



New South Wales

# Point to Point Transport (Taxis and Hire Vehicles) Amendment (Miscellaneous) Regulation 2020

under the

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

Her 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 Roads

## Explanatory note

The objects of this Regulation are—

- (a) to amend the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016* to preserve the conditions that applied to an ordinary taxi licence of class TXHAP immediately before the commencement of Part 4 of the Act, being 1 November 2017, and
- (b) to amend the *Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017* as follows—
  - (i) to provide that the sign that must be fitted to a taxi may display the word “TAXI”, “CAB” or “CABS”,
  - (ii) to require providers of a taxi service who download a video recording, or part of a video recording, from a video recording made by the security camera system installed in the taxi, to dispose of the downloaded video recording not less than 30 days and not more than 90 days after it was downloaded,
  - (iii) to expand the offences under the *Crimes Act 1900* that disqualify a person from driving a taxi or hire vehicle, if the person has been found guilty of one of those offences, to include certain offences against the person (under Part 3 of that Act) and certain public justice offences (under Part 7 of that Act),
  - (iv) to expand the offences that disqualify a person from driving a taxi or hire vehicle to include offences under repealed provisions that correspond, or substantially correspond, to certain provisions of the *Road Transport Act 2013* or the statutory rules under that Act,
  - (v) to omit as offences that disqualify a person from driving a taxi or hire vehicle, offences under section 110(2) or 111 of the *Road Transport Act 2013* that have been dealt with by way of penalty notice,
  - (vi) to include affiliated providers as responsible persons for the purposes of compliance with the safety standards specified in clauses 24 and 25,
  - (vii) to clarify that persons who drive a taxi or hire vehicle that is being used to provide a passenger service must hold a current unrestricted Australian driver licence and have held an unrestricted Australian driver licence for a total of 12 months in the preceding 2 years,

- (viii) to expand the list of offences that, if committed by individuals who are applicants for authorisation to provide a taxi service or booking service, or nominated directors, managers or close associates of applicants, disqualify the applicant from being granted the authorisation to include offences involving credentials under section 127 of the Act,
- (ix) to apply clause 55, which requires payment of fares for the hiring of a taxi after the hiring is terminated, to hirings that result from a booking,
- (x) to increase the maximum penalty for the offence of permitting a taxi to stand otherwise than in a taxi zone in the case of an offence committed on a road or road related area adjacent to tram tracks located on George Street in the Sydney Central Business District to 30 penalty units, and to provide for a penalty notice amount of \$850,
- (xi) to prescribe as *relevant agencies* for the purposes of section 149 of the Act, being agencies with which the Point to Point Transport Commissioner may enter into information sharing arrangements, the Commercial Passenger Vehicle Commission of Victoria, the Queensland Department of Transport and Main Roads, the Secretary of the Department of Communities and Justice, Service NSW and the Transport Canberra and City Services Directorate of the Australian Capital Territory,
- (xii) to insert a transitional provision in relation to the amendments that expand the list of disqualifying offences,
- (xiii) to update a legislative reference.

This Regulation is made under the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*, including sections 20, 32, 149(5) (paragraph (g) of the definition of *relevant agency*) and 158 (the general regulation-making power) and clauses 3–5, 7 and 9 of Schedule 1 and clauses 1 and 3 of Schedule 2 to the Act.

## **Point to Point Transport (Taxis and Hire Vehicles) Amendment (Miscellaneous) Regulation 2020**

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 2020*.

### **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**

### **Schedule 2 Savings, transitional and other provisions**

Omit “, short term taxi licence or annual taxi licence” from clause 3(4).

Insert instead “of class TXHAP”.

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

**[1] Clause 8 Vehicle registration and registration standards for vehicles**

Omit “*Road Transport (Vehicle Registration) Regulation 2007*” from clause 8(1).

Insert instead “*Road Transport (Vehicle Registration) Regulation 2017*”.

**[2] Clause 12 Signs, lights and markings—taxis**

Insert “, “CAB” or “CABS” ” after “ “TAXI” ” in clause 12(1)(a).

**[3] Clause 12(1), note**

Insert at the end of the subsection—

**Note.** The word “TAXI”, “CAB” or “CABS” can be in upper or lower case letters, or a combination of upper and lower case letters.

**[4] Clause 19 Disposal of recordings made by security camera system in taxi**

Omit clause 19(1). Insert instead—

(1) This clause applies—

- (a) to the provider of a taxi service, other than an affiliated provider, or the facilitator of an affiliated service (a *provider or facilitator*), and
- (b) in respect of a security camera system installed in a taxi used for the service.

(1A) A provider or facilitator must cause a video recording, or any part of a video recording, downloaded from a video recording made by the security camera system (a *downloaded recording*) to be disposed of—

- (a) in accordance with this clause, and
- (b) not less than 30 days and not more than 90 days after the downloaded recording was downloaded.

**[5] Clause 19(2)**

Insert “downloaded” before “recording”.

**[6] Clause 19(6)**

Insert after subclause (5)—

(6) In this clause, *downloaded* includes reproduced, stored or duplicated by any means.

**[7] Clause 24 Disqualifying offences**

Insert in appropriate order, and with appropriate punctuation, in clause 24(2)(c)—

25C(1),  
37(1A),  
61KC,  
61KD(1),  
61KE,  
61KF(1),  
66DA,  
66DB,

66DC,  
66DD,  
66DE(1),  
66DF,  
66EC(2),  
73A(1),  
316(1),  
316(2),  
316A(1),  
316A(4).

**[8] Clause 24(2)(f1)**

Insert after clause 24(2)(f)—

- (f1) an offence under a provision of an Act or statutory rule that is a former corresponding provision, within the meaning of the *Road Transport Act 2013*, in relation to a provision referred to in paragraph (f),

**[9] Clause 24(4A)**

Omit the subclause.

**[10] Clauses 24(5)(a) and 25(3)(a)**

Omit “(other than an affiliated provider)” wherever occurring.

**[11] Clause 25 Ineligible drivers**

Insert before clause 25(1)(a)—

- (a1) the person holds an unrestricted Australian driver licence, and

**[12] Clause 37 Disqualifying offences—applicants and nominated directors or managers**

Insert after clause 37(1)(h)—

- (h1) an offence under section 127 of the Act,

**[13] Clause 38 Disqualifying offences—close associates**

Insert after clause 38(h)—

- (h1) an offence under section 127 of the Act,

**[14] Clause 55 Payment of fares**

Omit clause 55(1).

**[15] Clause 75 Standing otherwise than in a taxi zone**

Omit the penalty. Insert instead—

Maximum penalty—

- (a) for an offence committed on a road or road related area adjacent to tram tracks located on George Street in the Sydney Central Business District—30 penalty units, or  
(b) otherwise—10 penalty units.
- (2) In this clause—

*Sydney Central Business District* has the same meaning as in the *City of Sydney Act 1988*.

*tram tracks* has the same meaning as in the *Road Rules 2014*.

**[16] Clause 94**

Omit the clause. Insert instead—

**94 Exchange of information**

For the purposes of paragraph (g) of the definition of *relevant agency* in section 149 of the Act, each of the following is prescribed as a relevant agency—

- (a) the Commercial Passenger Vehicle Commission established by section 115B of the *Transport Integration Act 2010* of Victoria,
- (b) the Department of Transport and Main Roads of Queensland,
- (c) the Secretary of the Department of Communities and Justice,
- (d) Service NSW,
- (e) the Transport Canberra and City Services Directorate of the Australian Capital Territory.

**[17] Clause 98A**

Insert after clause 98—

**98A Disqualifying offences—transitional provision**

- (1) Clause 24(2), as in force immediately before its amendment by the amending Regulation, continues to apply in relation to an offence committed before that amendment.
- (2) An applicant for an authorisation under section 30 of the Act to provide a taxi service or booking service is not disqualified from being granted the authorisation by reason only that a conviction for an offence under section 127 of the Act was recorded before the date on which the amending Regulation commenced against—
  - (a) the applicant, or
  - (b) a nominated director or manager of the applicant, or
  - (c) a close associate of the applicant.

- (3) In this clause—

*amending Regulation* means the *Point to Point Transport (Taxis and Hire Vehicles) Amendment (Miscellaneous) Regulation 2020*.

**[18] Schedule 2 Penalty notice offences**

Omit “\$150” from the matter relating to clause 75.

Insert instead “\$850, in the case of an offence committed on a road or road related area adjacent to tram tracks located on George Street in the Sydney Central Business District, and \$150, in any other case”.