

Passenger Transport (Taxi-cab Services) Regulation 2001

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New South Wales

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Regulation was repealed by sec 10 (2) of the [Subordinate Legislation Act 1989 No 146](#) with effect from 1.9.2007.

Authorisation

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Passenger Transport (Taxi-cab Services) Regulation 2001



New South Wales

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Passenger Transport (Taxi-cab Services) Regulation 2001



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Passenger Transport (Taxi-cab Services) Regulation 2001*.

2 Commencement

This Regulation commences on 1 September 2001.

Note—

This Regulation replaces the *Passenger Transport (Taxi-cab Services) Regulation 1995* which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

In this Regulation:

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

alarm means a security device referred to in clause 12.

approved, in relation to:

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

area of operation of a taxi-cab means the area within which the taxi-cab is authorised by its licence to ply 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:
 - (i) the fare determined (or the arrangement for remuneration approved) by the Director-General under section 60A of the Act, or
 - (ii) if no such fare or arrangement is determined or approved—the conditions of the licence for the taxi-cab, and
- (b) if the hiring is a multiple hiring—75% of the amount referred to in paragraph (a), and includes the night-time surcharge rate.

authorised officer includes a person authorised by the Director-General for the purposes of this Regulation.

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

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

child restraint means a child restraint that complies with the requirements of the Australian/New Zealand Standard called *Child restraint systems for use in motor vehicles* and numbered AS/NZS 1754:2000, published on 1 February 2000 by Standards Australia and Standards New Zealand, as amended by Amendment 1 published on 27 April 2001.

Corporations Act means the [Corporations Act 2001](#) of the Commonwealth.

drive a taxi-cab includes cause or allow the taxi-cab to stand.

driver of a taxi-cab means an authorised taxi-cab driver.

driver licence has the same meaning as it has in the [Road Transport \(Driver Licensing\) Act 1998](#).

driver protection screen means a screen that is designed to protect the driver of a taxi-cab from attack from behind by other persons in the taxi-cab.

driver's authority card means an authority card in force under clause 79.

hirer of a taxi-cab means the person by whom the taxi-cab 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.

maxi-cab means a taxi-cab that has seating accommodation for 6 or more adult persons other than the driver.

multiple hiring, in relation to a taxi-cab, means a hiring under clause 68 (1).

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

non-compliance notice means a notice referred to in clause 81.

operator of a taxi-cab means the accredited taxi-cab operator of the taxi-cab service to which the taxi-cab belongs.

prohibited communication device means any electronic device used, or that is reasonably likely to be used, by the driver of a taxi-cab to transmit or receive (or both) communications concerning the hiring of a taxi-cab, but does not include any of the following devices:

- (a) a receiver referred to in section 31G (b) of the Act,
- (b) a radio or television set that is used solely to receive public radio or television broadcasts,
- (c) a mobile phone,
- (d) any other device approved from time to time by the Director-General by order published in the Gazette.

qualified accountant means:

- (a) a Certified Practising Accountant member of CPA Australia, New South Wales Division, or
- (b) a member of the Institute of Chartered Accountants in Australia, New South Wales Branch, who holds a Certificate of Public Practice issued by that Institute, or
- (c) a member of the National Institute of Accountants who holds a Public Practice Certificate issued by that Institute.

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

registration number has the same meaning as it has under the [Road Transport \(Vehicle Registration\) Act 1997](#).

road has the same meaning as it has in the *Road Transport (General) Act 1999*.

RTA means the Roads and Traffic Authority constituted by the *Transport Administration Act 1988*.

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

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 section 29A of the Act.

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

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

taxi zone means a zone designated by a traffic sign of the kind referred to in rule 182 of the *Australian Road Rules*, whether the zone is appointed or approved under clause 80 of this Regulation or under another law.

the Act means the *Passenger Transport Act 1990*.

transport district means a transport district referred to in section 108 of 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.

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

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

Part 2 Operation of taxi-cab services

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

5 Criteria to be met by applicants for accreditation to carry on taxi-cab services

- (1) An applicant for accreditation under Division 3 of Part 4 of the Act (that is, accreditation to carry on a taxi-cab service) must meet, to the satisfaction of the Director-General, the criteria set forth in this clause.
- (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, to the satisfaction of the Director-General, the criteria set forth in this clause (other than the criteria specifically to be met by corporation applicants).
- (3) **Applicant to be of good repute** The applicant must be of good repute. Evidence of the applicant's good repute is to be provided in the form of references from 2 persons (being persons of any class approved by the Director-General) who have known the applicant for at least 2 years.
- (4) **Applicant to be fit and proper person to carry on taxi-cab services** The applicant must be a fit and proper person to carry on a taxi-cab service. 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 (5),the Director-General may, for the purpose of determining the applicant's fitness to be an accredited taxi-cab operator, cause any investigation that the Director-General considers appropriate to be made into the winding up, conviction or charge concerned.
- (5) The applicant must give the Director-General written notice of the following:
 - (a) full details of all offences of which the applicant has been convicted (in any

jurisdiction) at any time during the 5 years immediately preceding the date of the application,

(b) full details of all alleged offences with which the applicant has been charged (in any jurisdiction) but only if, as at the date of the application, proceedings are pending in respect of the charge.

(6) If there are no convictions or pending proceedings against the applicant (as referred to in subclause (5)), the applicant must give the Director-General a written statement to that effect.

(7) **Applicant to be competent to carry on taxi-cab services** The applicant must demonstrate that the applicant has the necessary knowledge and competence to carry on a taxi-cab service. In particular, the applicant must:

(a) satisfy the Director-General as to the applicant's knowledge of the following:

(i) the relevant provisions of the Act and this Regulation,

(ii) other laws relating to traffic,

(iii) laws relating to bailment of motor vehicles,

(iv) the relevant provisions of the *Occupational Health and Safety Act 2000*, and

(b) undertake and successfully complete (or pass an examination in respect of) such course relating to the operation of taxi-cab services as is approved by the Director-General and conducted by a person or body so approved.

(8) **Applicant to be financially capable of carrying on taxi-cab services** The applicant must be financially capable of carrying on a taxi-cab service. Evidence of the applicant's financial standing is to be provided in the form of a signed statement from a qualified accountant (on the accountant's business letterhead) containing the following:

(a) a report on the applicant's financial capacity to carry on taxi-cab services, 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 taxi-cabs that, in the opinion of the accountant, can be accommodated by the taxi-cab services 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.

- (9) **Applicant to have access to maintenance facilities for taxi-cabs** The applicant must have access to adequate maintenance facilities for the vehicles intended to be used to provide the taxi-cab service. The applicant must provide the Director-General with full details of the following:
- (a) the premises at which the taxi-cabs will normally be kept when not available for hire,
 - (b) the premises to be used for the maintenance and repair of the vehicles,
 - (c) the repairer's licence issued under the *Motor Vehicle Repairs Act 1980* in respect of both the person who will be carrying out any necessary repairs on the vehicles (whether or not that person is the applicant) and the premises on which those repairs will be carried out,
 - (d) if the repairs are to be carried out by a person or persons other than the applicant—the name, address and telephone number of the person or persons concerned.

6 Conditions of accreditation to carry on taxi-cab services

- (1) The conditions set forth in this clause are prescribed for the purposes of section 31D (1) (b) of the Act (that is, they are conditions to which an accreditation to carry on taxi-cab services is subject).
- (2) **Safety of drivers, passengers and the public** The accredited taxi-cab operator must:
- (a) ensure that the vehicles used to provide the taxi-cab service at all times meet the requirements of the law as to registration and vehicle safety and roadworthiness, and
 - (b) ensure that persons engaged to drive the taxi-cabs are authorised taxi-cab drivers and hold an appropriate driver licence, and
 - (c) take part in any driver monitoring program of the taxi-cab network to which the operator is affiliated, so as to permit the counselling and (if necessary) disciplining of any of the operator's taxi-cab drivers who fail to comply with any requirement to which, as authorised taxi-cab drivers, they are subject.
- (3) **Records concerning roadworthiness of taxi-cabs** The accredited taxi-cab operator must make and keep, for at least 2 years after they are made, records concerning the roadworthiness of the taxi-cabs used to provide the taxi-cab service.
- (4) The records must take the form of a detailed roadworthiness assurance plan or system that:

- (a) is consistent with the taxi-cab manufacturer's maintenance standards and with the Roadworthiness Assurance Guidelines published by the Director-General, and
 - (b) specifies the steps taken to ensure that the taxi-cabs are roadworthy, and
 - (c) specifies the way in which the taxi-cabs are maintained, and
 - (d) is capable of being audited.
- (5) **Cleaning of taxi-cabs** The accredited taxi-cab operator must maintain a cleaning program so as to ensure that the interior, exterior and fittings (including seats, seat covers and floor covers and any device that is required by or under the Act to be fitted to the taxi-cab) of the taxi-cab are clean, undamaged and in good condition.
- (6) **Identification of taxi-cabs** The accredited taxi-cab operator must notify the Director-General in writing of the registration number of each taxi-cab used to provide the taxi-cab service.
- (7) **Changes to information provided** The accredited taxi-cab operator must notify the Director-General in writing of any of the following changes within the time specified in relation to the change:
- (a) a change in the registration number of a taxi-cab used to provide the taxi-cab service—no later than 48 hours after the change,
 - (b) a change of address of the premises from which the taxi-cab service is carried on—no later than 7 days after the change,
 - (c) a change of address of the premises at which the taxi-cabs are kept—no later than 7 days after the change.
- (8) **Management of day-to-day operation of taxi-cab services provided by corporation** If the accredited taxi-cab operator is a corporation, it must not suffer or permit any person other than a designated director or manager to have management of the day-to-day operations of the taxi-cab services provided by the corporation (except for a person appointed, under any law, to manage the affairs of the corporation).

7 Operator training

- (1) An accredited taxi-cab operator must, whenever reasonably required to do so by the Director-General, undertake and satisfactorily complete (or pass an examination in respect of) such course, or refresher course, relating to the operation of taxi-cab services as is approved by the Director-General and conducted by a person or body so approved.
- (2) The Director-General may:
 - (a) suspend an accreditation issued to an accredited taxi-cab 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 taxi-cab operator will be renewed only on the satisfactory completion of (or on the passing of an examination in respect of) such a course.

8 Wheelchair accessible taxi-cabs

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

- (a) is capable of being fitted with, and (at all times that it is available for hire) carries, a child restraint, and
- (b) is not driven by more than one person between the hours of 12 midday and 5 pm on any day, and
- (c) is driven only by a person who has successfully completed a course of training and instruction (approved by the Director-General and conducted by a person or body approved by the Director-General) in respect of the care and transport of persons with physical disabilities, and
- (d) is fitted with a hoist, or is equipped with a ramp (at all times), that allows safe access to the taxi-cab by a person using a wheelchair, and
- (e) carries wheelchair restraints (at all times) that enable the maximum number of occupied wheelchairs that the taxi-cab is capable of conveying to be safely and securely attached to the taxi-cab.

Maximum penalty: 40 penalty units.

9 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) Subclauses (2) and (3) do not apply to a maxi-cab or wheelchair accessible taxi-cab.
- (5) The distance between the back of one seat and the front of the seat behind it must be at least 180 mm (when the rear seat is unoccupied).
- (6) For the purposes of subclause (5), any approved driver-protection screen installed in

the vehicle is to be ignored.

- (7) Each seating position in the vehicle must be such that it is adequate when assessed in accordance with section 7.2 of the *Single Uniform Type Inspection (SUTI) Manual for Third Edition Australian Design Rules* as published in January 1988 by the Australian Motor Vehicle Certification Board.
- (8) A station-wagon that is used as a taxi-cab must not have any seat (other than a seat installed when the vehicle was manufactured) installed in the part of the station wagon that is designed or intended for the conveyance of goods.
- (9) Subclause (8) does not apply to a station wagon that:
 - (a) had such a seat installed, and
 - (b) was being used as a taxi-cab,immediately before the commencement of this clause.
- (10) A station-wagon that is used as a wheelchair accessible taxi-cab must not have any side-facing seat (whether fixed or folding) in the part of the station-wagon that is designed or intended for the conveyance of wheelchairs.
- (11) A taxi-cab (other than a station-wagon) that is required by a condition of its licence to be wheelchair accessible must not have any seat (other than a folding seat) installed in the part of the taxi-cab that is designed or intended for the conveyance of wheelchairs.
- (12) In this clause:

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

10 Maximum age of taxi-cabs

- (1) A person must not operate a vehicle licensed as a taxi-cab in respect of the Metropolitan transport district if the vehicle is more than 6 years old.
Maximum penalty: 10 penalty units.
- (2) A person must not operate a vehicle licensed as a taxi-cab in respect of an area other than the Metropolitan transport district if the vehicle is more than 8 years old.
Maximum penalty: 10 penalty units.
- (3) Despite subclauses (1) and (2), a person may operate a wheelchair accessible taxi-cab that is more than 6 or 8 years old, but only if it is no more than 10 years old.
- (4) The Director-General may grant written approval to extend the period referred to in subclause (1), (2) or (3) or may in writing exempt an operator or class of operators

from the operation of any or all of those subclauses.

- (5) An approval or exemption under this clause may be revoked or varied by the Director-General in the same manner as it was granted or given.
- (6) For the purposes of this clause, the age of a vehicle is to be measured from 6 months after the date on which:
 - (a) an identification plate is fitted to the vehicle, or
 - (b) an operations plate is installed in the vehicle, or
 - (c) a certificate of approved operations is issued in respect of the vehicle,in accordance with the *Road Transport (Vehicle Registration) Regulation 1998*, whichever first occurs.

11 Taxi-meters

- (1) The operator of a taxi-cab must not allow the taxi-cab to be driven unless the taxi-cab is fitted with a taxi-meter that complies with the standards for taxi-meters published by the Director-General.

Maximum penalty: 10 penalty units.

- (2) The Director-General may by instrument in writing exempt a taxi-cab from the provisions of subclause (1).
- (3) If any such exemption is granted, the licence for the taxi-cab is to be endorsed accordingly.
- (4) The operator of a taxi-cab must ensure that all fares and other figures displayed on the face of the taxi-meter must be clearly visible at all times to all persons in the taxi-cab, whether on the taxi-meter itself or by means of an auxiliary display unit connected to the taxi-meter.

Maximum penalty: 5 penalty units.

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

Maximum penalty: 10 penalty units.

- (6) An exemption under this clause may be revoked or varied by the Director-General in the same manner as it was given.
- (7) Without limiting the standards for taxi-meters that the Director-General may publish, the standards may include standards relating specifically to taxi-meters to be fitted to

wheelchair accessible taxi-cabs.

12 Security devices

- (1) The operator of a taxi-cab that is connected to a taxi-cab network must ensure that the taxi-cab is fitted with a security device (of a kind declared by the Director-General, by order published in the Gazette, to be a mandatory security device for taxi-cabs of that type) in the form of an alarm by which the driver can, in a discreet manner, notify the driver's whereabouts to the network from anywhere within the taxi-cab's area of operation.

Maximum penalty: 10 penalty units.

- (2) The operator must ensure that a taxi-cab that has a fully enclosed boot compartment is equipped with a lock release device that complies with subclause (3).

Maximum penalty: 10 penalty units.

- (3) The lock release device:

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

13 Vehicle tracking devices

- (1) The operator of a taxi-cab that:

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

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

Maximum penalty: 10 penalty units.

- (2) An approved vehicle tracking device is taken to be a security device of the kind required by clause 12 (1).

- (3) A person must not knowingly:

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

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

Maximum penalty: 10 penalty units.

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

14 Driver protection screens and security cameras

- (1) The operator of a taxi-cab:

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

must ensure that the taxi-cab is fitted with either an approved driver protection screen or an approved security camera system.

Maximum penalty: 10 penalty units.

- (2) The operator of a taxi-cab:

- (a) that operates within the Metropolitan, Newcastle or Wollongong transport district or within the City of Gosford or the Wyong local government area, and
(b) in respect of which the operator has been exempted by the Director-General from the provisions of section 31G (a) of the Act,

must ensure that the taxi-cab is fitted with an approved driver protection screen.

Maximum penalty: 10 penalty units.

- (3) A person must not deliberately:

- (a) interfere with an approved driver protection screen fitted to a taxi-cab, or
(b) cause or permit any such interference,

in such a manner as to remove or reduce the protection it affords to the driver of the taxi-cab.

Maximum penalty: 10 penalty units.

- (4) A person must not deliberately:

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

(b) cause or permit any such interference,

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

Maximum penalty: 10 penalty units.

(5) 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).

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

15 Air-conditioning

The operator of a taxi-cab must ensure that the taxi-cab is fitted with an air-conditioning system that is fully operational and in good repair.

Maximum penalty: 10 penalty units.

15A Fitting of prohibited communication devices

The operator of a taxi-cab must ensure that the taxi-cab is not fitted with a prohibited communication device.

Maximum penalty: 10 penalty units.

16 Condition of taxi-cabs

The operator of a taxi-cab must ensure that, while the taxi-cab is being driven for hire:

(a) its interior (including the interior of the boot compartment), and

(b) its exterior (including the body and door panels, the bumper bars, the trim, the wheels and the network decals), and

(c) its fittings (including the seats, the seat covers, the floor coverings and any device or equipment required by this Regulation to be fitted to the taxi-cab),

are clean and undamaged and (in the case of its fittings) are duly fitted, securely in place and (in the case of devices, equipment, interior lights and window winding mechanisms) in good condition and fully operational.

Maximum penalty: 5 penalty units.

17 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 in use.

Maximum penalty: 5 penalty units.

(2) The following information must be displayed:

- (a) a summary of the rights and obligations of the hirer,
- (b) brief details (including a telephone number) as to how complaints relating to taxi-cab services might be made,
- (c) the maximum fares and charges (as determined for the time being by the Director-General) on which the authorised fare for hiring is calculated,
- (d) the maximum number of passengers that may be carried in the taxi-cab,
- (e) a summary of the obligations of the driver,
- (f) the registration number of the taxi-cab.

(3) The information must be:

- (a) approved by the Director-General, and
- (b) displayed:
 - (i) in a form approved by the Director-General, and
 - (ii) in a position where it may easily be read by any passenger.

(4) The reference to a registration number in subclause (2) (f) is, in the case of a stand-by taxi-cab, a reference to the normal registration number of the vehicle that is being used as a stand-by taxi-cab.

18 Certificate of inspection to be displayed

The operator of a taxi-cab must ensure that the current certificate of inspection (that is, the certificate issued by or on behalf of the RTA in connection with the periodic inspections carried out on the taxi-cab) is prominently affixed next to the taxi-cab's registration label.

Maximum penalty: 10 penalty units.

19 Child restraint anchorage bolts in taxi-cabs

The operator of a taxi-cab must ensure that the taxi-cab is fitted with a child restraint anchorage bolt or bolts that is or are capable of securing any child restraint.

Maximum penalty: 5 penalty units.

20 Signs and lights on taxi-cabs

(1) A taxi-cab must be fitted with a roof sign:

- (a) made of opaque plastic or some other substance approved by the Director-General, and
 - (b) enclosing a lamp capable of showing a white light, and
 - (c) displaying the word "TAXI" on the front and back of the sign in black capital letters at least 70 mm high.
- (2) The roof sign must have positioned on its top an amber lamp the light from which is capable of being clearly seen in daylight at a distance of 40 metres.
- (3) A taxi-cab that is authorised by its licence to ply for hire in an urban area must also have positioned on the rear face of its roof sign (or in another position approved by the Director-General) a red lamp the light from which:
- (a) is capable of being clearly seen in daylight from the rear of the taxi-cab at a distance of 40 metres at any point within an arc of 90 degrees (45 degrees on either side of the taxi-cab) extending from the middle of the roof of the taxi-cab, and
 - (b) is not visible from the front of the taxi-cab.
- (4) Subclause (3) does not apply to or in respect of a taxi-cab that is the subject of an exemption under clause 11 (2) from the provisions of clause 11 (1) (that is, from the requirement that the taxi-cab be fitted with a taxi-meter that complies with the standards for taxi-meters published by the Director-General).
- (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) In the case of a taxi-cab the subject of an exemption under clause 11 (2) from the provisions of clause 11 (1) (that is, from the requirement that the taxi-cab be fitted with a taxi-meter that complies with the standards for taxi-meters published by the Director-General), the roof sign lamp and amber lamp must each be operated so that:

(a) while the taxi-cab is engaged or not for hire, both the roof sign lamp and the amber lamp will be extinguished, and

(b) while the taxi-cab is available for hire, both the roof sign lamp and the amber lamp will be illuminated.

(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.

(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 deliberately:

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

(b) cause or permit any such interference,

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

Maximum penalty: 5 penalty units.

(10) In this clause:

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

21 Network decals and livery

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

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

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

Maximum penalty: 5 penalty units.

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

22 Taxi-cabs to display registration details

- (1) The operator of a taxi-cab must ensure that, on and from 1 April 2004, 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 numbers must be displayed as follows:
 - (a) on the upper half of both the front nearside and offside panels of the taxi-cab,
 - (b) as far back as possible,
 - (c) in numbers at least 50 millimetres high,
 - (d) in such a manner as to be clearly readable from a distance of 5 metres.
- (3) This clause does not apply to or in respect of a stand-by taxi-cab.

23 Advertisements within or on outside of taxi-cabs

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

Maximum penalty: 5 penalty units.

24 Stand-by taxi-cabs

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

Maximum penalty: 5 penalty units.

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

Maximum penalty: 5 penalty units.

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

Maximum penalty: 5 penalty units.

- (4) A motor vehicle that is operated as a stand-by taxi-cab must, at the time of its last registration under the [Road Transport \(Vehicle Registration\) Act 1997](#), have complied with any standards for the time being applied by the RTA for the registration of vehicles intended to be used as taxi-cabs.

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

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

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

- (aa) if the taxi-cab is a wheelchair accessible taxi-cab:
 - (i) the taxi-cab is fitted with a hoist or is equipped with a ramp as required by clause 8 (d), and
 - (ii) the taxi-cab carries wheelchair restraints as required by clause 8 (e), and
- (a) the taxi-cab complies in all respects with the requirements of clause 9, and
- (b) the taxi-cab does not exceed the maximum permissible age as specified in clause 10

- (1) or (2) (as appropriate), and
- (c) the taxi-cab is duly fitted with a taxi-meter of the kind referred to in clause 11 (unless the taxi-cab is exempted under clause 11 (2)), and
- (d) the taxi-cab is duly fitted with a security device and lock release device as required by clause 12, and
- (e) the taxi-cab is fitted with an approved tracking device as required by clause 13, and
- (f) the taxi-cab is duly fitted with any approved driver protection screen or approved security camera system required by clause 14, and
- (g) the taxi-cab is fitted with an air-conditioning system as required by clause 15, and
- (g1) the taxi-cab is not fitted with any prohibited communication device, and
- (h) the interior, exterior and fittings of the taxi-cab comply in all respects with the requirements of clause 16, and
- (i) the information required by clause 17 is duly displayed in the taxi-cab, and
- (j) the taxi-cab is duly fitted with the child restraint anchorage bolt or bolts required by clause 19, and
- (k) the taxi-cab is duly fitted with the roof sign lamp and other roof lamps required by clause 20, and
- (l) if the taxi-cab is connected to a taxi-cab network:
 - (i) the taxi-cab is duly fitted with a receiver, and
 - (ii) the decal signs required by clause 21 (1) (a) are mounted on the taxi-cab, and
 - (iii) the taxi-cab is painted as required by clause 21 (1) (b).

Maximum penalty: 5 penalty units.

26 Alteration of a taxi-cab

The operator of a taxi-cab that is altered in respect of any particulars contained in the licence for the taxi-cab must, no later than 7 days after the alteration takes place, give written notice of the alteration to the Director-General.

Maximum penalty: 5 penalty units.

27 Non-compliance notices: operator

The operator of a taxi-cab must not allow the taxi-cab to be driven if:

- (a) the expiry date or expiry time of a non-compliance notice affixed to the taxi-cab has

passed, or

(b) a non-compliance notice has been unlawfully removed from the taxi-cab.

Maximum penalty: 10 penalty units.

28 Network uniforms

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

Maximum penalty: 10 penalty units.

29 Driver's 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's authority card in such a manner as to enable the driver to display the card as required by clause 35.

Maximum penalty: 10 penalty units.

30 Records of drivers

(1) The operator of a taxi-cab must not permit a person to drive the taxi-cab unless satisfied that the person is the holder of:

(a) an appropriate authorisation, and

(b) an appropriate licence under the *Road Transport (Driver Licensing) Act 1998*.

Maximum penalty: 10 penalty units.

(2) The operator of a taxi-cab must keep a record in written or electronic form of the following particulars for each person who drives the taxi-cab:

(a) the person's full name and residential address,

(b) the dates and times during which the taxi-cab was driven by the person,

(c) the person's driver's authority number (that is, the number allocated by the Director-General and displayed on the front of the person's driver's authority card),

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

Maximum penalty: 10 penalty units.

(3) The operator of a taxi-cab must provide each person who drives the taxi-cab with blank drivers' worksheets, of a kind approved by the Director-General, for the person to complete in accordance with the requirements of clause 38.

Maximum penalty: 10 penalty units.

- (4) This clause does not apply to a taxi-cab that is driven otherwise than for hire.

31 Retention of records and worksheets in relation to operation of taxi-cab

A person who is or has been an operator of a taxi-cab:

- (a) must keep in the English language any record (including any worksheet given to the person as referred to in clause 38 (2) (b)) 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 it in written form for inspection, and
- (d) must, if required by the Director-General in writing to do so, deliver it to the Director-General when required.

Maximum penalty: 10 penalty units.

32 Insurance

- (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:
- (a) provide cover of at least \$5,000,000 against liability for damage to property caused by or arising out of the use of the taxi-cab, and
 - (b) indemnify the driver for the time being of a taxi-cab in relation to any damage (including any excess payable on a claim) arising out of the use of the taxi-cab.
- (3) The policies must be maintained with a corporation authorised under the *Insurance Act 1973* of the Commonwealth to carry on insurance business.
- (4) The operator must provide an authorised officer, on request, with evidence that the policies are current.
- (5) The operator must ensure that evidence that the policy referred to in subclause (2) (b) is current and is carried in the taxi-cab at all times.

Division 2 Taxi-cab drivers

33 Criteria for authorisation to drive taxi-cabs

- (1) The object of this clause is to set forth, for the purposes of section 33B (2) of the Act, the criteria that an applicant for an authorisation to drive taxi-cabs must meet before the application is granted.
- (2) The applicant:
 - (a) must be at least 20 years of age, and
 - (b) must hold a driver licence, and
 - (b1) must have held for a total of at least 12 months in the 2 years immediately preceding the date of the application, an Australian driver licence, and
 - (c) must have successfully completed a taxi-cab driver training course approved by the Director-General (or must have such competence as a driver of a taxi-cab as the Director-General considers appropriate), and
 - (d) must have passed an examination or assessment, at a level determined by the Director-General, in the following:
 - (i) geographical knowledge of areas in which taxis ply for hire,
 - (ia) such part or parts of the taxi-cab driver training course referred to in paragraph (c) as may be required by the Director-General (or must have such competence as a driver of a taxi-cab as the Director-General considers appropriate),
 - (ii) medical fitness,
 - (iii) knowledge of this Regulation, and
 - (e) must have passed an examination or assessment, at a level determined by the Director-General, in both written and oral communication in the English language (or must have such competence in that language as the Director-General considers equivalent to that level), and
 - (f) must satisfy the Director-General that he or she:
 - (i) is of good repute and in all other respects a fit and proper person to be the driver of a taxi-cab, and
 - (ii) has sufficient responsibility to drive a taxi-cab in accordance with law and custom.
- (3) 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, excluding a conditional licence (other than a conditional licence the sole condition of which is that the holder must wear corrective lenses at all times while driving), probationary licence, provisional licence, restricted licence and driver licence receipt.

driver licence means a driver licence excluding a conditional licence (other than a conditional licence the sole condition of which is that the holder must wear corrective lenses at all times while driving), learner licence, probationary licence, provisional licence, restricted licence and driver licence receipt.

34 Driver of wheelchair accessible taxi-cab to be trained

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

Maximum penalty: 40 penalty units.

35 Driver to display driver's authority card

- (1) The driver of a taxi-cab must not drive the taxi-cab unless the appropriate driver's authority card:
 - (a) is contained in a holder firmly affixed to the interior of the taxi-cab, and
 - (b) is displayed so that its face can be easily seen by any passenger in the taxi-cab.

Maximum penalty: 5 penalty units.

- (2) The driver of a taxi-cab must not fail to produce the appropriate driver's authority card for inspection on demand made by an authorised officer.

Maximum penalty: 10 penalty units (in the case of an offence committed in the Sydney Airport precinct) or 5 penalty units (in any other case).

36 Driver to notify Director-General of alleged offence

- (1) The driver of a taxi-cab must, in accordance with this clause, furnish the Director-General with written details of the following:
 - (a) any alleged offence (other than a parking offence) with which the driver is charged by a police officer,

- (b) any penalty notice issued to the driver in respect of an alleged offence (other than a parking offence) that relates to the driving of a motor vehicle.

Maximum penalty: 10 penalty units.

- (2) If, on the commencement of this clause:

- (a) proceedings against a driver of a taxi-cab in respect of an offence referred to in subclause (1) (a) are pending—details of the charge are to be furnished within 48 hours after that commencement, unless the driver of the taxi-cab is acquitted of the charge within 24 hours after that commencement, or

- (b) a penalty notice of the kind referred to in subclause (1) (b) is in force against a driver of a taxi-cab—details of the penalty notice are to be furnished within 48 hours after that commencement.

- (3) In the case of a charge that is laid by a police officer, or a penalty notice relating to the driving of a motor vehicle that is issued, on or after the commencement of this clause (other than a charge or a penalty notice in respect of a parking offence), the details are to be furnished within 7 days after the laying of the charge or the issue of the notice.

37 Driver training

- (1) The driver of a taxi-cab must, whenever reasonably required to do so by the Director-General, undertake and satisfactorily complete (or pass an examination in respect of) a taxi-cab driver training or refresher course approved by the Director-General.
- (2) The Director-General may:
 - (a) suspend a driver's authorisation to drive taxi-cabs 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 taxi-cabs will be renewed only on the satisfactory completion of (or on the passing of an examination in respect of) such a course.

38 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's authority card number, the registration number of the taxi-cab and the name of the taxi-cab network to which the taxi-cab is connected, and
 - (ii) the date and time the shift began and the odometer reading at that time, and

- (iii) a notation that the driver has checked to see whether or not any security camera system fitted to the taxi-cab is operating, if that is the case, and
- (b) when beginning a break of 30 minutes or more during a driving shift, the time the break began, and
- (c) when ending a break of 30 minutes or more during a driving shift, the time the break ended, and
- (d) when ending a driving shift:
 - (i) a brief description of any faults in the taxi-cab or its equipment that have come to the driver's attention during the shift, and
 - (ii) the date and time the shift ended and the odometer reading at that time.

Maximum penalty: 5 penalty units.

(2) The driver of a taxi-cab:

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

Maximum penalty: 5 penalty units.

- (3) In this clause, ***driver's worksheet*** means a driver's worksheet of a kind supplied in accordance with clause 30 (3).

39 Taxi-cab to be clean

The driver of a taxi-cab must ensure that the taxi-cab is clean and tidy.

Maximum penalty: 10 penalty units (in the case of an offence committed in the Sydney Airport precinct) or 2 penalty units (in any other case).

40 Non-compliance notices: driver

A driver must not drive a taxi-cab if:

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

Maximum penalty: 10 penalty units.

41 Carriage of goods and animals

- (1) The driver of a taxi-cab must not permit any person to place or carry in or on the taxi-cab any article that is of such size or has such dimensions that it cannot be accommodated in or on the taxi-cab without inconvenience or danger to any other person.

Maximum penalty: 2 penalty units.

- (2) The driver of a taxi-cab must not permit any person to place or carry in or on the taxi-cab 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 taxi-cab must not refuse to carry an assistance animal (or an assistance animal in training) in the taxi-cab.

Maximum penalty: 10 penalty units.

42 Lost property given to drivers

A driver who is given lost property under clause 77 or who finds such property, must, within 24 hours after being given or finding the property:

- (a) give the property to the operator of the network to which the driver's taxi-cab is connected, or
- (b) if the operator has been exempted by the Director-General from the provisions of section 31G (a) of the Act—give the property to the accredited operator of the taxi-cab or to a police officer at a police station.

Maximum penalty: 5 penalty units.

43 Behaviour of drivers

- (1) The driver of a taxi-cab must not do any of the following:
 - (a) cause or allow the taxi-meter in the taxi-cab to display the night-time surcharge rate at a time when that rate is not applicable,
 - (b) display, affix or install, or permit a person to display, affix or install, any advertisement within or on the outside of the taxi-cab unless the advertisement has been approved by the Director-General,
 - (c) smoke tobacco or any other substance while in the taxi-cab, whether or not the taxi-cab is being driven for hire,

- (d) eat or drink in the taxi-cab while the taxi-cab is hired or available for hire,
- (e) move the taxi-cab while the doors are open,
- (f) negligently or wilfully move or cause the taxi-cab to be moved so that any passenger or intending passenger is subjected to the risk of injury.

Maximum penalty: 5 penalty units.

- (2) Nothing in this clause prohibits a driver of a taxi-cab from eating or drinking in the taxi-cab for medical reasons.
- (3) In this clause, **smoke** includes be in possession of a lighted cigarette, cigar, pipe or similar article.

44 Medical condition of driver

- (1) On attaining the age of 60 years and from then on at intervals of 12 months, the driver of a taxi-cab must, at the driver's own expense, furnish the Director-General with a certificate from a medical practitioner containing the medical practitioner's assessment, in accordance with any requirements of the Director-General, of the driver's medical condition.

Maximum penalty: 10 penalty units.

- (2) The Director-General may, by notice in writing, require a driver of a taxi-cab 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 taxi-cab must (in so far as the driver is capable of doing so) furnish the Director-General, within 48 hours after any change in the physical or mental condition of the driver of which the driver is aware that may affect the driver's ability to drive taxi-cabs safely, with written details of the change.

Maximum penalty: 10 penalty units.

45 Dress and conduct of drivers

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

- (a) be clean and tidy and wear clean and tidy clothes when driving the taxi-cab for hire,
- (b) behave in an orderly manner and with civility and propriety towards any passenger, intending passenger, driver of another taxi-cab or authorised officer,
- (c) comply with every reasonable requirement of any passenger.

Maximum penalty: 10 penalty units.

46 Drivers to wear uniforms

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

Maximum penalty: 5 penalty units.

47 Driver to remain with taxi-cab

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

Maximum penalty: 15 penalty units (in the case of an offence committed in the Sydney Airport precinct) or 5 penalty units (in any other case).

- (2) This clause does not apply:

- (a) if the driver of a taxi-cab moves more than 3 metres from the taxi-cab for the purpose of loading luggage or goods into, or removing luggage or goods from, the taxi-cab, or
- (b) to the driver of a taxi-cab while the taxi-cab is in a holding bay in the Sydney Airport precinct.

- (3) In this clause:

holding bay means an area in the Sydney Airport precinct designated by signs erected with the approval of the Sydney Airport Corporation Limited as a holding bay for taxi-cabs.

48 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 vacant 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 vacant position in the taxi zone.

49 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.

50 Use of taxi-cab network

The driver of a taxi-cab:

- (a) must use the taxi-cab's receiver in accordance with procedures for the taxi-cab network to which the taxi-cab is connected, and
- (b) must otherwise observe the published rules and by-laws of the network, and
- (c) must comply with all reasonable requests of the network in relation to the provision of public passenger services.

Maximum penalty: 5 penalty units.

50A Use of prohibited communication device

The driver of a taxi-cab must not use a prohibited communication device for the purpose of accepting a hiring or assisting a person to hire a taxi-cab.

Maximum penalty: 10 penalty units.

51 Display of destination sign on taxi-cab at end of driving shift

- (1) A taxi-cab that is available for hire may display a sign approved by the Director-General showing the name of the locality to which the driver is proceeding.

(2) The sign:

(a) may be displayed only when the driver is proceeding between the hours of:

- (i) 1.30 am and 4.30 am, or
- (ii) 12.30 pm and 4.30 pm,

in the general direction of the locality shown on the sign for the purpose of terminating a driving shift, and

(b) must:

- (i) be of a type, size and material, and
- (ii) contain only the wording, and
- (iii) be located in a position,
approved by the Director-General.

(3) The driver of a taxi-cab to which such a sign is affixed:

- (a) must immediately proceed in the general direction of the locality shown on the sign, and
- (b) must remove the sign when the taxi-cab is hired, on arrival at the place in that locality or at 4.30 am or 4.30 pm (as appropriate), whichever is the sooner.

Maximum penalty: 5 penalty units.

Division 3 Taxi-cab networks

52 Criteria to be met 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, to the satisfaction of the Director-General, the criteria set forth in this clause.
- (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, to the satisfaction of the Director-General, the criteria set forth in this clause (other than the criteria specifically to be met by corporation applicants).
- (3) **Applicant to be of good repute** The applicant must be of good repute. Evidence of the applicant's good repute is to be provided in the form of references from 2 persons (being persons of any class approved by the Director-General) who have known the applicant for at least 2 years.
- (4) **Applicant to be fit and proper person to operate taxi-cab network** The applicant must be

a fit and proper person to operate a taxi-cab network. The applicant must declare in writing that the applicant is aware of the following:

- (a) authorisation will be refused if the applicant is disqualified, under Part 2D.6 (Disqualification from managing corporations) of the Corporations Act, from managing corporations,
- (b) authorisation 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 (5),the Director-General may, for the purpose of determining the applicant's fitness to be an authorised taxi-cab network provider, cause any investigation that the Director-General considers appropriate to be made into the winding up, conviction or charge concerned.

- (5) The applicant must give the Director-General written notice of the following:
 - (a) full details of all offences of which the applicant has been convicted (in any jurisdiction) at any time during the 5 years immediately preceding the date of the application,
 - (b) full details of all alleged offences with which the applicant has been charged (in any jurisdiction), but only if, as at the date of the application, proceedings are pending in respect of the charge.
- (6) If there are no convictions or pending proceedings against the applicant (as referred to in subclause (5)), the applicant must give the Director-General a written statement to that effect.
- (7) **Applicant to have technical competence to operate taxi-cab network** The applicant must demonstrate that the applicant has the necessary technical knowledge, equipment and competence to operate a taxi-cab network. In particular, the applicant must:
 - (a) provide the Director-General with the following:
 - (i) a copy of the applicant's licence to operate a radio network issued by the Australian Communications Authority,
 - (ii) full details and specifications of the equipment to be used by the network, together with a report from a qualified communications engineer certifying

that, in the opinion of the engineer, the equipment is reliable and will provide adequate transmission and reception throughout the areas of operation of the taxi-cabs to be connected to the network,

- (iii) full details of a regular maintenance program for the equipment,
- (iv) full details of the method by which the network will register the activation of alarms in taxi-cabs and identify the location of the taxi-cabs concerned,
- (v) if any taxi-cab to be connected to the network is required by clause 14 to be fitted with an approved driver protection screen or 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, and

(b) satisfy the Director-General that:

- (i) appropriate technicians (whether employees or contractors of the applicant) will be available at all times to ensure that, as far as possible, faults in transmission can be rectified within an hour after they occur, and
- (ii) the network will have in place arrangements that will, in the event of a breakdown in the central transmitter, permit continuous access to and from the network by all the taxi-cabs of the accredited taxi-cab operators affiliated to the network,
- (iii) appropriate facilities (whether those of the applicant or of a contractor of the applicant) will be available to service and repair the network’s equipment expeditiously.

(8) Applicant to have financial competence to operate taxi-cab network The applicant must be financially capable of operating a taxi-cab network. Evidence of the applicant’s financial standing is to be provided in the form of the following:

- (a) a report from a qualified accountant on the applicant’s financial capacity to operate a taxi-cab network,
- (b) a statement from the applicant’s banker setting out the bank’s credit assessment of the applicant (or the applicant’s relevant business),
- (c) if the applicant is:
 - (i) a corporation—copies of its annual financial reports, as lodged with the Australian Securities and Investments Commission, or
 - (ii) a co-operative—copies of its annual reports, as lodged with the Director-General of the Department of Fair Trading,

for the immediately preceding 5 years (or, if the corporation or co-operative has been in existence for less than 5 years, for all the preceding years of its existence).

(9) **Applicant to have managerial competence to operate taxi-cab network** The applicant must satisfy the Director-General that the applicant has the necessary managerial skills and expertise to operate a taxi-cab network. The applicant must:

(a) provide the Director-General with full details of:

(i) a training program, to be undertaken by drivers of taxi-cabs and other users of the network, covering customer relations and the use of the communications equipment, alarms, vehicle tracking devices and security cameras, and

(ii) the standards and rules that will govern the operation of the taxi-cab network (including standards and rules concerning the booking and despatching procedures and the operation of communications equipment by drivers of taxi-cabs), and

(b) satisfy the Director-General that the applicant has the ability and the willingness to discipline any user of the network who fails to meet the standards or comply with the rules referred to in subclause (a) (ii).

53 Conditions of authorisation to operate taxi-cab network

(1) The conditions set forth in this clause are prescribed for the purposes of section 34D (1) (b) of the Act (that is, they are conditions to which an authorisation to operate a taxi-cab network is subject).

(2) **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 alarms in taxi-cabs and the prompt response of network operators when such an alarm is activated, and

(b) equipment that registers the activation of alarms 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 clause 14 to be fitted with an approved driver protection screen or an approved security camera system—the equipment of the network is capable of producing video recordings from any such camera at all times while the taxi-cab to which it is fitted is being used as a taxi-cab.

(3) **Operator of taxi-cab service to be given access to booking service** The authorised taxi-cab network provider must not:

- (a) unreasonably (in the opinion of the Director-General) refuse to provide access to its taxi-cab booking service to an accredited taxi-cab operator, or
 - (b) impose such charges for, or conditions on, access to its taxi-cab booking service as are, in the opinion of the Director-General, so unreasonable as to be intended to prevent or limit access to the service.
- (4) **Child restraints to be carried in at least 10% of taxi-cabs** The authorised taxi-cab network provider must ensure that on every day:
- (a) in the case of a taxi-cab network that has fewer than 10 taxi-cabs using its taxi-cab booking service—at least one of the taxi-cabs, and
 - (b) in the case of a taxi-cab network that has 10 or more taxi-cabs using its taxi-cab booking service—at least one out of every 10 taxi-cabs using the service (disregarding any number of those taxi-cabs that exceeds the maximum number of them that is divisible by 10),
- is capable of being fitted with, and carries, a child restraint.
- (5) **Wheelchair accessible taxi-cabs** The authorised taxi-cab network provider must ensure that every person who books a wheelchair accessible taxi-cab through the network is advised, within a reasonable time, of the time at which it is estimated that the taxi-cab will arrive at the nominated collection point.
- (6) **Lost property** The authorised taxi-cab network provider must ensure that it has adequate facilities (including a secure storage area and sufficient staff) for dealing with lost property in accordance with procedures approved by the Director-General.
- (7) Any lost property given to an operator of a taxi-cab network is to be dealt with according to directions given by the Director-General and may, if the Director-General thinks fit, be disposed of in accordance with directions given in that behalf.
- (8) **Affiliates of network** The authorised taxi-cab network provider must give the Director-General written notice of the following:
- (a) within 7 days after being requested to do so by the Director-General—full details (including the name, address and place of business) of all accredited taxi-cab operators who are affiliated to the network,
 - (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 accredited taxi-cab operator who is affiliated to the network connects a new taxi-cab to the network—the registration number of the taxi-cab

concerned.

(9) **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.

(10) **Use of network equipment** The authorised taxi-cab network provider:

(a) must not adopt any radio procedures that are likely to disadvantage the public, and

(b) must provide the Director-General with written details of:

(i) any zones established in the network in relation to the despatch of taxi-cabs in response to bookings, and

(ii) the method of identifying those zones.

Part 3 Taxi-cab hirings

54 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 taxi-cab.

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 driver of a taxi-cab must not, by the driver's employee, agent or contractor, tout or solicit for passengers for, or for a hiring of, a taxi-cab.

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).

(3) The Director-General may by instrument in writing exempt a person or a class of persons from the provisions of subclause (1) or (2).

55 Driver of taxi-cab to accept hiring

(1) Subject to this clause, the driver of a taxi-cab that is available for hire must accept a hiring immediately when offered.

Maximum penalty: 5 penalty units.

- (2) The driver of a taxi-cab may refuse to accept a hiring:
- (a) if acceptance of the hiring would result in the number of passengers in the taxi-cab exceeding the maximum number of passengers that may be carried in the taxi-cab, or
 - (b) if acceptance of the hiring would cause the driver to contravene the provisions of clause 41 (Carriage of goods and animals), or
 - (c) in the case of a taxi-cab that is displaying a sign in accordance with clause 51 (Display of destination sign on taxi-cab at end of driving shift), if the intending passenger indicates that he or she wishes to be taken to a location that is not on the way to the destination displayed by the sign, or
 - (d) if the intending passenger indicates that he or she wishes to be taken to a location that is outside the taxi-cab's area of operation, or
 - (e) if the intending passenger is smoking (within the meaning of clause 72), eating or drinking and refuses to stop doing so, or
 - (f) if the intending passenger is a person referred to in clause 74 (Luggage and soiled clothing) or 75 (Passengers who are causing nuisance), 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, or
 - (h) if the intending passenger cannot, on request, satisfy the driver that the person is able to pay the estimated fare.

55A Driver of taxi-cab not to direct a person to unauthorised network

If a person offers to hire a taxi-cab by means of a telephone call made to the driver of a taxi-cab and the driver refuses to accept the hiring for any reason, the driver must not, for the purpose of assisting the person to hire a taxi-cab:

- (a) direct or refer the person, or
- (b) pass on any information about the offer,

to a person or body other than an authorised taxi-cab network.

Maximum penalty: 10 penalty units.

56 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.

57 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 55 (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.

58 Manner in which hiring to be carried out

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

Maximum penalty: 5 penalty units.

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

Maximum penalty: 5 penalty units.

- (3) The driver of a taxi-cab must not stop the taxi-cab on a road or road related area for the purpose of setting down or picking up passengers otherwise than close to and parallel with the side of the carriageway of the road or area.

Maximum penalty: 5 penalty units.

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

59 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.

60 Operation of taxi-cab's air conditioning

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

Maximum penalty: 5 penalty units.

61 Journey by taxi-cab to pick-up point

- (1) If a taxi-cab travels to a specified place to convey a hirer or the hirer's luggage or goods from that place, the following provisions apply:
- (a) the driver must, on arrival at the specified place, advise the hirer personally of such arrival or arrange for the hirer to be advised by telephone of the actual or imminent arrival of the taxi-cab at that place,
 - (b) unless the hirer and the driver otherwise agree, the hiring is to be regarded as commencing at the time the taxi-cab has arrived at the specified place and the hirer has been advised of its arrival, or at the time appointed for the arrival of the taxi-cab at the specified place, whichever of those times is the later,
 - (c) if a taxi-meter is affixed to the taxi-cab, the driver must set the taxi-meter in operation at the time the hiring commences,
 - (d) if the fares and charges specified in the conditions of the licence for the taxi-cab 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 20 to be hired and not available for hire.

62 Carriage of luggage and goods

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

Maximum penalty: 5 penalty units.

- (2) The driver of a taxi-cab may refuse to convey any luggage or goods if by doing so the driver would contravene the provisions of clause 41 (Carriage of goods and animals).
- (3) The driver of a taxi-cab must not:
 - (a) except with the consent of the hirer, convey any luggage or goods on the roof of the taxi-cab,
 - (b) convey in any portion of the taxi-cab that is provided for the accommodation of passengers, any goods (except luggage) of an aggregate weight exceeding 25 kg.

Maximum penalty: 5 penalty units.

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

Maximum penalty: 5 penalty units.

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

Maximum penalty: 5 penalty units.

63 Driver waiting or instructed to return

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

Maximum penalty: 5 penalty units.

- (2) On arriving at a point at which the hirer requests the driver to wait, the driver may refuse to wait unless the hirer pays the authorised fare to that point and the authorised fare for waiting time.
- (3) The driver of a taxi-cab, on being discharged at any place and instructed to return, may claim the authorised fare to the time of discharge and is not obliged to accept the hiring to return.

64 Termination of hiring by hirer

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

65 Termination of hiring by driver

- (1) The driver of a taxi-cab may terminate a hiring in the following circumstances:
 - (a) on any ground on which the driver could refuse to accept a hiring, as referred to in clause 55 (2),
 - (b) if a passenger behaves in an offensive manner or uses offensive language in contravention of clause 71,
 - (c) if any passenger who is 16 years of age or younger is not wearing a seat belt or other restraint that is properly adjusted and securely fastened.
- (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.

66 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.

67 Sharing of taxi-cabs

- (1) At the commencement of (or during) a hiring of a taxi-cab, the hirer may require the driver:
 - (a) to permit other persons to share the taxi-cab with the hirer, and
 - (b) to drive one or more of the other persons to a destination other than the hirer's destination before driving the hirer to his or her destination.

- (2) The driver of the taxi-cab must comply with any such requirement.

Maximum penalty: 5 penalty units.

- (3) The driver of a shared taxi-cab must not demand payment from any passenger other than the hirer.

Maximum penalty: 5 penalty units.

68 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.

69 Operation of meter by taxi-cab driver

- (1) The driver of a taxi-cab to which a taxi-meter is fitted:

- (a) must not set the taxi-meter in motion before the taxi-cab is hired, and
- (b) as soon as the taxi-cab is hired, must set the taxi-meter in motion, and
- (c) during any hiring, must keep the taxi-meter in motion, and
- (d) during any hiring, must stop the taxi-meter for as long as may be necessary to prevent it from registering a charge during any period during which:
 - (i) a hirer in a multiple hire is paying the authorised fare for his or her hire and getting out of the taxi-cab, or
 - (ii) the taxi-cab is delayed for a reason mentioned in clause 70 (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 attachments in the taxi-cab, or
- (b) is being manoeuvred (with or without the assistance of the driver of the taxi-cab) from the taxi-cab to a place at the hirer's destination such as a bus stop, railway station or wharf or the ground level entrance or door to a residence, hotel, surgery, hospital, office, factory or the like.

Maximum penalty: 5 penalty units.

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

Maximum penalty: 5 penalty units.

- (4) (Repealed)

69A Hirings outside area of operation

The driver of a taxi-cab must not:

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

Maximum penalty: 50 penalty units.

70 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, or
 - (b) the taxi-cab is a maxi-cab hired (otherwise than by way of a multiple hiring) to carry more than 5 passengers,and the fare is negotiated and agreed with the hirer before the start of the journey.

Maximum penalty: 5 penalty units.

- (2) After the termination of a hiring (or on leaving the taxi-cab in compliance with a direction given under clause 76), the hirer must pay to the driver of the taxi-cab the authorised fare for the hiring.

Maximum penalty: 5 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 a driver to contravene clause 39, the driver of the taxi-cab is entitled to collect, and the hirer must pay, a cleaning fee equivalent to one hour of the waiting time fee determined by the Director-General under section 60A of the Act or, if no such fee is determined, a fee equivalent to one hour of the waiting time fee specified in the conditions document of the taxi-cab licence.

- (7) A hirer who fails to comply with the requirements of subclause (6) is guilty of an offence.

Maximum penalty: 5 penalty units.

Part 3A Sydney Airport precinct—special provisions

70A Taxi-cabs to be hired only at taxi 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) This clause does not apply in respect of a hiring that is made by means of a taxi-cab booking service.

70B Information on hirings to be supplied

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

- (3) The driver of a taxi-cab must not, in purported compliance with a requirement made under this clause, provide any information knowing that it is false or misleading in a material particular.

Maximum penalty: 10 penalty units.

70C Directions 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.

Part 4 Conduct of passengers

71 Offensive behaviour or language

A passenger must not, in a taxi-cab:

- (a) behave in an offensive manner, or
- (b) use any offensive language.

Maximum penalty: 10 penalty units.

72 Passenger not to smoke, eat or drink in taxi-cab

- (1) A passenger must not smoke tobacco or any other substance in any taxi-cab.

Maximum penalty: 5 penalty units.

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

Maximum penalty: 5 penalty units.

- (3) Nothing in this clause prohibits a passenger from eating or drinking in a taxi-cab for medical reasons.

- (4) In this clause, **smoke** includes be in possession of a lighted cigarette, cigar, pipe or similar article.

73 Animals

- (1) A passenger must not take into any taxi-cab any dog, cat, bird or other animal unless it is suitably confined in a box, basket or other container.

Maximum penalty: 5 penalty units.

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

74 Luggage and soiled clothing

- (1) If, in the opinion of the driver of a taxi-cab or an authorised officer, a passenger's or an intending passenger's body, clothing or luggage (or any other thing on or carried by the passenger or intending passenger) may:

(a) soil or damage the taxi-cab or the clothing or luggage of other passengers, or

(b) is of such a size or has such dimensions that it cannot be accommodated in the taxi-cab without inconvenience to other passengers,

the driver or authorised officer may direct the person concerned not to enter or to leave the taxi-cab.

- (2) A person must not fail to comply with such a direction.

Maximum penalty: 5 penalty units.

75 Passengers who are causing nuisance

- (1) If, in the opinion of the driver of a taxi-cab or an authorised officer, a passenger or an intending passenger is causing, or is likely to cause, a nuisance or annoyance to the driver or to other passengers, the driver or authorised officer may direct the person concerned not to enter or to leave the taxi-cab.

- (2) A person must not fail to comply with such a direction.

Maximum penalty: 5 penalty units.

76 Leaving taxi-cab when directed

- (1) If, in the opinion of the driver of a taxi-cab or an authorised officer, a passenger is committing an offence under this Part, the driver or authorised officer may direct the person to leave the taxi-cab.

- (2) A person must not fail to comply with such a direction.

Maximum penalty: 5 penalty units.

77 Lost property

A passenger who finds any article in or on a taxi-cab:

- (a) must return it to its owner, or
- (b) must give it to the driver of the taxi-cab.

Maximum penalty: 5 penalty units.

Part 5 Miscellaneous

78 Drivers of wheelchair accessible taxi-cabs

A person who successfully completes a course of training and instruction referred to in clause 8 (c) must ensure that the Director-General is notified, in writing, of the person's completion of the course within 7 days after the person completes the course.

79 Driver's authority cards

- (1) The Director-General may issue a driver's authority card to an authorised taxi-cab driver.

- (2) A driver's authority card must display:

- (a) a photograph of the authorised taxi-cab driver, and
- (b) the number of the authority, and
- (c) the expiry date for the card.

- (3) A driver's authority card:

- (a) may display such additional information or endorsement as the Director-General considers appropriate (either generally or in a particular case), and
- (b) is to be in a form approved by the Director-General.

- (4) A driver's authority card expires at midnight on the date specified on the card as the expiry date.
- (5) A person's authority to drive taxi-cabs and driver's authority card do not have any effect, either for the purposes of Division 5 of Part 4 of the Act or for the purposes of this Regulation, while the person's driver licence is cancelled or suspended.

80 Appointment of taxi zones

- (1) The Director-General 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 the RTA.

81 Non-compliance notices

- (1) An authorised officer, or a person carrying out an inspection of a taxi-cab under Division 2 of Part 4C of the Act, may affix a notice (a **non-compliance notice**) to the taxi-cab if it appears to the authorised officer or other person that the taxi-cab does not meet the requirements set out in clause 25.
- (2) The notice is to specify:
 - (a) the action necessary to be taken in order for the taxi-cab to meet the relevant requirements, and
 - (b) an expiry date or expiry time after which the taxi-cab must not be used to provide a taxi-cab service unless the notice has been removed by an authorised officer.
- (3) An authorised officer may remove a non-compliance notice from a taxi-cab if satisfied on inspection of the taxi-cab that the necessary action specified in the notice has been taken.
- (4) A person who is not an authorised officer must not remove a non-compliance notice from a taxi-cab.

Maximum penalty: 10 penalty units.

82 Reduced fees for licences

- (1) For the purposes of section 32I (2) of the Act, the following circumstances are prescribed as circumstances in which the Director-General may fix the licence fee for a

taxi-cab licence at less than the current value of the licence on the open market or decide not to impose a licence fee for the licence:

- (a) circumstances in which the Director-General is of the opinion that the service concerned would, for economic or other reasons, be unlikely to be provided if the full licence fee were to be imposed,
 - (b) circumstances in which an application for a taxi-cab licence is made, during the period between 1 September 2003 and 31 December 2004, by the holder of a private hire vehicle licence (being a licence acquired by the holder prior to 13 September 2001) in accordance with arrangements approved by the Director-General under which the private hire vehicle licence is to be replaced by a taxi-cab licence,
 - (c) circumstances in which an application for a taxi-cab licence is made, during the period between 1 November 2005 and 31 March 2006, by the holder of a private hire vehicle licence (being a licence acquired by the holder prior to 13 September 2001) in accordance with arrangements approved by the Director-General under which the private hire vehicle licence is to be replaced by a taxi-cab licence,
 - (d) circumstances in which an application for a taxi-cab licence is made, during the period between 1 November 2005 and 31 March 2006, by the holder of a different taxi-cab licence (being a licence acquired by the holder pursuant to an application referred to in paragraph (b)) in accordance with arrangements approved by the Director-General under which a taxi-cab licence for one area of operation may be replaced by a taxi-cab licence for another area of operation.
- (2) Without limiting the generality of subclause (1) (a), circumstances of the kind referred to in that subclause may include the following:
- (a) if the service is to be provided for the benefit of persons who have disabilities,
 - (b) if the service is to be provided in a fringe area of a transport district or outside such a district.

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

- (1) The holder of a licence for a taxi-cab who lets the licence to another person must cause written notice of the letting to be given to the Director-General in accordance with this clause.

Maximum penalty: 10 penalty units.

- (2) The notice must be given no later than 7 days after the licence is let.
- (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 sublets the licence in the same way as it applies to the lessor of the licence.

84 Change of address or name of operator or driver

(1) An accredited taxi-cab operator or an authorised taxi-cab driver who changes his or her name or residential address must, within 7 days after the change, give written notice of the change and of the new name or address to the Director-General.

Maximum penalty: 5 penalty units.

(2) The authorised taxi-cab driver must also give the written notice required by subclause (1) to the accredited operator of each of the taxi-cabs that the driver drives.

Maximum penalty: 5 penalty units.

85 Misuse of authorities and authority cards

(1) This clause applies to authorities to drive taxi-cabs and to drivers' authority cards.

(2) A person must not:

(a) alter or deface any authority or driver's authority card, or

(b) lend or part with any authority or driver's authority card, or

(c) fraudulently obtain a driver's authority card, or assist another person to obtain such a card fraudulently.

Maximum penalty: 5 penalty units.

86 Replacement of authorities and authority cards

(1) An authority or driver's authority card that has been altered or defaced is void and may be returned to the Director-General for replacement.

(2) On the return of an authority or driver's authority card, or on proof to the satisfaction of the Director-General that an authority or driver's authority card has been destroyed, stolen or lost, the Director-General may cause a duplicate of it to be issued, and any such duplicate then becomes, for the purposes of the Act and this Regulation, the authority or driver's authority card in respect of which the duplicate is issued, and the original authority or driver's authority card, if it is not already void, becomes void.

87 Fees

(1) For the purposes of section 31A (2) of the Act, the prescribed fee for consideration of

an application for an accreditation to carry on a taxi-cab service is \$100.

- (2) For the purposes of section 33A (2) of the Act, the prescribed fee for consideration of an application for an authorisation to drive taxi-cabs is \$100.
- (3) For the purposes of section 33C (2) of the Act, the prescribed fee for the renewal of an authorisation to drive taxi-cabs is \$120.
- (4) For the purposes of section 34A (2) of the Act, the prescribed fee for consideration of an application for an authorisation to operate a taxi-cab network is \$500.
- (5) For the purposes of section 34C (2) of the Act, the prescribed fee for the renewal of an authorisation to operate a taxi-cab network is \$300.

88 Fee for renewal of accreditation to carry on taxi-cab services

- (1) For the purposes of section 31C (2) of the Act, the prescribed fee for the renewal of an accreditation to carry on taxi-cab services (that is, an accreditation under Division 3 of Part 4 of the Act) is as follows:
 - (a) except as provided by paragraph (b), the amount calculated in accordance with the following rate:

\$5 for each week of the period during which the accreditation is in force, multiplied by the number of taxi-cabs managed (as at the assessment date) by the accredited taxi-cab operator,
 - (b) if no taxi-cabs are managed by the accredited taxi-cab operator as at the assessment date—\$260.
- (2) An accreditation under Division 3 of Part 4 of the Act can be renewed only if the prescribed renewal fee is paid before the end of the period during which the accreditation is in force.
- (3) In this clause:

assessment date means a date, as determined by the Director-General, occurring during the period during which the accreditation concerned is in force.

89 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).

90 Penalty notice offences

- (1) For the purposes of section 59 of the Act:
 - (a) each offence created by a provision specified in Column 1 of Schedule 2 is declared to be a penalty notice offence, and
 - (b) the prescribed penalty for such an offence is as follows:
 - (i) the amount specified in Column 2 of Schedule 2, unless subparagraph (ii) applies,
 - (ii) in the case of an offence for which an amount is specified in Column 3 of Schedule 2, and that is an offence committed in the Sydney Airport precinct, the amount specified in Column 3 of Schedule 2.
- (2) If the reference to a provision in Column 1 of Schedule 2 is qualified by words that restrict its operation to specified kinds of offences or to offences committed in specified circumstances, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or is committed in the circumstances so specified.

91 (Repealed)

92 Saving

Any act, matter or thing that had effect under the *Passenger Transport (Taxi-cab Services) Regulation 1995* immediately before the repeal of that Regulation is taken to have effect under this Regulation.

Schedule 1 Approved security camera systems

(Clause 14 (5))

1 Definitions

In this Schedule:

authorised purpose, in relation to the use of a video recording made by a security camera system, means the purpose of, or any purpose in connection with, prosecution of, or the issue of a penalty notice in respect of, an offence committed in or about 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 taxi-cab to be indicated

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

Maximum penalty: 5 penalty units.

4 Storage of recordings made by security camera

(1) The operator of a taxi-cab network must cause:

- (a) such security safeguards as the Director-General may specify, 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.

(2) The Director-General may, by notice in writing to the operator of a taxi-cab network, specify reasonable security safeguards for the purposes of subclause (1) (a).

5 Disposal of recordings made by security camera

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

Maximum penalty: 5 penalty units.

(2) The recording may be disposed of by destroying it by deletion or otherwise or, if it is to be used for an authorised purpose, by giving it to:

- (a) a police officer, or
- (b) an officer of the Ministry of Transport authorised by the Director-General to receive it.

(3) It is the duty of the Commissioner of Police or the Director-General (as the case

requires) to ensure the destruction of any video recording that was given to a police officer or to an officer of the Ministry of Transport but which is not 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.

Schedule 2 Penalty notice offences

(Clause 90)

Part 1 Offences under [Passenger Transport Act 1990](#)

Column 1 Provision	Column 2 Penalty	Column 3 Penalty (Sydney Airport precinct)
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 53B (1)	\$500	
Section 53B (2)	\$500	

Part 2 Offences under [Passenger Transport \(Taxi-cab Services\) Regulation 2001](#)

Column 1 Provision	Column 2 Penalty	Column 3 Penalty (Sydney Airport precinct)
Clause 8 (a)	\$400	
Clause 8 (b)	\$400	
Clause 8 (c)	\$400	
Clause 8 (d)	\$400	
Clause 8 (e)	\$400	
Clause 9 (1)	\$200	
Clause 10 (1)	\$300	
Clause 10 (2)	\$300	
Clause 11 (1)	\$300	

Clause 11 (5)	\$300
Clause 12 (1)	\$300
Clause 12 (2)	\$300
Clause 13 (1)	\$300
Clause 13 (3)	\$300
Clause 14 (1)	\$300
Clause 14 (2)	\$300
Clause 14 (3)	\$300
Clause 14 (4)	\$300
Clause 15	\$300
Clause 15A	\$200
Clause 16	\$150
Clause 17 (1)	\$150
Clause 18	\$300
Clause 19	\$200
Clause 20 (8)	\$200
Clause 20 (9)	\$300
Clause 21 (1) (a)	\$150
Clause 21 (1) (b)	\$150
Clause 22 (1)	\$150
Clause 23	\$150
Clause 24 (2)	\$200
Clause 24 (3)	\$100
Clause 25	\$150
Clause 26	\$200
Clause 27 (a)	\$200
Clause 27 (b)	\$200
Clause 28	\$200
Clause 30 (1)	\$200
Clause 30 (2) (a)	\$150
Clause 30 (2) (b)	\$200

Clause 30 (2) (c)	\$200	
Clause 30 (3)	\$150	
Clause 31	\$200	
Clause 32 (1)	\$300	
Clause 34	\$400	
Clause 35 (1)	\$150	
Clause 35 (2)	\$150	\$750
Clause 36 (1)	\$300	
Clause 38 (1)	\$75	
Clause 38 (2)	\$75	
Clause 39	\$150	\$750
Clause 40 (a)	\$200	
Clause 40 (b)	\$200	
Clause 41 (1)	\$200	
Clause 41 (2)	\$150	
Clause 41 (4)	\$200	
Clause 42	\$150	
Clause 43 (1) (a)	\$150	
Clause 43 (1) (b)	\$150	
Clause 43 (1) (c)	\$75	
Clause 43 (1) (d)	\$75	
Clause 43 (1) (e)	\$150	
Clause 43 (1) (f)	\$200	
Clause 45 (a)	\$75	\$750
Clause 45 (b)	\$200	
Clause 45 (c)	\$150	
Clause 46	\$75	
Clause 47 (1)	\$150	\$1,000
Clause 48 (1)	\$150	
Clause 48 (2)	\$150	
Clause 48 (6)	\$200	

Clause 49	\$150	
Clause 50 (a)	\$150	
Clause 50 (b)	\$150	
Clause 50 (c)	\$150	
Clause 50A	\$200	
Clause 51 (3) (a)	\$150	
Clause 51 (3) (b)	\$150	
Clause 54 (1)	\$150	\$5,000
Clause 54 (2)	\$150	\$5,000
Clause 55 (1)	\$150	
Clause 55A	\$200	
Clause 56 (1)	\$150	
Clause 56 (2)	\$150	
Clause 57 (2)	\$150	
Clause 58 (1) (a)	\$150	
Clause 58 (1) (b)	\$150	
Clause 58 (3)	\$150	\$300
Clause 59	\$200	
Clause 60	\$150	
Clause 62 (1)	\$150	
Clause 62 (3)	\$150	
Clause 63 (1)	\$150	
Clause 65 (2)	\$150	
Clause 66 (a)	\$150	
Clause 66 (b)	\$150	
Clause 67 (2)	\$150	
Clause 67 (3)	\$150	
Clause 68 (2)	\$150	
Clause 69 (1)	\$150	
Clause 69A (a)	\$500	
Clause 69A (b)	\$500	

Clause 70 (1)	\$150	
Clause 70 (2)	\$100	
Clause 70 (3)	\$150	
Clause 70 (4)	\$150	
Clause 70 (7)	\$150	
Clause 70A (1)	Not applicable	\$5,000
Clause 70B (2)	Not applicable	\$750
Clause 70B (3)	Not applicable	\$750
Clause 70C (2)	Not applicable	\$750
Clause 71 (a)	\$200	
Clause 71 (b)	\$200	
Clause 72 (1)	\$150	
Clause 72 (2)	\$150	
Clause 73	\$50	
Clause 74 (2)	\$100	
Clause 75 (2)	\$100	
Clause 76 (2)	\$100	
Clause 81 (4)	\$300	
Clause 83	\$200	
Clause 84 (1)	\$150	
Clause 84 (2)	\$150	
Clause 85 (2)	\$150	
Schedule 1, clause 2	\$500	
Schedule 1, clause 3	\$200	
Schedule 1, clause 4 (1)	\$200	