



New South Wales

# Point to Point Transport (Taxis and Hire Vehicles) Amendment (Miscellaneous) Regulation 2019

under the

Point to Point Transport (Taxis and Hire Vehicles) Act 2016

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*.

ANDREW CONSTANCE, MP  
Minister for Transport and Infrastructure

## Explanatory note

The objects of this regulation are as follows:

- (a) to provide for the continued operation of taxis with seating for more than 12 persons,
- (b) to provide for the continued use of security cameras fitted in taxis in accordance with the *Passenger Transport Regulation 2014* before its repeal,
- (c) to ensure that the disqualifying offences in relation to close associates of an applicant for authorisation to provide a passenger or booking service are consistent with those specified in relation to nominated directors and managers of the applicant,
- (d) to make other amendments of a minor or consequential nature.

This Regulation is made under the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*, including sections 20, 22, 32, 135 and 158 (the general regulation-making power) and clause 1 of Schedule 2.

## **Point to Point Transport (Taxis and Hire Vehicles) Amendment (Miscellaneous) Regulation 2019**

under the

Point to Point Transport (Taxis and Hire Vehicles) Act 2016

### **1 Name of Regulation**

This Regulation is the *Point to Point Transport (Taxis and Hire Vehicles) Amendment (Miscellaneous) Regulation 2019*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

## **Schedule 1      Amendment of Point to Point Transport (Taxis and Hire Vehicles) Act 2016 No 34**

### **[1]    Schedule 2 Savings, transitional and other provisions**

Omit clause 12 (2) and (3). Insert instead:

- (2) The person may drive a vehicle that provides a passenger service under this Act even if the person had, before that commencement, been convicted of an offence that would prevent the person from being eligible to drive a vehicle for that purpose under this Act, unless:
  - (a) the conviction was for a serious disqualifying offence and the Commissioner has provided the person with notice of this clause, or
  - (b) the conviction was for an offence other than a serious disqualifying offence and the Commissioner determines that the person should not, because of the conviction, be a driver for a passenger service.
- (3) A determination under subclause (2) (b) is a reviewable decision for the purposes of section 145.

### **[2]    Schedule 2, clause 12 (4A)**

Insert after clause 12 (4):

- (4A) If the Commissioner becomes aware that a person has been convicted for a serious disqualifying offence occurring before the commencement of Part 3 of this Act, the Commissioner may give written notice of this clause to the person and to any provider of a passenger service or booking service for which the person is a driver or that provides services to the person.

### **[3]    Schedule 2, clause 12 (6)**

Insert after clause 12 (5):

- (6) In this clause, *serious disqualifying offence* means:
  - (a) an offence of murder or manslaughter, or
  - (b) an offence under section 61B, 61C, 61D, 61E, 61F, 65A, 66, 67, 68, 71, 72, 73 (before its substitution by the *Crimes Amendment (Sexual Offences) Act 2003*), 74, 76, 78H, 78I, 78K, 78L, 78N, 78O, 78Q or 81 of the *Crimes Act 1900*, or
  - (c) an offence under section 21, 25A, 26, 27, 28, 61I, 61J, 61JA, 61K, 61L, 61M, 61N, 61O, 66A, 66B, 66C, 66D, 66EA, 66EB, 66F, 73, 78A, 80A, 80D, 80E, 91D (1) (a) or (b), 91E, 91F, 91G or 91H of the *Crimes Act 1900*, or
  - (d) an offence under a law of another State or Territory, the Commonwealth or a foreign jurisdiction that, if committed in New South Wales, would constitute an offence listed in this subclause.

### **[4]    Schedule 2, clause 18**

Insert after clause 17:

#### **18    Existing taxis and hire vehicles with more than 12 seats**

- (1) In this Act, *bus* does not include a motor vehicle that, immediately before the commencement of Part 4 of this Act, was licensed as a taxi-cab under Part 4 of the 1990 Act or as a private hire car under Part 4A of the 1990 Act.

- (2) This clause ceases to apply in respect of a motor vehicle:
- (a) on the day that is 10 years after the commencement of Part 4 of this Act,  
or
  - (b) when the vehicle ceases to be used to provide a passenger service.

## **Schedule 2 Amendment of Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017**

**[1] Clause 18 Approved security camera systems and safeguards—taxis**

Insert after clause 18 (6):

- (6A) Until 1 November 2019, a security camera system fitted in a taxi before the repeal of the *Passenger Transport Regulation 2007* is taken to be an approved security camera system if, immediately before that repeal, the security camera system was an approved security camera system within the meaning of the repealed Regulation.

**[2] Clauses 37 (1) (a) and 38 (a)**

Omit the clauses. Insert instead:

- (a) an offence under Division 2, 3 or 6 of Part 4, Part 4AA, Part 4A, Part 5 or Part 5A of the *Crimes Act 1900*,

**[3] Clause 69 Directions to driver by authorised officer—Sydney Airport precinct and other airports**

Insert “or at any other airport” after “Sydney Airport precinct” where firstly occurring in clause 69 (1).

**[4] Clause 69 (1)**

Insert “or at that other airport” after “Sydney Airport precinct” where secondly and thirdly occurring.

**[5] Clause 72 Application of Division**

Insert “, 81 (2)” after “80”.

**[6] Clause 81 Operation of fare calculation device by taxi driver**

Omit “in a multiple hire” from clause 81 (1) (d) (i).

**[7] Clause 85 Direction to leave hire vehicle**

Omit clause 85 (1) (d). Insert instead:

- (d) if an approved child restraint or approved booster seat required to enable the driver to comply with rule 266 of the *Road Rules 2014* is not available,