rail stop,
- (b) use any other communications system or information system of a train or on a station or at a light rail stop or on any other part of the infrastructure of a railway, or any emergency help point for passengers, for a purpose other than the purpose for which it is provided,
- (c) apply or release any brake on a train,
- (d) use or interfere with any emergency or safety equipment on a station or at a light rail stop or on any other part of the infrastructure of a railway,
- (e) operate or otherwise interfere with any electrical or mechanical apparatus or device that is on railway premises or is attached to, or forms part of, any train,
- (f) throw any article or thing at or towards, or otherwise interfere with, any electricity supply line or any electrical or mechanical apparatus on railway premises.

Maximum penalty: 50 penalty units.

- (3) In this clause, *emergency or safety equipment* includes closed circuit television cameras, emergency help points for passengers, emergency breakdown equipment, alarms, stretchers, fire extinguishers and the like.

68C Persons not to hinder use of ferry facilities or facilities in public areas

- (1) A person must not, without reasonable excuse:
- (a) obstruct any ferry facility or facility in a public area, or
 - (b) hinder (whether by obstruction or by any other means) another person's use of any ferry facility or facility in a public area.
- Maximum penalty: 10 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) **facility in a public area** includes the following:
 - (i) the entrance to a station or light rail stop,
 - (ii) the exit from a station or light rail stop,
 - (iii) stairways and escalators at a station or light rail stop, and
 - (c) a person 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.

68D Use of escalators and lifts

- (1) A person must not, while in any public area:
- (a) ride on a travelling handrail of an escalator, or
 - (b) without reasonable excuse, move while on an escalator in a direction opposite to that in which it is travelling, or
 - (c) without reasonable excuse, convey any goods on an escalator or in a lift, or
 - (d) without reasonable excuse, interfere in any manner with an escalator or lift or the working of an escalator or lift.
- Maximum penalty: 5 penalty units.
- (2) In this clause, **goods** does not include shopping, strollers, prams, bicycles, surfboards or luggage.

68E Person not to use a scooter, skateboard, rollerblades or the like or drive in certain areas

- (1) A passenger must not use a scooter or skateboard, or rollerblades or roller skates, or the like, on a bus, ferry or train.
Maximum penalty: 5 penalty units.
- (2) A person must not drive a vehicle or use a scooter or skateboard, or rollerblades or roller skates, or the like, on or along a platform or a pathway, subway or other way on railway premises.
Maximum penalty: 5 penalty units.
- (3) This clause does not apply:
- (a) to vehicles designed to carry persons unable to walk or who have difficulty in walking (such as motorised wheelchairs or mobility scooters), or
 - (b) to a motorised trolley being used by an employee of the operator of the public passenger service or the rail transport operator concerned in the execution of the employee's duty.

68F No touching of moving trains

A person on railway premises who is not on a train must not touch, or attempt to touch, any part of a moving train with any part of the person's body or with an object.

Maximum penalty: 5 penalty units.

68G Seating for aged persons or persons with a disability

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

(2) A person who is not aged and does not have a disability must not continue to occupy a seat on a bus, ferry or train set aside as referred to in subclause (1) for aged persons and persons with disabilities if the person has been asked by another person who wants to use the seat and is aged or has a disability (or by someone on their behalf) to vacate the seat.

Maximum penalty (subclause (2)): 5 penalty units.

68H Pedestrians

A person must not, while proceeding on foot in any public area, proceed at a pace or in a manner that may cause injury or damage or that may endanger any person or property.

Maximum penalty: 5 penalty units.

68I Gates to be closed

A person who uses a gate at a railway crossing, or any other gate set up at the side of the railway, must shut and securely fasten the gate immediately after use.

Maximum penalty: 5 penalty units.

68J No trespassing

(1) A person must not, without reasonable excuse, go onto or into, or remain on or in:

- (a) the restricted area of a station, or
- (b) any running lines or associated part of any rail infrastructure, or
- (c) any workshops forming part of rail infrastructure, or
- (d) any offices or administrative areas of a railway, or
- (e) any other railway premises.

Maximum penalty: 50 penalty units.

(2) Subclause (1) does not apply to a person who has the permission of the rail transport operator of the railway to enter the railway premises.

(3) An authorised officer who has reason to believe that a person is committing an offence under subclause (1) may direct the person to leave the restricted area of the station, running lines, associated part of the rail infrastructure, workshop, office or administrative area or railway premises.

(4) A person must comply with a direction given to the person under subclause (3).

Maximum penalty: 5 penalty units.

68K (Not used)

68L Restrictions on vehicles driven on certain railway structures

- (1) The rail transport operator of a railway may, by notice exhibited conspicuously on or near a railway road bridge or other railway structure, fix a vehicle's maximum loaded mass, maximum axle load or other load limit in respect of the bridge or structure.
- (2) A person must not drive on or over a railway road bridge or other railway structure a vehicle whose loaded mass, axle load or other load exceeds the maximum limit so fixed and notified unless:
 - (a) the person has obtained the written permission of the rail transport operator of the railway concerned to do so, and
 - (b) the vehicle is driven in conformity with any conditions determined by the rail transport operator in respect of it.Maximum penalty: 5 penalty units.
- (3) In this clause, a reference to a railway road bridge or other railway structure is a reference to a bridge or other structure that is provided for the purpose of enabling vehicles to cross a running line.

68M Bicycles not to be left in certain areas

A person must not leave a bicycle on railway premises or chained or otherwise attached to any building, fence or other railway installation on railway premises, except in a cloak room, parcels office or other place designated by the rail transport operator of the relevant railway for that purpose.

Maximum penalty: 5 penalty units.

Division 4 Offences relating to sleeping berths and reserved seats on trains

68N Compulsory reservation of sleeping berths or seats

- (1) A person must not, except with the permission of an authorised officer, travel on a train on which booking is compulsory without holding:
 - (a) both a valid ticket for the travel concerned and a reservation for a sleeping berth or seat, or
 - (b) a combined travel and reservation ticket.Maximum penalty: 5 penalty units.
- (2) This clause does not apply to a person who is travelling with another person who holds a valid ticket and reservation, or a combined travel and reservation ticket (or tickets and reservations, or combined travel and reservation tickets) authorising, for both persons, travel on the train concerned.
- (3) A person is not liable to be punished under both this clause and clause 77A (1) in respect of the same travel.
- (4) In this clause, *valid ticket* has the same meaning as in Part 6.

68O Unauthorised occupation of reserved seats

- (1) The rail transport operator of a railway may, by an appropriate notice attached to (or in the vicinity of) a seat in a train used on the railway, reserve the seat for a passenger.
- (2) An authorised officer may direct a person to leave a seat reserved for another person if the officer is not satisfied that the person is occupying the seat with the permission of either the person for whom it is reserved or an authorised officer.

- (3) A person must comply with a direction given to the person under this clause.
Maximum penalty: 5 penalty units.

68P Unauthorised occupation of sleeping berths

- (1) A person must not, except with the permission of an authorised officer, occupy a sleeping berth on a train:
- (a) other than the berth allotted to the person, or
 - (b) without holding or having delivered up on the train a sleeping berth ticket or other receipt for the fare for the berth.
- Maximum penalty: 5 penalty units.
- (2) An authorised officer may direct a person contravening subclause (1) to leave the berth.
- (3) A person must comply with a direction given to the person under this clause.
Maximum penalty: 5 penalty units.

Division 5 Crossing running lines

68Q Crossing running lines—generally

- (1) A person must not cross or drive a vehicle over a running line except by means of a railway crossing, bridge or subway constructed for that purpose.
Maximum penalty: 10 penalty units.
- (2) This clause does not apply to or in respect of:
- (a) an employee of a rail transport operator in the execution of the employee's duty, or
 - (b) an officer of the National Rail Safety Regulator or the Office of Transport Safety Investigations in the execution of the officer's duty, or
 - (c) a person who takes any action referred to in this clause at the request or direction of an authorised officer, an employee of a rail transport operator or an officer referred to in paragraph (b) in the execution of the officer's or employee's duty, or
 - (d) a running line used in a road or road related area for the purpose of a light rail system.

68R Pedestrians crossing running line

- (1) A person on foot (unless in charge of an animal) must not, without reasonable excuse, cross over a running line at ground level at a railway crossing if a bridge or subway is provided at the crossing.
Maximum penalty: 10 penalty units.
- (2) A person on foot must not cross over a running line at a railway crossing:
- (a) if warned not to do so by an authorised officer, or
 - (b) contrary to a warning displayed at the railway crossing.
- Maximum penalty: 10 penalty units.
- (3) A person on foot must not cross over a running line at a railway crossing at which are installed barriers or a bell, alarm, red light or other warning device:
- (a) if barriers are installed—while those barriers are in any position other than the fully open position, or

- (b) whether or not barriers are installed—while any bell, alarm, red light or other warning device is operating.

Maximum penalty: 10 penalty units.

- (4) This clause does not apply to:
 - (a) an employee of a rail transport operator in the execution of the employee's duty, or
 - (b) a person who takes any action referred to in this clause at the request or direction of an authorised officer or employee of a rail transport operator in the execution of the officer's or employee's duty.

68S Certain vehicles crossing running line at railway crossing

- (1) A person must not drive a vehicle across a railway crossing:
 - (a) if the vehicle is carrying a load that is likely to cause any damage to railway property or to cause an obstruction, or
 - (b) contrary to a sign displayed at the railway crossing, or
 - (c) if directed not to do so by an authorised officer.

Maximum penalty: 10 penalty units.

- (2) Subclause (1) (a) does not apply if the vehicle and load comply with the relevant statutory rules under the *Road Transport Act 2013* or *Heavy Vehicle National Law (NSW)* (or are the subject of a relevant permit under the Act or Law).

68T Driving animals across running line at ground level

A person (with or without a vehicle) must not, at ground level, drive an animal across a running line at a railway crossing:

- (a) if warned not to do so by an authorised officer, or
- (b) if a train is in sight and moving towards the railway crossing, or
- (c) if warning of the approach of a train has been given by a whistle or other device.

Maximum penalty: 10 penalty units.

68U No placing of objects on running lines

- (1) A person must not leave any object on a running line.
Maximum penalty: 50 penalty units.
- (2) This clause does not apply to anything done by:
 - (a) an employee of a rail transport operator in the execution of the employee's duty, or
 - (b) any other person in the course of carrying out work in relation to the running line concerned on behalf of, or at the request of, the rail transport operator.

Part 6 Tickets

Division 1 Preliminary

69 Definitions

In this Part:

approved payment device means a smartcard that is a credit or debit card, or other payment device, of a class approved by TfNSW, by notice published in the Gazette, for the payment of fares by scanning at a smartcard reader.

concession ticket means a ticket intended to provide free travel, or travel at a reduced fare, on a public passenger vehicle or train.

paid area of a ferry wharf means all parts of a ferry wharf (being a wharf for which ticket barriers or smartcard readers are installed) that are located between the place where ferries dock and the ticket barriers or smartcard readers.

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

read means:

- (a) in relation to a smartcard (other than an approved payment device)—ascertain the amount, or travel entitlement, recorded on the smartcard and includes add an amount to or deduct an amount from any amount so recorded, and
- (b) in relation to an approved payment device—obtain information from the device for the purpose of processing the payment of a fare or ascertaining whether the device is valid for travel in accordance with clause 77D.

restricted area of a station means:

- (a) if the station has no ticket barriers or smartcard readers—the platform, or
- (b) if the station has ticket barriers or smartcard readers—the platform and all other parts of the station between the platform and the ticket barriers or smartcard readers.

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

Note. Scanning a smartcard is also commonly referred to as tapping on or tapping off.

station means any station on railway premises, and includes any place designated for the picking up and setting down of passengers on a railway.

ticket means an authority to travel on a public passenger vehicle or train that may take any of the following forms:

- (a) a printed ticket,
- (b) a smartcard,
- (c) any other thing issued by or on behalf of the operator of a public passenger service or rail passenger service or TfNSW for the purpose of authorising a person to travel on a public passenger vehicle or train used to carry on the service concerned.

valid ticket means:

- (a) a ticket (other than a smartcard) that is valid for travel in accordance with Division 2, or
- (b) a smartcard that is valid for travel in accordance with Division 3.

70 Meaning of “smartcard”

- (1) For the purposes of the definition of *smartcard* in section 3 (1) of the Act, the following are types of smartcard:
 - (a) a card issued by or on behalf of TfNSW:
 - (i) on which an amount, or an entitlement to travel on public passenger vehicles or trains, may be recorded electronically, and
 - (ii) that may be scanned at, and read electronically by, a smartcard reader for the purpose of enabling the person by whom the smartcard is held to pay for, or exercise an entitlement to, travel on public passenger vehicles or trains (regardless of whether the smartcard may also be used to pay for, or exercise a right to, travel on other public transport systems),
 - (b) an approved payment device.
- (2) Without limiting the way in which an entitlement to travel on a public passenger vehicle or train may be recorded on a smartcard (other than an approved payment device), 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 or trains 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 Meaning of “smartcard reader”

For the purposes of the definition of *smartcard reader* in section 3 (1) of the Act, a smartcard reader is a type of device that, under the authority of TfNSW:

- (a) is installed on a public passenger vehicle or train or at a place at which passengers may board or leave public passenger vehicles or trains (including a transport interchange) or is carried by an authorised officer, and
- (b) is of a make or model specified from time to time by TfNSW by notice published in the Gazette or uses software of a type, or with a capability, specified from time to time by TfNSW by notice published in the Gazette.

Division 2 Tickets other than smartcards

72 Application of Division

This Division applies to tickets other than smartcards.

73 Valid tickets

- (1) A ticket for a public passenger service or rail passenger service is valid for travel:
 - (a) only for the journey or journeys for which it is issued or in the zone or area for which it is issued, and
 - (b) in the case of a ticket that is issued for use on a particular day or days or for a particular period, only on the relevant day or days or during the relevant period, and

- (c) in the case of a ticket showing the name of the person to whom it was issued—only by that person.
- (2) A ticket is not valid if:
 - (a) it is transferred in contravention of this Division, or
 - (b) it has been defaced, mutilated or altered, or
 - (c) any of the following information on the ticket is illegible:
 - (i) the number of the ticket,
 - (ii) the issue date or the expiry date (or both) of the ticket,
 - (iii) the names of bus stops, stations or light rail stops between which (or the zone or area within which) the ticket authorises travel,
 - (iv) the name (if shown) of the person to whom the ticket was issued.
- (3) However, an illegible, defaced, mutilated or altered ticket is valid if the illegibility, defacing, mutilation or alteration occurred as a result of the ordinary use of the ticket.

74 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 ticket:
 - (i) is not issued in any person's name, and
 - (ii) was issued for travel for a particular number of journeys at any time within a particular zone, for a particular distance or on a particular route, and
 - (iii) in the case of a concession ticket, the person is entitled to the ticket, or
 - (c) the transfer is authorised by the operator of the public passenger service or rail passenger service to which the ticket relates.

75 Alteration or defacement of tickets prohibited

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

Division 3 Smartcards

76 Valid smartcards

- (1) A smartcard is valid for travel on a particular journey only if:
 - (a) the smartcard:
 - (i) has been successfully processed for the journey, or
 - (ii) could have been successfully processed but was not able to be for reasons beyond the control of the person making the journey, and
 - (b) the smartcard is being used in accordance with the terms and conditions for its use published by TfNSW in the Gazette, and

- (c) the journey is on a route or railway line that TfNSW has designated from time to time, by order published in the Gazette, as a route or railway line for which a smartcard of that kind may be used.
- (1A) Subclause (1) (a) (ii) does not apply in relation to a smartcard that is not successfully processed because there are no facilities available for the issue or topping-up of a smartcard.
- (2) A smartcard is *successfully processed* if it is processed in accordance with clause 77D and the processing accepts the smartcard as valid.

77 Making smartcard inoperative prohibited

A person must not, with intent to deceive, make a smartcard inoperative.
Maximum penalty: 5 penalty units.

Division 4 General provisions

77A Valid ticket required for travel

- (1) A person must not travel, or attempt to travel, on a public passenger vehicle or train unless the person (or someone accompanying the person) holds a valid ticket for the person's travel.
Maximum penalty: 5 penalty units.
- (2) This clause does not apply in the case of a person who does not hold a ticket if the person:
 - (a) boards a bus at a bus stop, a ferry at a ferry wharf or a train at a station where, at all relevant times before the person boarded, there were no facilities available for the issue of an appropriate ticket, or
 - (b) the person is a child of or under 3 years of age.
- (2A) Subclause (2) (a) does not apply if the appropriate ticket is a smartcard.
- (3) In this clause, *hold* a ticket means be able to produce the ticket on request.

77B Other offences in relation to fares and tickets

- (1) A person who is travelling on a train or ferry without having paid the correct fare for the travel concerned must not, without reasonable excuse, fail to pay the correct fare:
 - (a) on demand made by an authorised officer, or
 - (b) if no such demand has been made, as soon as facilities are available to pay the fare, whether on the train or ferry or at the station, stop or wharf at which the person's travel on the train or ferry is completed.
Maximum penalty: 5 penalty units.
- (2) A person must not, knowingly and without reasonable excuse, travel on a train in a carriage or compartment of a class to which the person's ticket does not apply.
Maximum penalty: 5 penalty units.
- (3) In this clause, *train* includes any other form of transport (such as a bus) provided by the rail transport operator in substitution for a train.
- (4) This clause does not apply in relation to travel on a route or railway line for which a smartcard may be used.

77C Concession tickets

- (1) A person must not travel, or attempt to travel, on a public passenger vehicle or train 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 or train on the authority of a concession ticket, or
 - (b) who processes a concession ticket under this Division, or
 - (c) who makes a concession ticket available for inspection under this Division, 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 immediately 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.
- (5) A person must not:
 - (a) in or in connection with an application for a concession ticket or the issue or purchase of a concession ticket, or
 - (b) in purported compliance with a direction made under this clause, knowingly give any information or tender any document that contains a false or misleading particular with respect to the age, occupation or status of the person to whom the application or direction relates.Maximum penalty: 5 penalty units.
- (6) For the purposes of this Regulation, a person is entitled to a concession ticket if the person is of a class of persons determined by TfNSW as being entitled to the type of concession ticket concerned.

77D Tickets to be processed

- (1) A person must not, without reasonable excuse, do any of the following without processing (or without someone accompanying the person processing) a valid ticket for the person in accordance with this clause:
 - (a) board a bus,
 - (b) enter (otherwise than by getting off a train), or leave, the restricted area of a station,
 - (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,
 - (d) if there is no paid area of the ferry wharf—board or leave a ferry.Maximum penalty: 5 penalty units.
- (1A) It is not a reasonable excuse for the purposes of subclause (1) that there were no facilities available for the issue or topping-up of a smartcard.
- (2) For the purposes of this clause, a person processes a ticket:
 - (a) in the case of a smartcard—by scanning it at an appropriate smartcard reader, and

- (b) in the case of a ticket other than a smartcard:
 - (i) by **automatic processing**, that is, by putting it into automatic processing equipment provided to read or record any details on the ticket, or
 - (ii) by providing the ticket for inspection by an authorised officer on request or an employee of the operator of the public passenger service or rail passenger service concerned, or
 - (iii) by allowing the ticket to be processed manually by an authorised officer or an employee of the operator of the public passenger service or rail passenger service concerned.
- (3) Subclause (1) (a) does not apply to a person who on boarding a bus buys a valid ticket from the driver of the bus.
- (4) A ticket (other than a smartcard) that is designed to be processed by automatic processing must not be processed by any other method unless:
 - (a) the bus, ferry, ferry wharf or station concerned is not supplied with automatic processing equipment or the automatic processing equipment is not functioning, or
 - (b) the person has a reasonable excuse for not using the automatic processing equipment.
- (5) 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.
- (6) 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.

77E Inspection of tickets

- (1) A person must make the person's ticket available for inspection by an authorised officer on that officer's request if the person:
 - (a) is on, or has just left, a public passenger vehicle, or
 - (b) is in or has just left the paid area of a ferry wharf used for the purposes of, or in connection with, a regular ferry service, or
 - (c) is on a train or is in or has just left the restricted area of a station.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 or the restricted area of a station does not commit an offence under this clause 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 or employee of the operator of the ferry service or the rail passenger service concerned.

Division 5 Miscellaneous

77F Certificate evidence

- (1) In proceedings for an offence against this Part, a certificate purporting to be signed by an authorised officer certifying that:
 - (a) the officer is authorised under the Act to operate a smartcard reader, and
 - (b) a person named in the certificate produced a smartcard for inspection by the authorised officer, and
 - (c) the authorised officer used a smartcard reader to read information off that smartcard, and
 - (d) the reading took place on the date and at the time stated in the certificate, and
 - (e) the information specified in the certificate was obtained from that reading,is admissible and is prima facie evidence of the particulars certified in and by the certificate.
- (2) In proceedings for an offence against this Part, evidence of the condition of a smartcard reader, or of the manner in which it was operated, is not required unless evidence sufficient to raise doubt that the smartcard reader was in proper condition and properly operated has been adduced.
- (3) This clause does not apply in respect of a smartcard that is an approved payment device.

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 RMS 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 RMS'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 Central Coast 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) (Not used)
- (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 RMS 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 RMS, 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 who 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 TfNSW, 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
 - (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 TfNSW 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 RMS of the accident or incident, in accordance with subclause (2), 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 RMS.

- (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 subclause (4), 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) RMS and the 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 *Road Rules 2014*.

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) RMS 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 RMS 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 RMS's requirements, and
 - (b) must submit the audit to RMS within the period, or by the date, specified by RMS.Maximum penalty: 5 penalty units.
- (3) RMS 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 RMS.

Division 2 (Not used)

91 (Not used)

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
- (b) is displayed so that its face can be seen easily 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 or danger to other passengers or to the driver (as referred to in clause 55 (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.

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 RMS 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 RMS 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 RMS, 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 TfNSW.

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

TfNSW 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) TfNSW 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.
- (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 within the meaning of the *Road Transport Act 2013* unless there is displayed in the bus, in a manner and form approved by RMS, 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 TfNSW 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.

Part 8 Special provisions relating to taxi-cabs

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

107 (Not used)

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 fitted out so that it is capable of safely providing wheelchair accessible services, and
- (b) is driven only by a person who has successfully completed a course of training and instruction (approved by TfNSW and conducted by a registered training organisation) in respect of the care and transport of persons with physical disabilities, and
- (c) carries a child restraint that is not more than 10 years old at all times.

Maximum penalty: 50 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.
- (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) This clause does not apply to a maxi-cab or wheelchair accessible taxi-cab.

110 (Not used)

111 Taxi-meters

- (1) The operator of a taxi-cab must ensure that the taxi-cab is fitted with a taxi-meter that complies with the standards for taxi-meters set out in Schedule 2 at all times that the taxi-cab is being driven and at the time any inspection is carried out under Division 2 of Part 4C of the Act.
Maximum penalty: 10 penalty units.
- (2) RMS 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 and to an authorised officer who is carrying out an inspection carried out under Division 2 of Part 4C of the Act, whether on the taxi-meter itself or by means of an auxiliary display unit connected to the taxi-meter.
Maximum penalty: 5 penalty units.
- (5) (Not used)
- (6) An exemption under this clause may be revoked or varied by RMS 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 and that the system is kept in good working order.
Maximum penalty: 50 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: 50 penalty units.

113 Vehicle tracking devices

- (1) The operator of a taxi-cab that:
 - (a) operates in the Metropolitan, Newcastle or Wollongong transport district or within the Central Coast 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 and that the device is kept in good working order.
Maximum penalty: 50 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) (Not used)
- (4) Nothing in this clause prevents any authorised officer or other person authorised by RMS 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 Central Coast local government area must ensure that the taxi-cab is fitted with an approved security camera system.
Maximum penalty: 50 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: 50 penalty units.
- (2A) The operator of a taxi-cab fitted with an approved security camera system must ensure that the system is kept in good working order.
Maximum penalty: 50 penalty units.
- (3) (Not used)
- (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 RMS 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.

115–117 (Not used)

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 and at any time an inspection is carried out under Division 2 of Part 4C of the Act.
Maximum penalty: 5 penalty units.
- (2) The following information must be displayed:
- (a) the vehicle registration number of the taxi-cab,
 - (b) brief details (including a telephone number) as to how any complaints and comments relating to taxi-cab services may be made,
 - (c) the maximum fares and charges (as determined for the time being by TfNSW) on which the fare for hiring is calculated.
- (3) (Not used)
- (4) The reference to a vehicle registration number in subclause (2) 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 RMS in connection with the periodic inspections carried out on the taxi-cab is prominently affixed to the upper or lower left (or near side) portion of the front windscreen of the taxi-cab.
Maximum penalty: 10 penalty units.

120 (Not used)

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 RMS, 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 RMS) 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.
- (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 TfNSW 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

The operator of a taxi-cab that is connected to a taxi-cab network must ensure that the taxi-cab is fitted with a network decal sign securely mounted on each of the front doors of the taxi-cab.

Maximum penalty: 5 penalty units.

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

124 Stand-by taxi-cabs

- (1) (Not used)

- (2) The operator of a stand-by taxi-cab must maintain a record of the operation of the stand-by taxi-cab.

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.

- (4) A motor vehicle that is operated as a stand-by taxi-cab must comply with any standards for the time being applied by RMS 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.

- (6) (Not used)

- (7) The requirements of subclauses (4) and (5) 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 (Not used)

126 Advertisements and notices in or on taxi-cabs

- (1) The operator of a taxi-cab must ensure that any advertisement or notice installed or displayed inside or on the outside of the taxi-cab is installed so that the information (including any light or sign) required to be displayed on the inside and the outside of the taxi-cab under this Regulation is not obscured.
- (2) The operator of a taxi-cab must ensure that a digital display unit or any other device that displays moving images is not installed on the outside of the taxi-cab.
Maximum penalty: 5 penalty units.

127, 128 (Not used)

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 drivers' worksheets, of a kind approved by RMS, 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.
- (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.
- (2A) To avoid doubt, the operator may enter into an agreement or other arrangement with the driver requiring the driver to pay the whole or part of any excess payable on a claim, if the claim arises out of the driver's conduct.
- (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 seen easily 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 TfNSW 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 RMS is notified, in writing, of the person's completion of the course within 7 days after the person completes the course.

134 Drivers' 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 the driver's worksheet for that shift for inspection, and
- (b) must, at the end of each driving shift, give the 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, drivers' worksheets constitute records that the operator of the taxi-cab is required to retain.

135, 136 (Not used)

137 Driver to remain with taxi-cab at airport

- (1) The driver of a taxi-cab that is in the Sydney Airport precinct or at any other airport must not, without reasonable excuse, move more than 3 metres from the taxi-cab.
Maximum penalty: 15 penalty units.
- (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.
- (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.

140–142 (Not used)

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 the intending passenger wishes to place or carry in or on the vehicle an article of a size or dimensions that make it unable to be accommodated in or on the vehicle without inconvenience or danger to a person, or

- (b1) if the intending passenger wishes to place or carry in or on the vehicle any dog, cat, bird or other animal (other than an assistance animal or an assistance animal in training) that is not suitably contained in a box, basket or other container, or
- (c) if the driver is driving, or is intending to drive immediately, to a driver change over point, 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 or danger to other passengers or to the driver (as referred to in clause 55 (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, or
- (i) if the intending passenger, on request, refuses to pay the deposit in accordance with clause 163A or 163B.

147 (Not used)

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.

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.

152 (Not used)

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 may set the taxi-meter in operation:
 - (i) if the taxi-cab arrives at the specified place before the specified arrival time—at or after the specified arrival time, or
 - (ii) if the taxi-cab arrives at the specified place on or after the specified arrival time—on or after arriving at the specified place, or
 - (iii) at another time agreed with the hirer.
 - (b) if the fares and charges determined by TfNSW 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, 155 (Not used)

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) if a passenger indicates that he or she wishes to be taken to a location that is outside the taxi-cab's area of operation,
 - (b) if a passenger is smoking, eating or drinking and refuses to stop doing so,
 - (c) if a 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 or danger to other passengers or to the driver (as referred to in clause 55 (1) (a) or (b)),
 - (d) if a passenger behaves in an offensive manner or uses offensive language,
 - (e) 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,
 - (f) if a passenger causes a confined animal to be released from confinement in the taxi-cab.
- (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 the hirer's 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 the 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 (other than a deposit paid under clause 163A or 163B) 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 read easily by the hirer (and, if necessary for that purpose, must cause the face of the taxi-meter to be illuminated), and
 - (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 ply or stand the taxi-cab for hire outside its area of operation.

Maximum penalty: 50 penalty units.

- (2) For the purposes of section 63 (3) of the Act, a licensee who contravenes a licence or a condition of a licence for a taxi-cab because the taxi-cab is used to carry out a pre-booked hiring outside its area of operation is exempt from section 30 (1) (b) or 32F (3) of the Act in respect of that contravention.

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 TfNSW 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.

163A Regional NSW fare pre-payment scheme

- (1) This clause applies to:
- (a) taxi-cabs for which Combined District Radio Cabs Pty Ltd provides a booking service, and
 - (b) taxi-cabs operating in any part of regional New South Wales specified by TfNSW by notice published in the Gazette and on the website of TfNSW.
- (2) The driver of a taxi-cab may, before a hiring starts or at any time during a hiring, require the hirer to pay a deposit of not more than an amount equal to the driver's reasonable estimate of the authorised fare for the proposed journey or the agreed fare (if agreed in accordance with clause 163 (1)).

- (3) A driver who receives payment of a deposit or an agreed fare under this clause must, on the request of the hirer, give the hirer a receipt for the deposit.
Maximum penalty: 5 penalty units.
- (4) A driver who receives payment of a deposit based on an estimate of the authorised fare under this clause must, on the termination of the hiring (or on the hirer leaving the taxi-cab in compliance with a direction to do so), refund to the hirer any amount by which the deposit exceeds the authorised fare for the journey.
Maximum penalty: 10 penalty units.
- (5) After the termination of a hiring (or on leaving the taxi-cab in compliance with a direction to do so), a hirer who paid a deposit based on an estimate of the authorised fare under this clause must pay to the driver of the taxi-cab the amount (if any) by which the authorised fare for the hiring exceeds the deposit.
Maximum penalty: 10 penalty units.
- (6) A driver of a taxi-cab must not require a deposit or an agreed fare to be paid before or during a hiring if the hirer informs the driver that payment of the fare is to be made partly by a voucher under the Taxi Transport Subsidy Scheme.
Maximum penalty: 10 penalty units.
- (7) Clause 163 (2) does not apply if a deposit is paid under this clause.
- (8) An authorised taxi-cab network or the operator of a taxi-cab must furnish to TfNSW any information that TfNSW reasonably requires for the purpose of monitoring the pre-payment scheme established by this clause.
Maximum penalty: 5 penalty units.
- (9) In this clause:
regional New South Wales means any part of this State that is not situated in the Metropolitan transport district.

163B Sydney fare pre-payment scheme

- (1) This clause applies to the hiring of a taxi-cab at a designated taxi zone if the hiring commences during a designated time.
- (2) The driver of a taxi-cab may, before a hiring starts or at any time during a hiring, require the hirer to pay a deposit of not more than an amount equal to the driver's reasonable estimate of the authorised fare for the proposed journey or the agreed fare (if agreed in accordance with clause 163 (1)).
- (3) A driver who receives payment of a deposit or an agreed fare under this clause must, on the request of the hirer, give the hirer a receipt for the deposit.
Maximum penalty: 5 penalty units.
- (4) A driver who receives payment of a deposit based on an estimate of the authorised fare under this clause must, on the termination of the hiring (or on the hirer leaving the taxi-cab in compliance with a direction to do so), refund to the hirer any amount by which the deposit exceeds the authorised fare for the journey.
Maximum penalty: 10 penalty units.
- (5) After the termination of a hiring (or on leaving the taxi-cab in compliance with a direction to do so), a hirer who paid a deposit based on an estimate of the authorised fare under this clause must pay to the driver of the taxi-cab the amount (if any) by which the authorised fare for the hiring exceeds the deposit.
Maximum penalty: 10 penalty units.

- (6) A driver of a taxi-cab must not require a deposit or an agreed fare to be paid before or during a hiring if the hirer informs the driver that payment of the fare is to be made partly by a voucher under the Taxi Transport Subsidy Scheme.
Maximum penalty: 10 penalty units.
- (7) Clause 163 (2) does not apply if a deposit is paid under this clause.
- (8) An authorised taxi-cab network provider or the operator of a taxi-cab must furnish to TfNSW such information as TfNSW may reasonably require for the purpose of monitoring the scheme established by this clause.
Maximum penalty: 5 penalty units.
- (9) In this clause:
designated taxi zone means a taxi zone situated in the Metropolitan transport district and specified by TfNSW by notice published in the Gazette and on the website of TfNSW.
designated time means the period specified for a designated taxi zone by TfNSW by notice published in the Gazette and on the website of TfNSW.

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 out in, and provide the information required by, this Subdivision, to the satisfaction of RMS.
- (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 out in, and provide the information required by, this Subdivision, to the satisfaction of RMS.

165 (Not used)

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) (Not used)
- (3) The applicant must give RMS 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 RMS a written statement to that effect.
Note. Section 34 of the Act provides that a purpose of authorisation to operate a taxi-cab network is to attest that an applicant is considered to be of good repute and in all other respects fit and proper to be responsible for the operation of a network. Section 34B of the Act requires RMS to have regard to the purpose of authorisation when granting an authorisation.

167 Security requirements

The applicant must provide RMS with the following:

- (a) 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,
- (b) 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.

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) (Not used)

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

- (1) The applicant must satisfy RMS that the applicant has the necessary managerial skills and expertise to operate a taxi-cab network.
- (2) In particular, the applicant must:
 - (a) provide RMS 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 RMS 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 paragraph (a) (ii).

170 (Not used)

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 out in Subdivision 1.

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 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 RMS) 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 RMS, so unreasonable as to be intended to prevent or limit access to the service.

176 (Not used)

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 (Not used)

179 Affiliates of network

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

- (a) within 7 days after being requested to do so by RMS—full details (including the name, address and place of business) of all accredited taxi-cab operators who are affiliated to the network,
- (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 (Not used)

Division 4A Taxi-cab licences

181A Grant of annual licences

- (1) For the purposes of section 32A of the Act, the following fees are payable for the consideration of an application for an annual licence:
 - (a) \$100, if the annual fee for the licence is to be determined by inviting applicants to bid for the licence at public auction or by submitting sealed tenders,
 - (b) nil, in any other case.
- (2) For the purposes of section 32B (2) of the Act, the criteria for the issue of an annual licence are as follows:
 - (a) that the applicant is the highest ranked bidder or tenderer for the licence under section 32JA (1) of the Act,
 - (b) that RMS is satisfied that the applicant has complied with any requirements for applicants who make a bid or tender under section 32JA (1) of the Act,
 - (c) that the applicant has provided any bond or other security (not exceeding 15% of the amount of the annual licence fee) required by TfNSW in respect of payment of the annual licence fee.

Division 5 Miscellaneous

182 (Not used)

183 Appointment of taxi zones

- (1) TfNSW may appoint taxi zones for taxi-cabs.
- (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 RMS.

184 RMS to be notified of lease or licence of 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 RMS 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 RMS such information as RMS may reasonably require from them to enable RMS:

- (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 TfNSW 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:
 - (a) circumstances in which TfNSW 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) TfNSW may, by notice published in the Gazette, set out specifications with which a private hire vehicle must comply.
- (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) TfNSW 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.

188 (Not used)

Division 1A Exemption from private hire vehicle licence requirement

188A Private hire vehicle licence exemption

- (1) For the purposes of section 63 (3) of the Act, a person who carries on a private hire vehicle service is exempt from the requirement under the Act to hold a licence for any private hire vehicle operated by the operator for the purposes of that service and from any provisions of the Act or this Regulation related to compliance with the conditions of any such licence.
- (2) To avoid doubt, a person who is exempted by this clause from the requirement to hold a licence is not entitled to apply for any such licence or to renew a licence.

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, 191 (Not used)

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, 194 (Not used)

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, 200 (Not used)

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 TfNSW 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 TfNSW 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 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 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,
 - (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.

Part 11 Special provisions relating to ferries

211 (Not used)

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 TfNSW in writing to do so, deliver the record to TfNSW when required.

Maximum penalty: 10 penalty units.

213–216 (Not used)

Part 12 (Not used)

217 (Not used)

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

Division 1 General

218 Interpretation

- (1) In this Part:

applicant—see clause 222.

Arbitration Act means the *Commercial Arbitration Act 1984*, as in force immediately before its repeal by the *Commercial Arbitration Act 2010*.

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 (NSW) Inc.

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

Secretary means the Secretary of the Department of Transport.

submission period—see clause 228.

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.

221 Arbitrators panel

- (1) The Secretary is to compile a list of one or more persons (the *arbitrators panel list*) considered by the Secretary to be suitable to be arbitrators for the purposes of valuation arbitrations.
- (2) The Secretary may include a person in the arbitrators panel list only if:
- the Secretary 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
 - the person consents to being included in the list, and
 - the Secretary 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 Secretary 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 Secretary in writing about whether or not it consents to the person's inclusion in the list.
- (4) The Secretary may, in consultation with the Association, amend or revoke the arbitrators panel list.

222 Appointment of arbitrators to conduct valuation arbitrations

- (1) The Secretary 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 Secretary 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 Secretary 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 Secretary 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:
 - (a) if the Secretary decides to refer the valuation of the bus service assets for a valuation arbitration—written notice of the following:
 - (i) that the Secretary has decided to refer the valuation for arbitration,
 - (ii) the name of the arbitrator to be appointed by the Secretary to conduct the valuation arbitration, or
 - (b) if the Secretary 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 are to be read as references to the following:

- (a) the existing service provider who has made an application to the Secretary 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 Secretary 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
- (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.
- (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 Secretary 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 Secretary 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 Secretary 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 Secretary 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.

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 Secretary 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 Secretary 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 (other than a taxi-cab or a private hire vehicle)—the requirements set out in clause 17,
 - (b) if the vehicle is a taxi-cab—the requirements set out in clauses 108 (c), 109, 111–114, 118, 119 (2), 121, 122 and 123 (1) and clause 3 of Schedule 1,
 - (c) if the vehicle is a private hire vehicle—the 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 non-compliance 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).
- (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 RMS 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 RMS.

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 which information may be exchanged

The NSW Police Force is prescribed for the purposes of paragraph (c) of the definition of *relevant agency* in section 53 (6) of the Act.

237 Exemptions

- (1) TfNSW 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 TfNSW in such manner as TfNSW 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

- (1) For the purposes of section 46W (1) and (2) of the Act, the following classes of persons are prescribed:

- (a) persons employed in the Department of Transport,

- (b) persons employed in the Transport Service,
 - (c) (Not used)
 - (d) (Not used)
 - (d1) members of staff of Sydney Trains,
 - (e) members of staff of RailCorp,
 - (f) persons holding an examiner's authority that is in force under statutory rules made under the *Road Transport Act 2013*,
 - (g) persons engaged by RMS or TfNSW under a contract for services,
 - (h) persons engaged by Sydney Airport Corporation Limited to provide road traffic management services.
- (2) A person referred to in subclause (1) (g) or (h) or (4) (f) may only exercise the functions of an authorised officer if the exercise of those functions is subject to the control and direction of TfNSW or RMS (whichever of those statutory corporations appointed the person as an authorised officer).
- (3) (Not used)
- (4) For the purposes of section 46W (6) of the Act, the following classes of persons are prescribed:
- (a) members of staff of Sydney Trains,
 - (b) members of staff of NSW Trains,
 - (c) members of staff of RailCorp,
 - (d) (Not used)
 - (e) persons employed in the Transport Service to enable the State Transit Authority to perform its functions,
 - (f) persons employed to work on a train operated on a railway that is a light rail system (and related railway premises), by an entity that is under contract with TfNSW to operate the light rail system or by a subcontractor of such an entity.

239A Delegation to authorised persons

For the purposes of section 62A (3) (b) of the Act, the following persons are prescribed:

- (a) persons employed in the Transport Service to enable the State Transit Authority to exercise its functions,
- (b) persons employed in the Transport Service to enable Roads and Maritime Services to exercise its functions.

239B Transfer of functions

- (1) Any act, matter or thing done or omitted to be done by the Secretary of the Department of Transport, the Department of Transport or RMS relating to a transferred function that had effect immediately before the commencement of the amending Regulation continues to have effect as if it had been done by the transferee authority.
- (2) In this clause:
- amending Regulation*** means the *Passenger Transport Amendment (Rail Safety National Law) Regulation 2012*.
- transferred function*** means a function of the Secretary of the Department of Transport, the Department of Transport or RMS under this Regulation that, as a

result of amendments made by the amending Regulation, is conferred on a different person (the *transferee authority*).

240 Savings

Any act, matter or thing that had effect under the *Passenger Transport Regulation 2007* immediately before the repeal of that Regulation is taken to have effect under this Regulation.

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 clause 8 of Schedule 1 to 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.

4 Storage of recordings made by security camera

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

- (a) such security safeguards as TfNSW 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 authorised by RMS to receive it.
- (3) It is the duty of the Commissioner of Police or RMS (as the case requires) to ensure the destruction of any video recording that was given to a police officer or to an officer authorised by RMS 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.

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.

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 to this subclause.

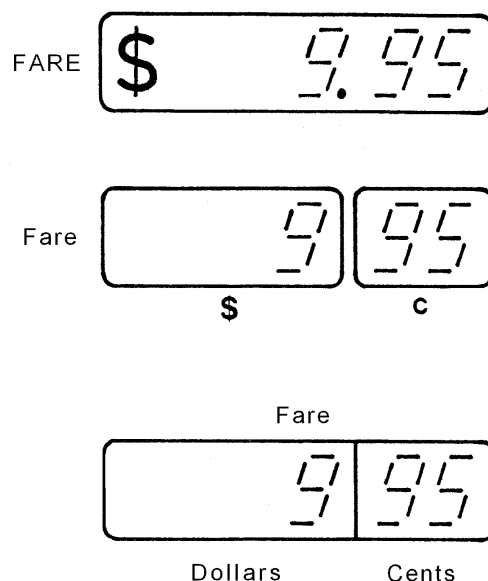


Figure 1

- (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.

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 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 RMS so that the wire cannot be released without damaging the seal.

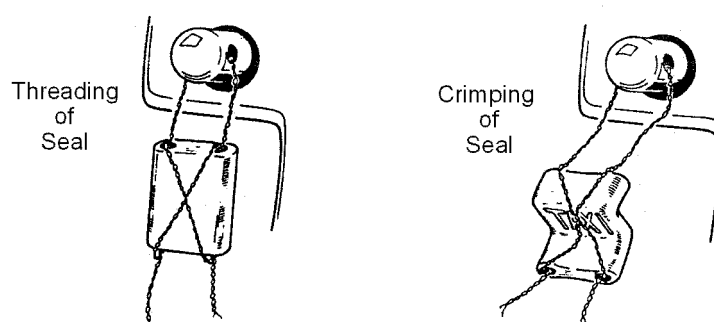


Figure 2

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.

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

Schedule 3 Penalty notice offences

For the purposes of section 59 of the Act:

- (a) each offence specified in this Schedule is an offence for which a penalty notice may be issued, and
- (b) the amount payable under any such penalty notice is the amount specified in this Schedule for the offence.

However, the amount payable under any such penalty notice for an offence under clause 74 (1), 77A (1), 77B (1) or (2), 77C (1), (3) or (5), 77D (1) or 77E (1) of this Regulation is \$50 if the person alleged to have committed the offence is under the age of 18 years.

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Offences under the Act		
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 55 (2)	\$100	
Section 56	\$300	
Offences under this Regulation		
Clause 17	\$200	
Clause 19	\$200	
Clause 20 (1)	\$200	
Clause 21	\$200	
Clause 22	\$300	
Clause 25	\$1,000	
Clause 26	\$200	
Clause 32 (a)	\$100	
Clause 32 (b)	\$200	

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 32 (c)	\$300	
Clause 32 (d)	\$300	
Clause 35 (1)	\$400	
Clause 35 (2)	\$100	
Clause 36 (1)	\$200	
Clause 39	\$200	
Clause 40	\$400	
Clause 41 (1)	\$200	
Clause 41 (2)	\$150	
Clause 42	\$150	
Clause 44 (1)	\$300	
Clause 45 (1)	\$200	
Clause 46	\$100	\$750
Clause 50 (a)	\$400	
Clause 50 (b)	\$400	
Clause 50 (c)	\$400	
Clause 50 (d)	\$100	
Clause 50 (e)	\$400	
Clause 51 (1)	\$300	
Clause 52 (1)	\$100	
Clause 52 (2)	\$400	
Clause 52 (4)	\$100	
Clause 53 (1)	\$100	
Clause 53 (2)	\$100	
Clause 53 (4)	\$100	
Clause 54 (1)	\$400	
Clause 54 (3)	\$400	
Clause 55 (3)	\$400	
Clause 55 (4)	\$400	
Clause 56 (1)	\$100	
Clause 56 (2)	\$100	
Clause 56 (3)	\$100	
Clause 57	\$400	
Clause 58	\$200	

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 59 (1)	\$200	
Clause 59 (2)	\$200	
Clause 60	\$400	
Clause 61	\$400	
Clause 62	\$400	
Clause 64 (1)	\$100	
Clause 65	\$200	
Clause 66 (1)	\$100	
Clause 66 (2)	\$100	
Clause 67 (1)	\$200	
Clause 67 (3)	\$200	
Clause 67 (4)	\$200	
Clause 67 (5)	\$200	
Clause 68 (1)	\$400	
Clause 68 (2)	\$400	
Clause 68 (3)	\$400	
Clause 68A	\$300	
Clause 68B (1)	\$400	
Clause 68B (2)	\$400	
Clause 68C (1)	\$200	
Clause 68D (1) (a)	\$200	
Clause 68D (1) (b)	\$200	
Clause 68D (1) (c)	\$100	
Clause 68D (1) (d)	\$100	
Clause 68E (1)	\$100	
Clause 68E (2)	\$100	
Clause 68F	\$200	
Clause 68G (2)	\$100	
Clause 68H	\$200	
Clause 68I	\$200	
Clause 68J (1)	\$400	
Clause 68J (4)	\$200	
Clause 68K (1)	\$100	
Clause 68L (2)	\$200	

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 68M	\$100	
Clause 68N (1)	\$100	
Clause 68O (3)	\$100	
Clause 68P (1)	\$100	
Clause 68P (3)	\$100	
Clause 68Q (1)	\$400	
Clause 68R (1)	\$400	
Clause 68R (2)	\$400	
Clause 68R (3)	\$400	
Clause 68S (1)	\$400	
Clause 68T	\$400	
Clause 68U (1)	\$400	
Clause 74 (1)	\$200	
Clause 75	\$200	
Clause 77	\$200	
Clause 77A (1)	\$200	
Clause 77B (1)	\$200	
Clause 77B (2)	\$200	
Clause 77C (1)	\$200	
Clause 77C (3)	\$200	
Clause 77C (5)	\$200	
Clause 77D (1)	\$200	
Clause 77D (5)	\$200	
Clause 77D (6)	\$200	
Clause 77E (1)	\$200	
Clause 78 (1)	\$200	
Clause 79	\$200	
Clause 80 (1)	\$200	
Clause 81 (1) and (2)	\$200	
Clause 83 (2)	\$200	
Clause 84 (1)	\$200	
Clause 84 (4)	\$200	
Clause 85 (1)	\$150	
Clause 86	\$250	

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 87 (1)	\$200	
Clause 88 (1)	\$200	
Clause 89 (1)	\$300	
Clause 90 (2)	\$200	
Clause 92	\$100	
Clause 93 (1) and (2)	\$100	
Clause 94	\$100	
Clause 95	\$100	
Clause 96	\$200	
Clause 97	\$100	
Clause 100 (2)	\$100	
Clause 105	\$200	
Clause 108	\$500	
Clause 109 (1)	\$200	
Clause 111 (1) and (4)	\$300	
Clause 112 (1) and (2)	\$400	
Clause 113 (1)	\$400	
Clause 114 (1), (2) and (2A)	\$400	
Clause 118 (1)	\$150	
Clause 121 (6) (b)	\$150	
Clause 121 (7)	\$150	
Clause 121 (8)	\$200	
Clause 121 (9)	\$300	
Clause 122	\$150	
Clause 123 (1) and (2)	\$150	
Clause 124 (2)	\$200	
Clause 124 (3)	\$100	
Clause 126	\$150	
Clause 129	\$150	
Clause 130	\$150	
Clause 131 (1)	\$200	
Clause 132	\$150	
Clause 133 (1)	\$400	
Clause 134 (1) and (2)	\$75	

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 137 (1)	\$150	\$1,000
Clause 138 (1)	\$150	
Clause 139	\$150	
Clause 143 (1)		\$5,000
Clause 144 (2)		\$750
Clause 145 (2)		\$750
Clause 146 (1)	\$150	
Clause 148 (1) and (2)	\$150	
Clause 149 (2)	\$150	
Clause 150	\$150	
Clause 151	\$200	
Clause 153 (1)	\$150	
Clause 157 (2)	\$150	
Clause 158	\$150	
Clause 159 (2) and (3)	\$150	
Clause 160	\$150	
Clause 161	\$150	
Clause 162 (1)	\$500	
Clause 163 (1)	\$300	
Clause 163 (2)	\$300	
Clause 163A (3)	\$100	
Clause 163A (4)	\$200	
Clause 163A (5)	\$300	
Clause 163A (6)	\$200	
Clause 163A (8)	\$100	
Clause 163B (3)	\$100	
Clause 163B (4)	\$200	
Clause 163B (5)	\$300	
Clause 163B (6)	\$200	
Clause 163B (8)	\$100	
Clause 187 (4)	\$500	
Clause 189	\$750	
Clause 192	\$150	
Clause 195 (1)		\$1,000

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 196 (1)		\$5,000
Clause 197 (2)		\$750
Clause 198 (2)		\$750
Clause 203	\$300	
Clause 204	\$150	
Clause 205	\$300	
Clause 206	\$150	
Clause 207	\$150	
Clause 208	\$150	
Clause 209	\$300	
Clause 210 (1)	\$150	
Clause 232 (5)	\$300	
Clause 233	\$150	\$5,000
Clause 235 (1)	\$75	
Schedule 1, clause 2	\$500	
Schedule 1, clause 3	\$200	
Schedule 1, clause 4	\$200	
