



NSW TAXI COUNCIL



This submission is provided in response to the proposed Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017 and the associated Regulatory Impact Statement

NSW Taxi Council Submission

Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017

19 May 2017



Contents

Contents

| | | |
|------|--|----|
| 1 | EXECUTIVE SUMMARY | 2 |
| 2 | INTRODUCTION..... | 4 |
| 3 | BACKGROUND TO SUBMISSIONS..... | 6 |
| 4 | KEY ISSUES..... | 7 |
| 4.1 | Definition of roles within the point to point transport sector (Reg 3) | 7 |
| 4.2 | Facilitators of booking service providers (Reg 4)..... | 8 |
| 4.3 | Vehicle registration and registration standards for vehicles (Reg 9)..... | 8 |
| 4.4 | Digital display (Reg 12)..... | 9 |
| 4.5 | Vehicle Identification (Regs 14 and 22) | 11 |
| 4.6 | Driver Identification (Reg 15)..... | 12 |
| 4.7 | Display of Information (Reg 17) | 13 |
| 4.8 | English Language Requirements (Reg 29)..... | 14 |
| 4.9 | Fare calculation devices (Reg 16)..... | 14 |
| 4.10 | Safety devices (Regs 18, 19, 20, 21)..... | 15 |
| 4.11 | Wheelchair Accessible Vehicles (Reg 83)..... | 15 |
| 4.12 | Fares (Part 5, Regs 52-57) | 16 |
| 4.13 | Records of passenger service transactions (Reg 43)..... | 17 |
| 4.14 | Prepayment scheme for taxi fares (Reg 56)..... | 17 |
| 4.15 | Authorisation Fee (Reg 45) | 17 |
| 4.16 | Touting (Reg 66)..... | 18 |
| 4.17 | Peak Availability Licences (Reg 78) | 18 |
| 4.18 | Other | 18 |
| 4.19 | Transition period and support for Industry | 19 |
| 5 | CONCLUSION..... | 21 |

1 EXECUTIVE SUMMARY

The NSW Taxi Council appreciates the opportunity to review and respond to the proposed ***Point to Point Transport (Taxis and Hire Vehicle) Regulation 2017*** (the 'Regulation').

While the NSW Taxi Council believes that the safety focus of the Regulation takes a step toward establishing a competitively neutral regulatory framework, the Regulation contains a number of obligations which impose a heavy burden on driver entry to the taxi industry and the operation of taxi services which are not shared by other booking service providers.

Moreover, the Regulation creates an unworkable framework and significant financial burden for stakeholders in the taxi industry with regard to the Passenger Services Levy (**PSL**) and the Authorisation Fees (**AF**).

The NSW Taxi Council has already expressed its concern regarding the taxi industry's ability to collect the PSL in the manner now proposed in the Regulation in detailed submissions made to Transport for NSW in October 2016. It appears that none of these concerns have been addressed in the Regulation. Given the seriousness of the NSW Taxi Council's continued concerns with the PSL, a separate submission will be made on the PSL. It is not addressed in any detail in this document.

In terms of the AF, there has been no consultation with the NSW Taxi Council regarding the AF. The first time that the Council became aware of the AF was on the release of the Regulation. In general terms, the NSW Taxi Council considers that the quantum and manner of collection of the AF is completely unacceptable. The AF proposed in the Regulation would cripple the Taxi Industry and force the departure of many taxi service providers. Given the NSW Taxi Council's strong objection to all aspects of the AF, this matter will also be dealt with by way of a separate submission. It is not considered in detail in these submissions.

These submissions are supplemented by the attached document titled Individual Regulations Response Summary (**IRRS**). It is intended that this document address the key areas of concern for the NSW Taxi Council arising from the Regulation and the corresponding Regulatory Impact Statement (**RIS**) while the Individual Regulations Response Summary provides further commentary on each section of the Regulation.

The NSW Taxi Council requests these two documents be read in conjunction with each other as together they form the overall submission of the organisation (except in respect to the matters identified above).

These submissions are made in the spirit of improving the Regulation to ensure workability, practicality, consistency and to establish a level playing field between stakeholders.

The key areas of concern for the NSW Taxi Council arising from the Regulation and the RIS as follows:

- The need for adequate time for the taxi industry to transition to the new regulatory framework;
- Issues arising from ambiguities and inconsistencies in the Regulation;
- Vehicle registration and registration standards for vehicles;
- Digital display;
- Vehicle identification;
- Driver identification;
- Disqualifying offences;
- English language requirements;
- Fare calculation devices;
- Safety devices, including security cameras;
- Wheelchair Accessible Vehicles;
- Fares; and
- Transition arrangements.

These are addressed in detail below.

2 INTRODUCTION

The NSW Taxi Council is the peak body for the NSW Taxi Industry. It represents taxi networks, owners and operators, and it also advocates for better outcomes for NSW taxi drivers.

In NSW there are over 4,000 licence owners, in excess of 100 taxi networks, over 6,000 taxi operators and more than 27,000 authorised drivers. Therefore the industry is the livelihood of over 30,000 people and their families.

The NSW taxi industry is a major contributor to the State's public transport system. It provides approximately 170 million passenger journeys each year and it meets customer travel needs right across NSW. It functions as a door to door transport service that operates 24 hours a day 7 days a week. The NSW taxi industry also provides services at times when other forms of public transport either significantly reduce service levels or cease operations altogether. Taxis are often the only form of public transport for some members of the community, and they provide essential transport services to some of the most disadvantaged people in the State. The NSW Taxi Industry was the first private transport provider to offer transport services for passengers travelling in a wheelchair. In fact, our history goes as far back as 1980 when the first wheelchair accessible taxi was established.

The NSW Taxi Industry is also a significant contributor to the State's economy, providing employment opportunities for tens of thousands of drivers, operators, and network management staff as well as for other industries which rely on economic activity that the NSW taxi industry generates. The taxi industry contributes to the economic generation of the State by connecting people efficiently and effectively for business, education, tourism and essential lifestyle activities. International accounting firm Deloitte Access Economics has undertaken an independent assessment (**Attachment 1**) of the economic contribution of the NSW Taxi Industry and has estimated the annual contribution of the industry to the NSW economy to be in the order of \$1.15 billion per annum.

The NSW Taxi Industry is made up of a complex array of providers, ranging from the licence owners (the licence being the principal legal instrument to provide a taxi service), through to operators and drivers. A licence owner may own, operate and drive a taxi, but a licence owner may also lease the taxi licence to a separate taxi operator. Authorised taxi networks are the principal means through which taxi services are coordinated. They provide direct booking services to the public and a range of safety and other services to operators and drivers.

Authorised taxi networks do not have a direct commercial relationship with taxi drivers. The members of taxi networks are taxi operators who pay networks a fee for use of the network's services (including its booking services).

Taxi drivers bail taxis from taxi operators and pay a bailment fee to the operator (either a set "pay-in" or a share of the takings from a shift bailing a taxi). It is the taxi driver and not the network or the operator who collects the fare from the passenger.

The NSW Government does not, unlike other forms of public transport, procure taxi services from the NSW Taxi Industry. Whilst some financial support is provided to assist disadvantaged members of the community to access taxi services, on the whole the taxi transport system has been created and continues to operate as a consequence of the many people and organisations that have committed capital to invest in the industry. The NSW Taxi Industry also generates revenue for the NSW Government through the sale of licences and stamp duty on third party licence sales. It also generates other revenue through authorisation fees and indirect taxes.

The point to point transport sector consists of a wide range of service providers including the taxi industry, the hire car industry and ridesharing (collectively known as hire vehicles under the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016 (Act)*), tourist vehicles and the community and courtesy transport sector.

Ridesharing operations operated illegally in NSW from approximately April 2014 until December 2015, when the NSW Government accepted 56 of 57 recommendations made by the Point to Point Transport Taskforce, which had been established to review the passenger transport industry. At this time, a significant number of regulations contained within the *Passenger Transport Regulation 2007* were removed and ridesharing operations were effectively legalised.

The Act passed parliament in June 2016 and the corresponding proposed regulation was released for comment in April 2017. Given the options described in the supporting Regulatory Impact Statement to achieve the objectives of the Act, the NSW Taxi Council agrees that the option to make no regulation under the Act would not result in good outcomes for industry or for users of point to point services.

Accordingly, the NSW Taxi Council supports the introduction of detailed regulations and welcomes such parts of the Regulation which result in competitive neutrality and regulatory fairness amongst point to point participants. The NSW Taxi Council also supports a focus on safety standards because the taxi industry is committed to providing safe services for customers and industry participants. The NSW Taxi Council also acknowledges the adjustment assistance provisions for taxi licence owners.

However, as presently drafted, the Regulation continues to maintain a framework which places greater burdens on drivers seeking to enter the Taxi Industry when compared to drivers seeking to become “ride-share” drivers in circumstances where there is not a clear safety justification. The Regulation also imposes a number of other obligations on stakeholders in the Taxi Industry which are likely to have (perhaps unintended) significant detrimental consequences.

These submissions address those matters.

3 BACKGROUND TO SUBMISSIONS

The NSW Taxi Industry is going through a period of unprecedented change. The NSW Government's point to point transport reforms have introduced a new approach to the regulation of the NSW Taxi Industry as an integral part of the point to point transport sector and the industry is transitioning to a markedly different regulatory environment as a consequence.

While the Act was introduced almost 12 months ago, the Regulation was first released for public comment on 11 April 2017.

Given the delay in releasing the Regulation, the NSW Taxi Council does not consider that the Government has offered stakeholders an adequate time to consider the Regulation and make submissions.

Some of the matters addressed in the Regulation have not been the subject of any prior consultation with the Taxi Industry (most notably the AF) and many of the matters addressed in the Regulations are not wholly consistent with the recommendations made by the Point to Point Transport Taskforce. For example, recommendation 37 made by the Point to Point Transport Taskforce was that any government-imposed fees for the authorisation of industry participants should be charged on a consistent basis (e.g., per vehicle, per entity, or per km travelled). The Regulation proposes to charge fees on a "per trip" basis.

Accordingly, the NSW Taxi Council seeks a proper opportunity to consult with Government on the Regulation. We consider that these submissions begin those consultations but it is hoped that there is an opportunity to make additional submissions and work with Government to revise the Regulation to address our concerns.

4 KEY ISSUES

The following are the key issues that the NSW Taxi Council considers critical to address by amendments to the Regulation to avoid the NSW Taxi Industry being put at a financial, legal, industrial and competitive disadvantage.

4.1 Definition of roles within the point to point transport sector (Reg 3)

Regulation 3 (Definitions) defines a number of terms and roles relating to the Regulation.

Given the new regulatory framework is one which focuses on duties of participants, particularly in relation to safety, there is an obvious need for the identity and role of the participants to be clearly defined so that they are understood by those in the sector.

Specifically, we consider that the meaning of:

- Affiliated provider; and
- Facilitator,

is unclear.

We seek some guidance on these terms and the identity of the participants the Government considers would be covered by these terms.

In terms of “Facilitator”, we consider that the use of this term is not consistent throughout the document. Further detail is required on which party this represents.

In addition, terms such as ‘driver’, ‘owner’, ‘licence holder’ and ‘licence owner’ are used in the document, but not defined in regulation 3.

In terms of the term “licence holder”, we assume that this is intended to cover taxi operators who may or may not be the legal owner of the licence. Is this correct?

We also consider that the terms ‘taxi service’, ‘booked service’, ‘taxi’, and ‘hire vehicle’ should be defined in the Regulation.

There is an obvious benefit to using clear and unambiguous language in the definitions section of the Regulation to avoid any uncertainty about accountabilities for safety and service delivery.

In regulation 3(2), we request the inclusion of the wording “*undertake or intending to undertake passenger journeys for fare or other consideration*”. The Act and Regulation cover point to point journeys undertaken for consideration and we are uncertain why this part of the definition has been excluded.

4.2 Facilitators of booking service providers (Reg 4)

The concerns that the NSW Taxi Council has with the ambiguous (and at times, circular) drafting of definitions in regulation 3 extend to regulation 4.

We assume that regulation 4 is likely aimed at imposing obligations on those persons assisting overseas entities operating booking services in Australia if those overseas entities do not comply with the obligations imposed on them under the Regulation.

However, it is our view that regulation 4 is unclear and its meaning is affected by the unclear definition of “facilitator” in the preceding regulation.

4.3 Vehicle registration and registration standards for vehicles (Reg 9)

Vehicle Inspections

The NSW Taxi Council is extremely concerned that public passenger vehicles will no longer be subject to adequate vehicle safety related checks.

Regulation 9(1) of the Regulation states:

“A vehicle used to provide a passenger service must at all times meet the requirements of the law for the registration of the vehicle

Note. *For vehicle registration standards, see Part 5 of, and Schedule 2 to, the Road Transport (Vehicle Registration) Regulation 2007.”*

Section 57 of the *Road Transport (Vehicle Registration) Regulation 2007* states:

“57 Periodic inspections

(1) Unless otherwise determined by the Authority, a registrable vehicle must be inspected by the Authority or by an authorised examiner:

(a) except as provided by paragraph (b), at least once every year, or

(b) in the case of a public passenger vehicle, at least twice every year.”

A ‘*public passenger vehicle*’ is defined in the *Road Transport (Vehicle Registration) Regulation 2007* as:

“public passenger vehicle *means a registrable vehicle that is constructed principally for the conveyance of passengers and that is:*

(a) used for conveying passengers for hire or reward, or

(b) *equipped to seat more than 8 adults, including the driver, and is used for conveying passengers in the course of trade or business.”*

For the avoidance of doubt, the Regulation must specify that all vehicles including private hire vehicles used in ride-sharing operations are “public passenger vehicles” for the purposes of the inspection regime set out in the *Road Transport (Vehicle Registration) Regulation 2007*.

However, in the strong view of the NSW Taxi Council, there is a genuine public safety benefit in maintaining the existing safety checks and inspection requirements of 3 times per annum for all point to point vehicles.

Vehicle Registration

Further, the NSW Taxi Council submits that the Regulation must be amended to include a process for proper registration of all point to point vehicles.

Taxis have a specific licence plate and accordingly are required to register the vehicle as a taxi prior to use as such.

No similar registration requirement exists for hire vehicles used in ride-sharing and it appears that there is no compulsion to declare the point to point status of the vehicle at the time of registration.

With no registration requirements, we question how a vehicle is to be identified when it moves from use as a private vehicle to use as a point to point / public passenger service vehicle.

Identifying a vehicle via a requirement for registration has an obvious safety benefit but has flow on effects for insurance and vehicle identification purposes. There must be consistency and regulatory fairness between taxis and hire vehicles. It appears this has not been achieved here.

4.4 Digital display (Reg 12)

The NSW Taxi Council is concerned by the regulation regarding digital display on passenger transport vehicles.

Increased regulation of digital displays is wholly inconsistent with the recommendations of the Point to Point Transport Taskforce. To the extent that the Taskforce dealt with such displays, it recommended *“that apart from the regulated safety and security requirements.... there be no other regulated requirements for point to point transport vehicles, including on vehicle specifications, age limits, inspections or advertising”*

There are already a number of other laws and regulations that capture digital and moving images, for instance the *Australian Road Rules*.

For example, regulation 299 of the *Australian Road Rules* states:

- (1) *A driver must not drive a vehicle that has a television receiver or visual display unit in or on the vehicle operating while the vehicle is moving, or is stationary but not parked, if any part of the image on the screen—*
- (a) *is visible to the driver from the normal driving position; or*
 - (b) *is likely to distract another driver.*

Imposing additional regulations which are more prescriptive than existing legislative requirements is completely at odds with the recommendations made by the Taskforce.

Moreover, the proposed new regulation does not take account of other legislative review which has taken place in NSW. For example, the NSW Government's "Draft transport corridor outdoor advertising and signage guidelines" (December 2015) considered what may be "likely to distract" drivers in the context of roadside signs. In that document a distinction was drawn between moving and animated digital images and "static electronic displays". Static electronic displays are defined in the guidelines as signs that "*display static images only, which are presented successively at set intervals. They do not contain or imply motion such as vertical or horizontal scrolling, fade, dissolve or animation within the message itself.*"

In practical terms it is difficult to see any material difference between "static electronic displays" and other signage already installed on taxis which automatically changes between static images except that the former is electronic as opposed to printed and adopts new technologies to control change times. There is no real difference between this an electronic signs displaying static images and printed signs which are automated to change between static images at set times.

Any attempt to limit the use of digital displays is likely to restrict innovation for no obvious benefit. For example, the NSW Taxi Council is aware that in other jurisdictions abroad use digital 'taxi' rooftop identification signs. This would be prohibited under this regulation.

In relation to the advertising aspects of digital signs, advertising on taxis provide additional revenue for vehicle owners and the NSW Taxi Council supports advertising initiatives on taxis that promote particularly state significant events.

The commercial significance to the industry more broadly needs to be taken into consideration, provided these initiatives are employed in a lawful, safe manner.

We recommend that regulation 12 be removed or at the very least that it draws a distinction between moving images being displayed on vehicles whilst those vehicles are in motion and digital static images (but which can change between static images) that are not otherwise "moving".

The NSW Taxi Council would support an amendment to reg 12 to change the wording from “any digital or other moving image” to “any digital image or other signage which moves whilst the vehicle is in motion”.

4.5 Vehicle Identification (Regs 14 and 22)

No Passing Off

The NSW Taxi Council welcomes the inclusion of regulations that ensure a clear distinction between taxis and hire vehicles (*14 Signs, lights and marking-taxis* and *22 Signs and markings-hire vehicles*), which will aid compliance on rank and hail services.

However, over the years many ‘passing off’ cases involving companies who have attempted to position themselves as a taxi service have used the words “taxi cab” or “cab” in their advertising.

The words “taxi cab” and “cab” are synonymous and interchangeable with the word “taxi” both in public usage and (until recently) in legislation. For example, these terms were used in preference to “taxi” in the *Passenger Transport Act*.

Accordingly, the NSW Taxi Council submits that Reg 22(1) include a new subsection (d) in the following words:

(d) use the words “taxi”, “taxi-cab” or “cab” or any variation thereof.

Markings

Whilst going part of the way to support the distinction between the two services, the markings on hire vehicles need to be standardised so there is no confusion for customers or compliance officers.

Taxis are required to be registered and an identifying licence plate is displayed on the vehicle.

The NSW Taxi Council strongly opposes a non-standardised approach to identifying hire vehicles and proposes identification for hire vehicles be standardised by way of consistent shape, size, colour, location and marking.

In addition, standards should be set for size, so that it can be seen. For example, a size and shape similar to that used by ‘L’ and ‘P’ plates used for learner and provisional drivers, in this case bearing the identification “H” or “HV” affixed to the vehicle in a similar location. This is necessary for compliance and general safety checks, which may be undertaken by authorised officers, Police and local council rangers for instance.

Further, it is noted that motor cycles are exempt from identification requirements for hire vehicles in Reg 22(2). The NSW Taxi Council requests that this exemption be removed (by the deletion of the words “other than motor cycle” from Reg 22(2)).

4.6 Driver Identification (Reg 15)

The NSW Taxi Council supports the need for driver identification however it submits that regulation 15 requires some amendment to address safety and compliance issues.

Firstly, the NSW Taxi Council submits that driver identification requirements must be extended to *all* point to point providers.

In the interest of public safety, an identification document in the form of a card or electronic document should be present in all point to point vehicles. This is so the driver may be identified by passengers and compliance officers (including (but not limited to) NSW Police, authorised officers and local council rangers).

This approach has been adopted in many overseas jurisdictions that have legalised ride-sharing arrangements as part of the response to passenger safety and compliance.

Secondly, the NSW Taxi Council seeks the removal of the requirement for the ID to include as per Reg 15 (c) “the name and logo of the taxi service”.

To the extent that Reg 15(c) was included to enable passengers to identify the taxi service (network) should feedback to the taxi service be required, this is already captured in Reg 17.

Reg 17 states:

“Display of information-taxis:

(1) The following information must be displayed inside a taxi that stands or plies for hire on a road or related area so that it is clearly visible to any passenger in the taxi:

- (a) The vehicle registration number of the taxi;*
- (b) contact information for the person authorised to provide the taxi service for which the taxi is used; ...*

Additionally, the NSW Taxi Council’s members have expressed a desire for ID provision to be undertaken across industry to allow portability for drivers between taxi service providers (networks).

Many drivers drive for more than one provider and industry is exploring options for taxi industry wide driver identification supplied by the NSW Taxi Council.

The requirement to provide the network name and logo of the taxi service on the identification document may mean that either numerous ID documents be produced or if a single document was used, multiple names and logos would be required, which is not practical.

A significant number of ID cards need to be re-issued to all existing NSW drivers. The incremental costs (particularly for small networks) are not insignificant. It makes economic sense for networks to utilise the NSW Taxi Council's unique position to represent all taxi networks that wish to be included.

The service provider will still be required to vet, induct and train all drivers that it issues with a PIN (effectively enabling them to drive on their network).

Under this model, the suggested wording for Reg 15 (1) (c) is:

*(c) the name and logo of the taxi service **or the NSW Taxi Council.***

Alternatively, as noted above, as the identification of the taxi service is covered by Reg 17, Reg 15(c) could be deleted in its entirety.

4.7 Display of Information (Reg 17)

As it currently reads, Reg 17(1)(b) requires that the contact information for a *person* authorised to provide the taxi service be provided.

The NSW Taxi Council believes that to avoid confusion this regulation should be amended to state:

(b) contact information for the taxi service for which the taxi is used.

Also, reg 17(1)(c) states "*the fares for journeys including additional tolls, fees and charges, and any differences that may apply based on the time of the journey*" must be displayed. The NSW Taxi Council submits that this is problematic because it prevents a provider from offering reduced prices or price promotion unless the provider can display those fares in a taxi.

Currently no taxis in NSW include digital signs inside taxis which display fare rates, tolls and other charges. This information is displayed on stickers affixed to the inside of taxis. Most taxi providers do not have the resources to source and install digital advertising devices inside taxis. Accordingly, the current regulation would require that each time there is a price promotion (for instance a January weekend special when booking volumes are low and there is a need to stimulate demand) the taxi service provider would need to change these "stickers".

We do not believe this is the intention of this regulation.

We submit alternate wording:

*(c) **the maximum** fares for journeys that commence with a passenger hailing a taxi or at a rank, including any tolls ..."*

By limiting the obligation to displaying the maximum fares, the taxi service provider would be free to run price promotions for less than that sum.

For booked services the price is set by the network and should be communicated to the passenger at the time of booking in accordance with regulations 52 and 54.

4.8 English Language Requirements (Reg 29)

The NSW Taxi Council supports minimum English language requirements and recommends that this regulation be extended to *all* point to point drivers.

There is no cogent reason why the English language requirement would be limited only to taxi drivers when all point to point drivers need to communicate with passengers, emergency services, compliance officers (including Police and council rangers) and members of the public in the event of an emergency, accident or notifiable incident.

The NSW Taxi Council supports flexibility in determining how a driver meets the standard, and this requirement and flexibility should be applied to all providers equally.

The University of Western Sydney (**UWS**) has reviewed the requirements of the English language standards and has advised that the current test matches the levels specified in regulation 29 2(a) and (b).

The Manager of UWS has enquired as to who will be assessing these requirements to validate the UWS test and certificate to ensure these are accepted as satisfying the requirements.

4.9 Fare calculation devices (Reg 16)

The NSW Taxi Council raises concern that many taxi providers and other industry duty holders would not be able to meet the following standard imposed by the Regulation:

16 Fare calculation devices-taxis

(8) The fare calculation device, or an auxiliary device, must be capable of storing or reproducing, or enabling the storage or reproduction of, information about the origin, destination, time, date and fare amount for each journey for which the device is used.

(9) The information must be stored in the device, or stored in another secure place, for a period of not less than 2 years.

At present many meters do not store this information.

The NSW Taxi Council is aware of one meter currently on the market that can store this information.

Auxiliary devices, such as a despatch system may collect and store some of the information, but due to data storage constraints, systems are not collecting

and/or storing all the required data as a matter of course. To be clear, most networks do not have the technological capability to collect and store the information sought in this regulation for the period of time required or at all. The volume of data would be enormous even for those networks with technology in use that is capable of collecting this information.

Smaller and regional networks simply do not collect and store the majority of data sought.

The NSW Taxi Council requests that the obligations imposed by this regulation be limited having regard to the practical constraints on networks to collect, store and maintain this data.

At the very least, the NSW Taxi Council seeks an extended period before this regulation comes into effect to allow industry an appropriate transition period in order to comply. Given the costs and availability of technology, it is requested that this transition period be a minimum of 12 months.

Further investigation and consultation on this matter is required.

4.10 Safety devices (Regs 18, 19, 20, 21)

The NSW Taxi Council supports vehicle security technologies such as duress alarms, vehicle tracking devices and security cameras in taxis. This is both for the safety and security of passengers and drivers.

It is noted that the same requirements are not imposed on booked services.

Cameras particularly provide security not only for drivers, but also for passengers. This is particularly important when the most vulnerable members of the community are transported, for instance children or the disabled. The NSW Taxi Council requests that passengers who fall into this category are transported in a vehicle with a security camera.

4.11 Wheelchair Accessible Vehicles (Reg 83)

The NSW Taxi Council has received a significant number of comments from industry stakeholders concerned by wording used in Reg 83(1) and specifically the time at which a driver may start a fare calculation device when transporting passengers in wheelchairs.

Regulation 83(1) states that a driver cannot start a fare calculation device until the taxi is *“ready to safely transport a passenger in a wheelchair”*.

There is considerable confusion as to what this means in practice.

Does it mean that the meter cannot be engaged until the taxi driver has assisted the passenger to board the vehicle, and the driver has secured the restraints and is ready to begin to transport the passenger on his or her journey?

The current practice is for taxi drivers to first “set up” the vehicle ready to load the passenger and then to start the meter at the commencement of the passenger boarding the vehicle. Safely loading the passenger into the wheelchair assessable taxi (**WAT**) can be difficult and time consuming and requires time and specific skills.

Many wheelchair passengers either do not hold a TTSS docket, or hold a TTSS docket not applicable to the WATDIS incentive.

For non-WAT hirings, the taxi driver starts the meter once contact has been made with the passenger. The driver is paid for any waiting time or loading of luggage etc.

The NSW Taxi Council submits that once the WAT driver has prepared the vehicle ready for the passenger to board, that driver should be entitled to start the meter to collect the passenger, escort them to the vehicle, load them and secure restraints.

An amendment to Reg 83 would clarify the uncertainty.

We recommend removing the words “*safely transport a passenger in a wheelchair*” from reg 83(1) and replacing it with “*safely board a passenger in a wheelchair into the taxi*”.

4.12 Fares (Part 5, Regs 52-57)

The NSW Taxi Council broadly supports the distinction between deregulated booked fares and a regulated maximum fare for rank and hail, but raises the following:

- The Taxi industry should be consulted on regulated maximum fares and the new fare structure;
- The new fares order should be determined as soon as is practicable upon implementation of the Regulation;
- Not all taxi service providers have websites, and therefore it may not be possible, particularly in some country areas “...to ensure that information about fares and charges payable by passengers who use the service is available on any website that is maintained by the provider or facilitator ...” (54 Publication of taxi fares);
- There needs to be penalty infringement notices (PIN) for passengers who fail to pay taxi fares. It is acknowledged that a maximum penalty of 5 penalty units applies in a court, and a PIN would provide the Police and other authorised officers a means to impose an immediate penalty, which would act as a deterrent for fare evasion.

4.13 Records of passenger service transactions (Reg 43)

Whilst we appreciate that some of the regulations require the collection of some passenger information, there are circumstances where the capture of contact information for the passenger is impractical or not possible:

- In circumstances where the passenger is an overseas visitor, an international phone number cannot be recorded in our dispatch systems making this hard. The residential address is not strictly relevant if the passenger is being picked up from a hotel. While it is possible to collect email addresses, these are difficult and expensive to collect over the phone and would have little use to country networks who do not have websites;
- The passenger simply refuses to give these details to us. We do accept bookings from people who won't provide a contact phone number;
- The booking is referred from another network either by fax or electronically. The originating network has been unable to collect the contact details for the reasons stated above.
- In the case where a passenger makes a booking from a shopping centre, hospital, pub, or public telephone box.

The following wording is suggested:

(2) (e) where practical, contact information, such as

(3) (b) where practical, contact information, such as

4.14 Prepayment scheme for taxi fares (Reg 56)

Sub clause (1) (relating to pre-payment of fares) is a critical issue to reduce the impact of fare evasion. As per our previous submission in this regard, we request that the Government gazette all areas of NSW to fall under Reg 56 as soon as possible.

Given the principles of the point to point transport reform are to provide a "light touch" in terms of regulation for the sector, we submit that the opening up of pre-payment for all taxi areas in NSW would be in keeping with this design.

4.15 Authorisation Fee (Reg 45)

The NSW Taxi Council has received significant feedback from the taxi industry in relation to the AF. The cost imposed of \$0.03 per passenger service transaction is significant for service providers and may well prove to be unaffordable for the majority of networks.

Due to the significance of this matter to the Taxi Industry, it is requested that discussion on this matter is extended beyond the consultation period to allow the NSW Taxi Council to properly consult with all members (including rural and smaller networks) before making its submissions.

4.16 Touting (Reg 66)

The NSW Taxi Council considers that the exemption set out in reg 66(2) renders the prohibition in reg 66 (1) relatively meaningless in practice.

For a hire vehicle to avoid the prohibition against touting in reg 66(1) the driver need only allege that the driver was merely “making an inquiry of persons”.

We strongly submit that reg 66(2) be deleted in its entirety.

If a driver of a hire vehicle has stopped to pick up passengers who are waiting for the driver, he would not fall within the prohibition in reg 66(1) because he would not be “touting or soliciting” for passengers.

The NSW Taxi Council considers that reg 66(2) significantly undermines the fundamental restriction on hire vehicles from undertaking rank and hail work.

4.17 Peak Availability Licences (Reg 78)

There are a number of different types of licences which exist in NSW at present which may (or may not) fall under the category of Peak Availability Licences. These licences have different operating conditions which apply to them that fall outside the hours listed in regulation 78.

The NSW Taxi Council submits that regulation 78 should be amended to preserve the operating conditions which apply to different licences in NSW so that the licence holders are not disadvantaged after the introduction of the Regulation.

We need to be assured that the current operating conditions set out in the licence conditions are maintained and there is no detrimental effect on the licence as a result of the Regulation. As private property, the value of the licence may be diminished if the current operating conditions are adversely affected.

4.18 Other

The NSW Taxi Council has made formal representations that the distinction between booked services and rank and hail (the domain of taxis only) needs to be carefully monitored and appropriate compliance activities undertaken. Should this not occur, the distinction becomes meaningless.

For the avoidance of doubt, it is requested that regulation 76 (Use of taxi zones) include the wording “*Private Hire vehicles are prohibited from standing on a taxi rank*” and an appropriate penalty be applied.

4.19 Transition period and support for Industry

Many aspects of the Regulation will require significant change to the Taxi Industry both to its method of operating and in some respects the technology it uses.

The Point to Point Transport Taskforce acknowledged that *“the introduction of our proposed regulatory approach will be extremely challenging for some parts of the industry, and for that reason we have argued that government must play a role in facilitating the transition”*.

The NSW Taxi Council submits that part of the assistance offered to the Taxi Industry must include:

- (i) the provision of sufficient time to allow industry to transition to the new regulatory framework for each of the regulations that require a change to procedures or systems or technological innovation in the taxi industry;
- (ii) for the areas identified in these submissions, further consultation between Government and the Taxi Industry on these matters; and
- (iii) appropriate financial assistance to allow taxi service providers to comply with the new legislative obligations.

As a minimum the NSW Taxi Council seeks a period of at least 12 months before any part of the Regulation that requires some structural, procedural or technological change to the taxi industry comes into force to allow the Industry time to prepare. In relation to the PSL, the necessary transition time needed is likely to be approximately 18 months.

In the context of it having taken the Government approximately 18 months already between the release of the Point to Point Transport Taskforce report and recommendations and the release of the Regulation, we do not consider that the Government can make a case for now demanding the Taxi Industry to move more quickly to adjust to the structural and technological changes required by the Regulation.

We submit that the best approach is to allow for the Regulation to be introduced in a staged process so that the PSL, any AF and any obligations to collect and hold passenger and fare information are delayed and first subject to further consultation. As stated above, despite the length of time that has now passed between the release of the report and the preparation of the Regulation, many of the matters addressed in the Regulation have not been the subject of prior consultation with Industry. In this context, it is not unreasonable to first expect proper consultation and at least the time which has been taken by Government to prepare that Regulation.

Finally, although the Point to Point Transport Taskforce report stated:

“At a number of places throughout this report, we have argued that assistance (of various forms) should be provided by government, to assist consumers and industry participants in making the transition to the new regime. Although it comes at the very end of the report, we want to stress that this is not a residual issue. To the contrary, it is a basic precondition of a successful transition from a heavily regulated system to one that demands significantly more innovation from industry participants and places a great deal more responsibility on them”

To date there has not been any commitment in the legislation or elsewhere to provide financial assistance to taxi networks to assist them in the transition to the new regulatory framework. Instead, the regulatory burden imposed on them (especially through the collection and other requirements relating to the PSL and AF) are likely to cause taxi networks to suffer extreme financial distress and, in some cases, they will not be able to continue to operate.

The NSW Taxi Council urges the Government to work with industry to assist it to meet the challenges posed by the Regulation including through a commitment to financial assistance.

5 CONCLUSION

The NSW Taxi Council appreciates the time and consideration given to our submission.

We believe that addressing the matters of concern that are included in this submission, together with an effective enforcement regime, will ensure more fairness and competitor neutrality for all point to point providers.

The NSW Taxi Council looks forward to meeting with stakeholders to discuss any aspects of our submission and our supplementary submissions to be made on the PSL and the AF.

End.

Individual Regulation Response Summary

NSW Taxi Council

*Submissions of NSW Taxi
Council Limited on Point to Point
Transport (Taxis and Hire
Vehicles) Regulation 2017*

Part 1 Preliminary

| No. | PROPOSED REGULATION | PROPOSED ACTION | RESPONSE |
|-----|---------------------------|---|---|
| 1 | Name of Regulation | This Regulation is the <i>Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017</i> . | |
| 2 | Commencement | This Regulation commences on [<i>insert date</i>] and is required to be published on the NSW legislation website. | Issues regarding implementation and transition have been addressed in the related written submissions. The NSW Taxi Council seeks a staggered introduction of the Regulations to allow sufficient time for procedural structural and technological changes. |
| 3 | Definitions | <p>(1) In this Regulation:</p> <p>affiliated service means a taxi service provided by an affiliated provider.</p> <p>approved security camera system means a security camera system that complies with requirements established for the time being by TfNSW by order published in the Gazette.</p> <p>approved vehicle tracking device means a vehicle tracking device that complies with requirements established for the time being by TfNSW by order published in the Gazette.</p> <p>authorisation means authorisation to provide a taxi service or a booking service.</p> <p>authorised fare for the hiring of a taxi means:</p> <p>(a) the amount chargeable for the hiring in accordance with a fares order, or</p> <p>(b) if there is no applicable fares order or the fare determined by the provider of the taxi service in accordance with clause 53 is less than the fare under the applicable fares order, the amount chargeable for the hiring in accordance with fares determined by the provider of the taxi service in accordance with that clause.</p> <p>drive a vehicle includes cause or allow the vehicle to stand.</p> | <p>The NSW Taxi Council considers that the following definitions are ambiguous:</p> <p>affiliated service; and</p> <p>facilitator</p> <p>The NSW Taxi Council does not know what entities would be regarded as an affiliated taxi service. Does this include Go-Catch and Ingogo?</p> <p>The NSW Taxi Council urges the Government to review all definitions used in the Regulations to ensure that they are clear and unambiguous and consistently used throughout the document.</p> <p>To this end, the NSW Taxi Council submits that the following terms must be defined in the Regulation:</p> <ul style="list-style-type: none"> • booking service • taxi service provider • licence holder (as distinct from licence owner) |

driver licence has the same meaning as in the *Road Transport Act 2013*.

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

facilitator of an affiliated service means the provider of a taxi service that facilitates the provision of the affiliated service by the affiliated provider.

fares order means an order made by TfNSW under section 76 of the Act.

Metropolitan transport district means the Metropolitan transport district established under section 108 of the *Transport Administration Act 1988*.

Newcastle transport district means the Newcastle transport district established under section 108 of the *Transport Administration Act 1988*.

nominated manager includes a manager nominated by an entity under clause 36. **notifiable occurrence** has the same meaning as it has in section 24 of the Act. **passenger service transaction** means:

notifiable occurrence has the same meaning as it has in section 24 of the Act. **passenger service transaction** means:

in the case of the provider of a booking service, taking a booking for a taxi or hire vehicle to provide a passenger service to a person (whether the passenger service is to be provided by the provider who takes the booking or another person), or

in the case of the provider of a taxi service, the provision of a taxi service to a passenger (other than as a result of the taking of a booking by the provider of the taxi service).

peak availability licence—see clause 51 (2).

related booked service, in relation to a booking service, means the transport of a passenger by the provider of a passenger

service as a result of a booking taken by the booking service.

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

stand-by taxi means a motor vehicle that is, in accordance with section 49 of the Act and this Regulation, being used in place of a taxi that is out of operation for repair or service.

Sydney Airport precinct means the area known as the Sydney (Kingsford-Smith) Airport, bounded by Airport Drive, Qantas Drive, Joyce Drive, General Holmes Drive, Marsh Street and the M5 Motorway.

taxi zone means a taxi zone appointed under clause 94.

the Act means the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*.

vehicle tracking device means a device by which the location of a taxi can be followed by using the vehicle tracking system operated by the provider of the taxi service, or by another taxi service provider on behalf of the provider.

wheelchair accessible hire vehicle means a hire vehicle that has wheelchair access.

wheelchair accessible taxi means a taxi that has wheelchair access.

Wollongong transport district means the Wollongong transport district established under section 108 of the *Transport Administration Act 1988*.

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

- (2) For the purposes of this Regulation, a vehicle is being used to provide a passenger service if:
- (a) the vehicle is being used to transport a passenger for the purposes of providing a passenger service or is travelling to pick up a passenger for that purpose, or

In regulation 3(2), we request the inclusion of the wording “*undertake or intending to undertake passenger journeys for fare or other consideration*”.

| | | | |
|---|---|---|---|
| | | <p>(b) the person driving the vehicle or a provider of a passenger service has indicated to the provider of a booking service, by logging into a dispatch or booking system or by other means, that the vehicle is available for hire, or</p> <p>(c) the person driving the vehicle or a provider of a booking service is taking bookings on the basis that the vehicle is available for hire, or</p> <p>(d) the vehicle is a taxi plying or standing for hire on a road or road related area.</p> <p>(3) Notes included in this Regulation do not form part of this Regulation.</p> | |
| 4 | Certain service facilitators and other persons to be booking service providers | <p>(1) For the purposes of section 7 (4) of the Act, an individual or body corporate is taken to be the provider of a booking service if it carries on the business of providing any of the following services:</p> <p>(a) technology services that facilitate or enable bookings for passenger services,</p> <p>(b) marketing services in connection with facilitating or enabling bookings for passenger services,</p> <p>(c) recruitment, assessment, monitoring, disciplinary or other management services relating to drivers used or proposed to be used for related booked services,</p> <p>(d) complaint management services relating to related booked services and fares for related booked services.</p> | The NSW Taxi Council considers that reg 4(3) to (5) is ambiguous as it is unclear how it relates to the meaning of “facilitator”. |
| | | <p>(2) Subclause (1) does not apply to an individual or body corporate if an authorisation is held by another individual or body corporate constituted or recognised under a law of Australia to provide the booking service in connection with which the services are provided.</p> <p>(3) An individual that is the nominated manager of an entity prescribed for the purposes of section 30 (1) (d) (a prescribed</p> | |

| | | | |
|---|-----------------------------------|--|--|
| | | <p>entity) is taken to be the provider of a booking service.</p> <p>(4) An individual or body corporate that is the provider of a booking service because of this clause is exempt from Part 3 of the Act in respect of the booking service if:</p> <p>(a) an authorisation to provide the booking service in connection with which a service specified in subclause (1) is provided or for which the person is a nominated manager is held by a prescribed entity, and</p> <p>(b) the authorisation is not suspended.</p> <p>(5) An individual or body corporate that is the provider of a booking service because of this clause is exempt from any other provision of the Act or this regulation that applies to or in respect of a provider of a booking service (other than Part 1, Division 2 of Part 7 and Parts 8, 10 and 11 of the Act and this clause and clause 93) if the applicable requirements of that provision are complied with by that entity.</p> | |
| <p>Part 2 Safety of services</p> <p>Division 1 Safety standards</p> | | | |
| 5 | Specified safety standards | <p>(1) The provisions of this Part (other than this Division and Division 7) are specified as safety standards for the purposes of Division 3 of Part 2 of the Act.</p> <p>(2) A safety standard is specified for a provider of a passenger service, affiliated provider, facilitator of an affiliated service, provider of a booking service, owner or driver of a vehicle or the holder of a taxi licence by a provision of this Part if:</p> <p>(a) the provision expressly imposes an obligation on the provider, facilitator, owner, driver or holder, or</p> <p>(b) this Part specifies the safety standard for the provider, facilitator, owner, driver or holder.</p> <p>(3) A statement in a clause that specifies a safety standard for any such provider, facilitator, owner, driver or holder, or that any such provider, facilitator, owner, driver or holder is a responsible</p> | |

| | | | |
|--|--|---|--|
| | | <p>person for a safety standard, is taken to apply to all of the provisions of the clause for that purpose, unless the clause otherwise provides.</p> | |
| 6 | Safety standards - offences | <p>(1) A provider of a passenger service, affiliated provider, facilitator of an affiliated service, provider of a booking service, owner or driver of a vehicle or the holder of a taxi licence must not contravene a safety standard specified for the provider, facilitator, owner, driver or holder by this Part.</p> <p>Maximum penalty:</p> <p>(a) in the case of a body corporate—250 penalty units, or</p> <p>(b) in any other case—50 penalty units.</p> <p>(2) A provider of a passenger service, affiliated provider, facilitator of an affiliated service, provider of a booking service, owner or driver of a vehicle or the holder of a taxi licence who is specified by this Part as a responsible person for a safety standard must ensure, so far as is reasonably practicable, that the safety standard is complied with.</p> <p>Maximum penalty:</p> <p>(a) in the case of a body corporate—250 penalty units, or</p> <p>(b) in any other case—50 penalty units.</p> | |
| <p>Division 2 Safety management system</p> | | | |
| 7 | Identification and management of risks to health and safety | <p>(1) A provider of a passenger service must identify and keep a record of the following:</p> <p>(a) the reasonably foreseeable hazards that could give rise to risks to health and safety to drivers, passengers and other persons in connection with the provision of the service,</p> <p>(b) the control measures taken to eliminate or minimise those risks,</p> | |

| | | | |
|---|--|---|--|
| | | <p>(c) the measures taken to maintain control measures.</p> <p>(2) A provider of a booking service must identify and keep a record of the following:</p> <p>(a) the reasonably foreseeable hazards that could give rise to risks to health and safety to drivers, passengers and other persons in connection with the provision of a related booked service,</p> <p>(b) the control measures taken to eliminate or minimise those risks,</p> <p>(c) the measures taken to maintain control measures.</p> <p>(3) A provider of a passenger service or booking service must regularly consult with other persons who have a safety duty that relates to the service and keep a record of the consultations.</p> <p>(4) A record kept under this clause must also include the following:</p> <p>(a) particulars of measures taken by the provider to comply with safety standards specified for the provider or for which the provider is a responsible person under this Part,</p> <p>(b) particulars of any notifiable occurrences that are required to be reported to the Commissioner.</p> <p>(5) A record under this clause is to be kept in the form approved by the Commissioner.</p> | |
| Division 3 Vehicles | | | |
| 8 | General roadworthy requirements | <p>(1) A vehicle used to provide a passenger service must at all times meet the requirements of the law as to vehicle safety and roadworthiness.</p> <p>(2) This safety standard is specified for the owner of the vehicle.</p> <p>(3) The following are responsible persons for this safety standard:</p> <p>(a) the provider of a taxi service (other than an affiliated taxi</p> | |

| | | | |
|----|---|--|---|
| | | <p>service), if the vehicle is used to provide the taxi service,</p> <p>(b) the facilitator of an affiliated service and the affiliated provider, if the vehicle is used to provide the affiliated service,</p> <p>(c) the provider of a booking service, if the vehicle is a hire vehicle or taxi used to provide a related booked service,</p> <p>(d) the holder of the taxi licence for the taxi, if the vehicle is a taxi.</p> | |
| 9 | Vehicle registration and registration standards for vehicles | <p>(1) A vehicle used to provide a passenger service must at all times meet the requirements of the law for the registration of the vehicle.</p> <p>Note. For vehicle registration standards, see Part 5 of, and Schedule 2 to, the <i>Road Transport (Vehicle Registration) Regulation 2007</i>.</p> <p>(2) This safety standard is specified for the owner of the vehicle.</p> <p>(3) The following persons are responsible persons for this safety standard:</p> <p>(a) the provider of a taxi service (other than an affiliated service), if the vehicle is used to provide the taxi service,</p> <p>(b) the facilitator of an affiliated service and the affiliated provider, if the vehicle is used to provide the affiliated service,</p> <p>(c) the provider of a booking service, if the vehicle is a hire vehicle or taxi used to provide a related booked service,</p> <p>(d) the holder of the taxi licence for the taxi, if the vehicle is a taxi.</p> | <p>This clause should stipulate the type of registration that a passenger service vehicle is to obtain and what must occur mid-registration when a private vehicle becomes a passenger service vehicle.</p> <p>The NSW Taxi Council submits that the regulation should impose an obligation on the owner of a private vehicle to update the registration of that vehicle to “public passenger vehicle” upon the commencement of that vehicle being used as a hire vehicle.</p> <p>For certainty, the NSW Taxi Council submits that the regulation should be amended to expressly specify that all vehicles covered by the Regulations are deemed to be “public passenger vehicles” for the purpose of the <i>Road Transport (Vehicle Registration) Regulation 2007</i>.</p> |
| 10 | Vehicle Maintenance | <p>(1) The following standards apply to the maintenance of a vehicle used to provide a passenger service:</p> <p>(a) the vehicle must be regularly and properly maintained so that it meets the requirements referred to in clauses 8 and 9,</p> | <p>It is assumed that the Commissioner will issue a standard/guideline to indicate what form the safety records need to be kept in.</p> <p>The NSW Taxi Council also submits that there would be a benefit to including a specific express provision in the</p> |

| | | | |
|--|--|--|--|
| | | <p>(b) maintenance of the vehicle, including any maintenance schedule, is to be consistent with the recommendations of the manufacturer of the vehicle,</p> <p>(c) records must be kept, in a form approved by the Commissioner, of the maintenance and inspections carried out on the vehicle.</p> <p>(2) Maintenance on, or repairs to, a vehicle used to provide a passenger service must not be carried out unless the person carrying out the maintenance or repairs is the holder of a licence or a tradesperson's certificate under the <i>Motor Dealers and Repairers Act 2013</i>, or an equivalent authorisation under the law of another State or Territory, to carry out the maintenance or repairs.</p> | <p>Regulations confirming that all vehicles are to be inspected in accordance with the inspection regime for "public passenger vehicles" contained in the <i>Road Transport (Vehicle Registration) Regulation 2007</i>.</p> <p>However, the NSW Taxi Council maintains its earlier position that for public safety reasons all point to point vehicles should be subject to 3 annual inspections carried out by authorised inspectors.</p> |
| | | <p>(3) Subclause (2) applies even if the person who is to carry out the work concerned is exempted under the Motor Dealers and Repairers Act 2013 from the operation of all or any of the provisions of that Act but does not apply to work that is not repair work for the purposes of that Act.</p> <p>(4) For the purposes of this clause, maintenance and repairs do not include the following:</p> <p>(a) adding approved oils or other fluids to engines, transmissions, differentials, power steering reservoirs, windscreen washer reservoirs, master cylinders, radiators or batteries,</p> <p>(b) changing engine, transmission or differential oils,</p> <p>(c) changing engine oil filters or fuel filters,</p> <p>(d) carrying out general lubrication,</p> <p>(e) changing spark plugs,</p> <p>(f) changing wheels or tyres,</p> <p>(g) changing light bulbs,</p> <p>(h) replacing seats or floor coverings,</p> | |

| | | | |
|----|---------------------------------------|---|--|
| | | <ul style="list-style-type: none"> (i) replacing external rear vision mirrors. (5) This safety standard is specified for the owner of the vehicle. (6) The following are responsible persons for this safety standard: <ul style="list-style-type: none"> (a) the provider of a taxi service (other than an affiliated service), if the vehicle is used to provide the taxi service, (b) the facilitator of an affiliated service and the affiliated provider, if the vehicle is used to provide the affiliated service, (c) the provider of a booking service, if the vehicle is a hire vehicle or taxi used to provide a related booked service, (d) the holder of the taxi licence for the taxi, if the vehicle is a taxi. | |
| 11 | Wheelchair accessible vehicles | <ul style="list-style-type: none"> (1) A wheelchair accessible taxi or wheelchair accessible hire vehicle used to provide a passenger service must: <ul style="list-style-type: none"> (a) contain a space, for each of the number of wheelchairs proposed to be carried by the vehicle, that is not less than the size of a rectangular prism with a length of 1,300mm (parallel to the centre line of the vehicle), a width of 800 mm and a height of 1,500mm, and (b) have no intrusions into that space, other than adjustable restraint devices, and (c) comply with the following standards: <ul style="list-style-type: none"> (i) AS/NZS 3856.1:1998, <i>Hoists and ramps for people with disabilities— Vehicle-mounted, Part 1: Product requirements</i>, (ii) AS/NZS 3856.2:1998, <i>Hoists and ramps for people with disabilities— Vehicle-mounted, Part 2: Installation requirements</i>, (iii) AS/NZS 3696.19:2009, <i>Wheelchairs, Part 19: Wheeled mobility devices for use as seats in motor vehicles</i>, (iv) AS/NZS 10542.1:2015, <i>Technical systems and</i> | |

| | | | |
|--|--|---|---|
| | | <p>aids for people with disability—<i>Wheelchair tiedown and occupant-restraint systems, Part 1: Requirements and test methods for all systems</i>, and</p> <ul style="list-style-type: none"> (d) comply with the applicable standards of the Disability Standards for Accessible Public Transport issued under the Disability Discrimination Act 1992 of the Commonwealth, and (e) carry wheelchair restraints that enable the maximum number of occupied wheelchairs that the taxi or hire vehicle is capable of conveying to be safely and securely attached to the taxi or hire vehicle, and (f) be supplied with an approved child restraint within the meaning of rule 266 of the <i>Road Rules 2014</i>. | |
| | | <ul style="list-style-type: none"> (2) A wheelchair accessible taxi or wheelchair accessible hire vehicle in use, and that complied with the requirements applicable to the equipment of that vehicle as in force, immediately before the commencement of this clause is not required to comply with subclause (1) (a) or (b) until 2 years after the commencement of this clause. (3) This safety standard is specified for the following: <ul style="list-style-type: none"> (a) the owner of the wheelchair accessible taxi or wheelchair accessible hire vehicle, (b) the provider of a taxi service (other than an affiliated service), if the vehicle is a taxi and is used to provide the taxi service, (c) the facilitator of an affiliated service and the affiliated provider, if the vehicle is a taxi and is used to provide the affiliated service, (d) the provider of a booking service, if the vehicle is a wheelchair accessible hire vehicle or wheelchair accessible taxi used to provide a related booked service, | <p>The NSW Taxi Council submits that the regulation should be amended to include an end of life clause for non-compliant vehicles in order for the industry to meet the DDA requirements and to ensure safety standards are maintained.</p> |

| | | | |
|----|---|---|---|
| | | (e) the holder of the taxi licence for the taxi, if the vehicle is a wheelchair accessible taxi. | |
| 12 | Digital displays prohibited | <p>(1) A vehicle used to provide a passenger service must not display on any exterior surface of the vehicle, or by means of a device attached to the roof or other exterior surface or fixture of the vehicle, any digital or other moving image.</p> <p>(2) This clause is specified as a safety standard for the owner of the vehicle.</p> <p>(3) The following are responsible persons for this safety standard:</p> <p>(a) the provider of a booking service, if the vehicle is a hire vehicle or taxi used to provide a related booked service,</p> <p>(b) the holder of the taxi licence for the taxi, if the vehicle is a taxi.</p> | <p>The regulation regarding digital display is overly prescriptive in a manner which is at odds with the recommendations made by the Point to Point Transport Taskforce Report. There are already other laws which deal with digital and moving images, for instance Australian Road Rules. The prescriptive approach taken in reg 12 undermines attempts to embrace technology and to allow industry to innovate. It is understood that digital “taxi” rooftop identification signs are used in other parts of the world; this would be prohibited under this regulation.</p> <p>In relation to the advertising aspects of digital signs, advertising on taxis provide additional revenue for vehicle owners and the NSW Taxi Council supports advertising initiatives on taxis that promote particularly state significant events.</p> <p>The NSW Taxi Council submits reg 12 should be amended to change the wording from “<i>any digital or other moving image</i>” to “<i>any digital image or other signage which moves whilst the vehicle is in motion</i>”.</p> |
| 13 | Accommodation standard for taxis | <p>(1) A taxi must have seating accommodation for the driver and for at least 4 and not more than 11 other adult persons.</p> <p>(2) The taxi must have at least 4 side doors.</p> <p>(3) Subclause (2) does not apply to a wheelchair accessible taxi or a taxi that has seating accommodation for 6 or more adult persons.</p> <p>(4) A taxi that is required by a condition of its taxi licence to be wheelchair accessible must not have any seat (other than a folding seat) installed in the part of the taxi that is designed or</p> | <p>Are there to be any accommodation standards for hire vehicles.</p> <p>Reg 13(4) to add the words “that can be secured to avoid injury to the passenger” after the words “ (Other than a folding seat”.</p> |

| | | | |
|----|---|--|---|
| | | <p>intended for the conveyance of wheelchairs.</p> <p>(5) This safety standard is specified for the following:</p> <ul style="list-style-type: none"> (a) the provider of a taxi service (other than an affiliated service), if the taxi is used to provide the taxi service, (b) the facilitator of an affiliated service and the affiliated provider, if the taxi is used to provide the affiliated service, (c) the holder of the taxi licence for the taxi, (d) the owner of the taxi. | |
| 14 | Signs, lights and markings - taxis | <p>(1) A taxi that plies or stands for hire on a road or road related area must be fitted with:</p> <ul style="list-style-type: none"> (a) a roof sign that displays the word "TAXI" in black lettering at least 70mm high, and (b) a roof light that is clearly visible in daylight from a distance of 40 metres by a person having normal eyesight. <p>(2) The roof light must be lit when the taxi is available for hire on a road or road related area but must not be lit at any other time.</p> <p>(3) A taxi that plies or stands for hire on a road or road related area must be painted or marked so that:</p> <ul style="list-style-type: none"> (a) it is clearly identifiable as a taxi, and (b) the name or other identifying logo or colours of, and the contact information for, the provider of the taxi service are displayed prominently and are clearly visible on the taxi. <p>(4) The following are responsible persons for this safety standard:</p> <ul style="list-style-type: none"> (a) the provider of a taxi service (other than an affiliated service), if the taxi is used to provide the taxi service, (b) the facilitator of an affiliated service and the affiliated provider, if the taxi is used to provide the affiliated service, (c) the holder of the taxi licence for the taxi. | <p>NSW Taxi Council submits that there is a benefit to including a requirement to display the taxi number on the exterior of the vehicle as was the requirement with the previous regulations. We believe this is in the interest of passenger and driver safety as an additional form of identification.</p> |

| | | | |
|----|---|---|---|
| 15 | Driver identification - taxi drivers | <p>(1) The driver of a taxi must be provided with a driver identity document in the form of a card or electronic document containing the following:</p> <ul style="list-style-type: none"> (a) a photograph of the driver, (b) an identification number provided by the provider of the taxi service, (c) the name and logo of the taxi service. <p>(2) A taxi must be fitted with a device suitable for displaying the driver identity document that enables it to be displayed so that it is clearly visible to any passenger in the taxi.</p> <p>(3) This safety standard is specified for the following:</p> <ul style="list-style-type: none"> (a) the provider of a taxi service (other than an affiliated service), if the taxi is used to provide the taxi service, (b) the facilitator of an affiliated service, if the taxi is used to provide the affiliated service. | <p>The NSW Taxi Council strongly believes that driver identification requirements be extended to <i>all</i> point to point vehicles. The proposed regulation requires this for taxi drivers only. In the interest of public safety, an identification document in the form of a card or electronic document should be present in all point to point vehicles, so that the driver may be identified by passengers and compliance officers, that may include (but not limited to) NSW Police, authorised officers and local council rangers.</p> <p>The NSW Taxi Council seeks the removal of the requirement for the ID to include as per 15(1)(c) <i>“the name and logo of the taxi service”</i>. It is understood that the purpose of this regulation is to enable passengers to identify the taxi network should feedback to the network be required. However, the network is already clearly identified to the passenger pursuant to regulation 17 <i>Display of information-taxis</i>. The requirement to include network details on the driver identity document would have the consequence that drivers who drive for more than one network would need multiple identity documents.</p> <p>If the Government is inclined to maintain reg 15(1)(c), we suggest it is amended to add the words “or the NSW Taxi Council” for the reasons outlined in our related separate submissions</p> |
| 16 | Fare calculation devices - taxis | <p>(1) A taxi that plies or stands for hire on a road or road related area must be fitted with a fare calculation device that complies with this clause.</p> <p>(2) All fares and other figures displayed on the fare calculation device must be clearly visible at all times to all persons in the taxi, whether on the device itself or by means of an auxiliary device.</p> <p>(3) The fare calculation device must be resistant to tampering and vandalism and must be in working order.</p> | |

| | | | |
|--|--|---|---|
| | | <p>(4) The fare calculation device must be:</p> <ul style="list-style-type: none"> (a) securely fixed to the taxi, or (b) secured in a mounting that is commercially designed and manufactured for that purpose and is fixed to the taxi in the manner intended by the manufacturer. <p>(5) The fare calculation device must not be located in any position, or installed in any way, in which it is likely to cause injury to the driver or any passenger during normal operation of the taxi or in the event of severe acceleration or deceleration.</p> <p>(6) The fare calculation device must:</p> <ul style="list-style-type: none"> (a) display the fare, including any additional fees, charges or tolls, at all times while a passenger is in the taxi, in numerals, in Australian dollars, and (b) be capable of accurately calculating the fare at all times when the taxi is being used as a taxi, and (c) be calibrated so that it determines the fare in accordance with the authorised fares. <p>(7) Changes to the amount of the fare must be indicated by increments in units of not more than 10 cents.</p> <p>(8) The fare calculation device, or an auxiliary device, must be capable of storing or reproducing, or enabling the storage or reproduction of, information about the origin, destination, time, date and fare amount for each journey for which the device is used.</p> <p>(9) The information must be stored in the device, or stored in another secure place, for a period of not less than 2 years.</p> <p>(10) This safety standard is specified for the following:</p> <ul style="list-style-type: none"> (a) the provider of a taxi service (other than an affiliated service), if the taxi is used to provide the taxi service, (b) the facilitator of an affiliated service and the affiliated | <p>This clause should require the production of a receipt with minimum standards</p> <p>Most current versions of meters do not comply with the requirements prescribed by reg 16(6). There needs to be a grandfathering period for existing meters that do not comply.</p> <p>There is only 1 device available at present which is capable of capturing, recording and storing the information required by this regulation meaning there is no choice in the marketplace. There is a need for more time to allow for other players to develop calculation devices to meet the standards. Consideration must also be given to the cost of storing the volumes of data captured by this clause.</p> |
|--|--|---|---|

| | | | |
|----|---------------------------------------|--|--|
| | | <p>provider, if the taxi is used to provide the affiliated service,</p> <p>(c) the holder of the taxi licence for the taxi.</p> | |
| 17 | Display of information - taxis | <p>(1) The following information must be displayed inside a taxi that stands or plies for hire on a road or road related area so that it is clearly visible to any passenger in the taxi:</p> <p>(a) the vehicle registration number of the taxi,</p> <p>(b) contact information for the person authorised to provide the taxi service for which the taxi is used,</p> <p>(c) the fares for journeys, including any additional tolls, fees or charges, that may be payable, and any differences arising because of the time when a journey is undertaken.</p> <p>(2) This safety standard is specified for the following:</p> <p>(a) the provider of a taxi service (other than an affiliated service), if the taxi is used to provide the taxi service,</p> <p>(b) the facilitator of an affiliated service and the affiliated provider, if the taxi is used to provide the affiliated service,</p> <p>(c) the holder of the taxi licence for the taxi.</p> | <p>The NSW Taxi Council is uncertain as to the identity of the “person” referred to in reg 17(1)(b). We submit that this regulation should be amended to refer to “contact information for the authorised taxi service provider for the taxi.”</p> <p>Regulation 17(1)(c) requires taxis to display the fares for journeys including additional tolls, fees and charges, and any differences that may apply based on the time of the journey. For the reasons outlined in detail in our accompanying submissions, this presents a significant practical hurdle for taxi service providers who presently rely on stickers affixed to the interior of the taxi cab to display this information. Taxi networks will be prevented from offering price promotions or other price changes unless they are also able to change the fare information inside each taxi cab.</p> <p>This issue can be overcome if regulation 17(1)(c) is amended to refer only to</p> <p><i>“ (c) the maximum fares for journeys that commence with a passenger hailing a taxi or at a rank, including any tolls ...”</i></p> <p>This should provide appropriate consumer protection for passengers hailing a taxi.</p> <p>For booked services the price is set by the network and should be communicated to the passenger at the time of booking in accordance with the regulations in clauses 52 and 54.</p> |
| 18 | Duress alarm systems - taxis | <p>(1) A taxi used to provide a taxi service in the Metropolitan, Newcastle or Wollongong transport district or within the Central Coast local government area, and that plies or stands for hire on a road or road related area, must be fitted with a duress alarm</p> | <p>It is recommended that this requirement extends to rural and regional areas to a set threshold of population size. The risks to taxi drivers do not discriminate and therefore a more sound risk based approach should be</p> |

| | | | |
|----|---|--|--|
| | | <p>system that:</p> <ul style="list-style-type: none"> (a) complies with the specifications established for the time being by TfNSW by order published in the Gazette for taxis of that type, and (b) is in working order. <p>(2) The provider of a taxi service (other than an affiliated provider) or the facilitator of an affiliated service that provides taxis in a district or area referred to in subclause (1) must provide and operate the following:</p> <ul style="list-style-type: none"> (a) a system that monitors the activation of duress alarm systems in the taxis at all times when being used to provide the taxi service, (b) a system that ensures the efficient operation of duress alarm systems in the taxis at all times when being used to provide the taxi service and the prompt response of the provider when a duress alarm system is activated. <p>(3) Subclause (1) is specified as a safety standard for the following:</p> <ul style="list-style-type: none"> (a) the provider of a taxi service (other than an affiliated service), if the taxi is used to provide the taxi service, (b) the facilitator of an affiliated service and the affiliated provider, if the taxi is used to provide the affiliated service, (c) the holder of the taxi licence for the taxi. | <p>applied to this safety system requirement.</p> <p>Some of the most tragic incidents involving taxi drivers have occurred in rural and regional areas.</p> |
| 19 | Vehicle tracking systems - taxis | <p>(1) A taxi used to provide a taxi service in the Metropolitan, Newcastle or Wollongong transport district or within the Central Coast local government area, and that plies or stands for hire on a road or road related area, must be fitted with an approved vehicle tracking device that is in working order.</p> <p>(2) The provider of a taxi service (other than an affiliated provider) or the facilitator of an affiliated service that provides taxis in a district or area referred to in subclause (1) must provide and operate a system for monitoring the provision of services provided by taxis that ply or stand for hire.</p> | <p>It is recommended that this requirement extends to rural and regional areas to a set threshold of population size. The risks to taxi drivers do not discriminate and therefore a more sound risk based approach should be applied to this safety system requirement.</p> <p>Some of the most tragic incidents involving taxi drivers have occurred in rural and regional areas.</p> |

| | | | |
|----|--|--|--|
| | | <p>(3) Subclause (1) is specified as a safety standard for the following:</p> <ul style="list-style-type: none"> (a) the provider of a taxi service (other than an affiliated service), if the taxi is used to provide the taxi service, (b) the facilitator of an affiliated service and the affiliated provider, if the taxi is used to provide the affiliated service, (c) the holder of the taxi licence for the taxi. | |
| 20 | Approved security camera systems and safeguards - taxis | <p>(1) A taxi that plies or stands for hire on a road or road related area must be fitted with an approved security camera system that is in working order.</p> <p>(2) Signs must be conspicuously placed in and on the outside of a taxi that is fitted with a security camera system, advising persons that they may be under video surveillance while in or about the taxi.</p> <p>(3) The provider of a taxi service (other than an affiliated provider) or the facilitator of an affiliated service must provide and operate a system that is capable of producing recordings from a security camera installed in a taxi.</p> <p>(4) The provider of a taxi service, including an affiliated provider or the facilitator of an affiliated service must cause the following safeguards 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 21:</p> <ul style="list-style-type: none"> (a) the security safeguards that TfNSW may specify from time to time by notice published in the Gazette that are applicable to the service, (b) any other security safeguards that are reasonable in the circumstances. <p>(5) Subclauses (1) and (2) are specified as a safety standard for the following:</p> <ul style="list-style-type: none"> (a) the provider of a taxi service (other than an affiliated service), if the taxi is used to provide the taxi service, | <p>What are the security safeguards?</p> <p>Given the size of the market, and the costs associated with the development, installation and maintenance of cameras, we urge government to advise the details of the security safeguards as soon as possible.</p> |

| | | | |
|----|---|--|--|
| | | <p>(b) the facilitator of an affiliated service or an affiliated provider, if the taxi is used to provide the affiliated service,</p> <p>(c) the holder of the taxi licence for the taxi.</p> <p>(6) Subclause (4) does not apply to an affiliated provider unless the affiliated provider is entitled to have access to the video recordings made by a security camera system fitted in or to a taxi used by the provider.</p> <p>(7) Nothing in this clause or clause 21 affects the operation of the Workplace Surveillance Act 2005.</p> <p>(8) In this clause and clause 21:</p> <p>authorised purpose, in relation to the use of a video recording made by a security camera system fitted in or to a taxi, means any of the following purposes or any purpose connected with those purposes:</p> <p>(a) an activity referred to in section 18 (a)–(d) of the Workplace Surveillance Act 2005,</p> <p>(b) the prosecution of, or the issue of a penalty notice in respect of, an offence under the Act or this Regulation or the Crimes Act 1900 or a major offence under the Road Transport Act 2013 that is committed in or about a taxi,</p> <p>(c) ensuring a provider’s compliance with the conditions of an authorisation,</p> <p>(d) ensuring a passenger’s compliance with any subsidised travel scheme.</p> <p>video recording includes:</p> <p>(e) any electronically stored information from which a recorded image can be generated, and</p> <p>(f) any print-out or other reproduction of the recorded image.</p> | |
| 21 | <p>Disposal of recordings made by security camera system in taxi</p> | <p>(1) The provider of a taxi service (other than an affiliated provider) or the facilitator of an affiliated service must cause any video recording made by a security camera system installed in a taxi used for the service to be disposed of in accordance with this</p> | |

| | | | |
|----|--|--|--|
| | | <p>clause within 30 days after the recording was made.</p> <p>(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:</p> <p>(a) a police officer, or</p> <p>(b) an officer authorised by the Commissioner or the Police Commissioner to receive it.</p> <p>(3) It is the duty of the Commissioner to ensure the destruction of any video recording that was given to an officer authorised by the Commissioner and which is no longer to be used for an authorised purpose.</p> <p>(4) It is the duty of the Police Commissioner to ensure the destruction of any video recording that was given to a police officer or to an officer authorised by the Police Commissioner and which is no longer to be used for an authorised purpose.</p> <p>(5) Subclause (1) does not apply in respect of a video recording made during the installation or testing of the security camera.</p> | |
| 22 | <p>Signs and markings - hire vehicles</p> | <p>(1) A hire vehicle that is being used to provide a passenger service must not be painted or marked, or have signs or lights that:</p> <p>(a) indicate it is a taxi or resemble those of a taxi, or</p> <p>(b) could give rise to an inference that the vehicle is a taxi, or</p> <p>(c) indicate or could give rise to an inference that the vehicle is a vehicle that is plying or standing for hire.</p> <p>(2) The driver of a hire vehicle (other than a motor cycle) that is being used to provide a passenger service must ensure that a retroreflective sign is displayed on or attached to the vehicle that:</p> <p>(a) makes it apparent that the vehicle is a hire vehicle, and</p> <p>(b) is located on or near the rear of the driver's side of the vehicle, and</p> <p>(c) is clearly visible from the outside of the vehicle.</p> | <p>For the reasons outlined in detail in our accompanying submission, NSW Taxi Council submits the request that Reg 22(1) include a new subsection (d) in the following words:</p> <p><i>“(d) use the words “taxi”, “taxi-cab” or “cab” or any variation thereof.”</i></p> <p>Regulation 22(2) excludes motorcycles from the requirement to displaying an identifier. The NSW Taxi Council submits that there are significant safety consequences which may flow from this. For example, what if the driver is over the prescribed limit, how will an authorised officer know?</p> <p>In addition, the NSW Taxi Council strongly opposes a non-standardised approach to identifying hire vehicles and proposes identification for hire vehicles be standardised by way of consistent shape, colour, location and marking and</p> |

| | | | |
|----|-------------------------------------|---|--|
| | | <p>(3) The sign may be in the form of an identifying logo or other business identification. Subclause (1) is specified as a safety standard for the owner of the vehicle.</p> <p>(4) The provider of a booking service is a responsible person for this safety standard, if the hire vehicle is used to provide a related booked service.</p> | <p>set at a size comparable to that used by 'L' and 'P' plates used for learner and provisional drivers.</p> |
| 23 | Motor cycles — hire vehicles | <p>(1) A motor cycle used as a hire vehicle must comply with the Australian Design Rules (under the <i>Motor Vehicle Standards Act 1980</i> of the Commonwealth) vehicle category definition for any of the following:</p> <ul style="list-style-type: none"> (a) motor cycles (LC vehicles), (b) motor cycles and side cars (LD vehicles), (c) motor tricycles (LE vehicles). <p>(2) A motor cycle used to provide a passenger service must be fitted with wheel guards (including mudguards) that meet the requirements in <i>Australian Design Rule 42/04— General Safety Requirements</i> made under that Act.</p> <p>(3) A motor cycle used to provide a passenger service on any part of an unsealed road must be an LD vehicle or an LE vehicle.</p> <p>(4) A motor cycle that is an LC vehicle used to provide a passenger service must comply with the following:</p> <ul style="list-style-type: none"> (a) not have a two-stroke engine, (b) not have an engine capacity of less than 500cc. <p>(5) The following equipment must be available, in an undamaged condition and a range of sizes, for use by prospective passengers of a motor cycle used to provide a passenger service:</p> <ul style="list-style-type: none"> (a) motor cycle helmet that complies with rule 270 (3) of the Road Rules 2014, (b) riding gloves, | <p>We submit that motorcycles need to have identifiers for the reasons outlined above.</p> |

| | | | |
|------------------------------------|--------------------------|--|--|
| | | <p>(c) protective jacket,</p> <p>(d) boots or gaiters.</p> <p>(6) The driver of a motor cycle that is being used to provide a passenger service must be competent in the operation of the motor cycle while carrying a passenger.</p> <p>(7) Subclause (1) is specified as a safety standard for the owner of the motor cycle.</p> <p>(8) The provider of a booking service is a responsible person for the safety standards specified in subclauses (1)–(6) if the motor cycle is used to provide a related booked service.</p> | |
| <p>Division 4 Insurance</p> | | | |
| 24 | Vehicle insurance | <p>(1) There must be maintained for each vehicle used to provide a passenger service 1 or more policies of insurance providing cover of at least \$5,000,000 (for each occurrence) against liability in respect of damage to third-party property caused by or arising out of the use of the vehicle.</p> <p>(2) There must be maintained 1 or more policies that indemnify the driver for the time being of a vehicle used for a passenger service in relation to any damage to third-party property (including any excess payable on a claim) arising out of the use of the vehicle for that purpose.</p> <p>(3) To avoid doubt, the policy holder may enter into an agreement or other arrangement with the driver requiring the driver to pay the whole or part of any excess payable on a claim, if the claim arises out of the driver's conduct.</p> <p>(4) The policies must be issued by a corporation authorised under the Insurance Act 1973 of the Commonwealth to carry on insurance business.</p> <p>(5) A policy maintained under this clause is not required to provide cover for any period when a hire vehicle is not being used to</p> | |

| | | | |
|--|---|--|---|
| | | <p>provide a passenger service.</p> <p>(6) This safety standard is specified for the following:</p> <p>(a) the provider of a passenger service (other than a taxi service),</p> <p>(b) the provider of a taxi service (other than an affiliated service), if the vehicle is used to provide the taxi service,</p> <p>(c) the facilitator of an affiliated service and the affiliated provider, if the vehicle is used to provide the affiliated service,</p> <p>(d) the provider of a booking service, if the vehicle is a hire vehicle or taxi used to provide a related booked service,</p> <p>(e) the holder of a taxi licence for the taxi, if the vehicle is a taxi,</p> <p>(f) the owner of the vehicle.</p> | |
| <p>Division 5 Provision of information</p> | | | |
| 25 | <p>Information to be made available to hirer by booking service provider</p> | <p>(1) Information about a taxi or hire vehicle and the driver that is booked by the provider of a booking service must be made available to the person who books the service.</p> <p>(2) The information must be sufficient to enable the proposed passenger to identify the vehicle and the driver.</p> <p>(3) If the booking is made for a wheelchair accessible hire vehicle or wheelchair accessible taxi, the proposed passenger must be notified of the estimated time of arrival of the vehicle at the nominated collection point within a reasonable time before that arrival.</p> <p>(4) This safety standard is specified for the provider of a booking service.</p> | <p>To take account of the fact that most booked services of taxi cabs occur via telephone (and not via the use of an app) and are usually accepted by the taxi network before the job is allocated to a driver, particularly in regional areas, we submit that regulation 25(1) should be amended to add the words “if requested by the person who books the service” at the end of this regulation</p> |

| Division 6 Drivers | | |
|--------------------|--|---|
| 26 | <p>Disqualifying offences</p> <p>(1) A person must not drive a taxi or hire vehicle that is being used to provide a passenger service if the person has been found guilty of a disqualifying offence for a driver.</p> <p>(2) The following are the disqualifying offences for a driver:</p> <ul style="list-style-type: none"> (a) an offence that is a personal violence offence within the meaning of the Crimes (Domestic and Personal Violence) Act 2007, (b) any offence involving the supply of a prohibited drug or a precursor, the cultivation (for a commercial purpose) or the supply of a prohibited plant, within the meaning of the Drug Misuse and Trafficking Act 1985, (c) any offence relating to the possession or use of a firearm or imitation firearm (within the meaning of the Firearms Act 1996) or other weapon, (d) any offence involving fraud, dishonesty or stealing, (e) any offence involving robbery (whether armed or otherwise), (f) any offence involving damage to property exceeding \$5,000, (g) any offence involving an assault of any kind against a person, (h) an offence under Division 15, 15A or 15B of Part 3 of the Crimes Act 1900, (i) an offence under Part 4A of the Crimes Act 1900, (j) any offence involving participation in a criminal group or participation in any criminal activity of a criminal group within the meaning of Division 5 of Part 3A of the Crimes Act 1900, (k) except as provided by subclause (3), a major offence | <p>Add an additional disqualifying offence of:</p> <p><i>“any offence involving a breach of an apprehended violence order within the meaning of the Crimes (Domestic and Personal Violence) Act 2001”</i></p> |

| | | | |
|--|--|---|--|
| | | <p>within the meaning of the Road Transport Act 2013,</p> <ul style="list-style-type: none"> (l) an offence under Division 2 of Part 2 of the Act, (m) an offence under section 28 of the Act, (n) a second or subsequent offence under section 47 of the Act or under section 30 of the Passenger Transport Act 1990, (o) an offence under clause 13 of Schedule 4 to the Act, (p) a second or subsequent offence under clause 66 or 85, (q) an offence under clause 60, 61 or 74, if the person has been convicted by a court of the offence, (r) any other offence that is punishable by a term of imprisonment of 5 years or more, (s) an offence of attempting, or of conspiracy or incitement, to commit an offence of a kind listed in this clause or of being an accessory to or aiding or abetting the commitment of an offence of a kind listed in this clause, (t) an offence under a law of another State or Territory, the Commonwealth or a foreign jurisdiction that, if committed in New South Wales, would constitute an offence listed in this clause. | |
| | | <ul style="list-style-type: none"> (1) Despite subclause (2), an offence under section 111 (3) of the Road Transport Act 2013 is not a disqualifying offence unless the offence is a second or subsequent offence under that subsection committed within 5 years of a previous offence under that subsection. (2) The following are responsible persons for the safety standard specified by this clause: <ul style="list-style-type: none"> (a) the provider of a taxi service (other than an affiliated provider), if the driver drives taxis for the service, (b) the facilitator of an affiliated service, if the driver drives taxis for the service, | |

| | | | |
|----|---------------------------|--|--|
| | | (c) the provider of a booking service, in the case of the driver of a taxi or hire vehicle used to provide a related booked service. | |
| 27 | Ineligible drivers | <p>(1) A person must not drive a taxi or hire vehicle that is being used to provide a passenger service unless:</p> <p>(a) the person has held an unrestricted Australian driver licence for a total of at least 12 months in the preceding 2 years, and</p> <p>(b) the person meets the medical standards for commercial vehicle drivers set out in <i>Assessing Fitness to Drive</i>, published by Austroads and the National Transport Commission, as in force from time to time.</p> <p>(2) A person must not drive a taxi or hire vehicle that is being used to provide a passenger service if the person is a person who:</p> <p>(a) was the holder of a driver authority under the Passenger Transport Act 1990 that was cancelled (other than on medical grounds), or</p> <p>(b) whose most recent application for a driver authority under that Act was rejected (within the preceding 10 years) on the grounds that the person was not considered to be of good repute and in all other respects a fit and proper person to be the driver of a public passenger vehicle.</p> <p>(3) The following are responsible persons for the safety standard specified by this clause:</p> <p>(a) the provider of a taxi service (other than an affiliated provider), if the driver drives taxis for the service,</p> <p>(b) the facilitator of an affiliated service, if the driver drives taxis for the service,</p> <p>(c) the provider of a booking service, in the case of the driver of a taxi or hire vehicle used to provide a related booked service.</p> <p>(4) In this clause:</p> | <p>Many taxi networks who operate close to state and territory borders have drivers with licenses from inter-state. How is it proposed that an Authorised Provider will be able to make an enquiry about a driver who holds a drivers licence in another state?</p> <p>The NSW Taxi Council submits that arrangements must be made with other jurisdictions to assist with the vetting of drivers who hold interstate licences and work in NSW as per the example above.</p> |

| | | | |
|----|---|--|--|
| | | <p>unrestricted Australian driver licence means:</p> <p>(a) an unrestricted driver licence within the meaning of the Road Transport Act 2013, or</p> <p>(b) a licence issued under a law in force in a State or internal Territory authorising the holder to drive a motor vehicle on a road or road related area, being a licence that is equivalent to an unrestricted driver licence within the meaning of that Act.</p> | |
| 28 | Driver of wheelchair accessible vehicle to be competent in loading and unloading wheelchair passengers | <p>(1) A person must not drive a wheelchair accessible taxi or wheelchair accessible hire vehicle that is being used to provide a passenger service unless the person can demonstrate a level of competence in the safe loading, restraint and unloading of a person in a wheelchair to a standard equivalent to that required to complete Element 3 (Assist passengers into and out of a taxi in a manner suited to their disability) and Element 4 (Drive a taxi used by passengers with disabilities) of the competency unit TLIC2040 Provide wheelchair accessible taxi services to passengers with disabilities (Release 1) issued by the Commonwealth.</p> <p>(2) This safety standard is specified for the following:</p> <p>(a) the provider of a taxi service (other than an affiliated provider) or facilitator of an affiliated service, if the driver drives taxis for the service,</p> <p>(b) the facilitator of an affiliated service, if the driver drives taxis for the service,</p> <p>(c) the provider of a booking service, in the case of the driver of a wheelchair accessible taxi or wheelchair accessible hire vehicle used to provide a related booked service.</p> | The NSW Taxi Council strongly recommends that the regulations be amended to require that all WAT's endorsed drivers have an identifier on their Driver Authority to indicate that the driver has demonstrated competency. This is a safety requirement for passengers and all compliance activities. |
| 29 | English language requirements - taxi drivers | <p>(1) A person must not drive a taxi that plies or stands for hire on a road or road related area in the Metropolitan transport district unless the person has sufficient competence in the English language to communicate with passengers about a hiring of the taxi and matters related to the hiring.</p> | The NSW Taxi Council strongly opposes the continuation of |

| | | | |
|----|--|---|--|
| | | <p>(2) Without limiting subclause (1), a driver is assumed to comply with that subclause if the driver can demonstrate a level of competence that is equivalent to, or has passed an examination or an assessment and achieved results equivalent to, the levels specified below:</p> <p>(a) for the International English Language Testing System—an overall band score of at least 5.5, with marks of at least 5.5 for speaking and listening,</p> <p>(b) for the International Second Language Proficiency Rating—at least level 2 for reading and writing and at least level 3 for speaking and listening,</p> <p>(c) for the course English as a Second Language offered by the Board of Studies, Teaching and Educational Studies as a Higher School Certificate Course— band 3.</p> <p>(3) The following are responsible persons for the safety standard specified by this clause:</p> <p>(a) the provider of a taxi service (other than an affiliated provider), if the driver drives taxis for the service,</p> <p>(b) the facilitator of an affiliated service, if the driver drives taxis for the service.</p> | <p>this anti-competitive barrier to entry for the NSW Taxi Industry.</p> <p>English Language requirement needs to apply to all Point to Point Providers for the reasons outlined in our related submissions.</p> <p>In addition, the Regulation is unclear as to what supporting evidence will be needed to demonstrate a driver’s level of competence equivalent to the proficiency tests outlined in this regulation. For example, if a driver was born in Australia, England, New Zealand or any other English speaking country and presents his or her passport, is that sufficient?</p> |
| 30 | Taxi driver identity document to be displayed | <p>(1) A driver of a taxi that plies or stands for hire on a road or road related area must ensure that the driver’s identity document is displayed in the vehicle in accordance with clause 15.</p> <p>(2) The following are responsible persons for the safety standard specified by this clause:</p> <p>(a) the provider of a taxi service (other than an affiliated provider), if the driver drives taxis for the service,</p> <p>(b) the facilitator of an affiliated service, if the driver drives taxis for the service.</p> | |
| 31 | Driver must report changes in | <p>(1) The driver of a taxi or hire vehicle must give written notice of any change in the person’s circumstances that renders the person ineligible under this Regulation to drive the taxi or hire vehicle to</p> | <p>Changes to a driver’s medical condition may present a critical safety concern.</p> |

| | | | |
|--|---|--|--|
| | circumstances | <p>the provider of:</p> <p>(a) any taxi service for which the taxi is used, or</p> <p>(b) any booking service for which the taxi or hire vehicle provides related booked services.</p> <p>(2) The notice must be given by the driver within 7 days of the driver becoming aware of the change in circumstances.</p> | <p>Previously drivers had just 48 hours to report a medical condition. We strongly recommend that the regulation be amended to continue this obligation given the potential such problems have to undermine safety.</p> <p>The NSW Taxi Council also submits that the regulations must clarify who the driver should report a change in medical condition to. Is it the authorised service provider or RMS? We recommend that the reporting must be made to RMS.</p> |
| Division 7 Notifiable occurrences | | | |
| 32 | Notifiable occurrences | <p>(1) For the purposes of section 24 (1) of the Act, a notifiable occurrence must be reported to the Commissioner:</p> <p>(a) within 3 days after the provider becomes aware of the accident or incident concerned, and</p> <p>(b) in a form approved by the Commissioner.</p> <p>(2) The following are exempted from section 24 of the Act:</p> <p>(a) a provider of a passenger service other than a taxi service,</p> <p>(b) an affiliated provider.</p> | <p>Why is a booked service provider exempt from this requirement? If they become aware of the incident, they must ensure it is reported. We cannot think of any safety or other reason that would mandate that a booked service provider has a lesser level of obligation when compared to a taxi service provider.</p> |
| Part 3 Authorisation of providers of passenger and booking services | | | |
| Division 1 Applications for authorisations | | | |
| 33 | Combined Applications | A person may apply for authorisation as a provider of a taxi service and as a provider of a booking service in one combined application. | |
| 34 | Partnership entity may apply for authorisation | For the purposes of section 30 (1) (d) of the Act, Rasier Pacific V.O.F. and Uber Pacific V.O.F., unlimited partnerships established in the Netherlands, are prescribed as entities that may apply for authorisation to provide a booking service. | |
| 35 | Authorisation | For the purposes of section 31 (6) of the Act, it is a standard for | |

| | | | |
|----|--|---|--|
| | standard—applicants | <p>authorisation that the applicant has not, within the period of 12 months preceding the application:</p> <ul style="list-style-type: none"> (a) made an application for an authorisation that has been refused, or (b) had an authorisation held by the person cancelled. | |
| 36 | Authorisation standard—entities | <ul style="list-style-type: none"> (1) For the purposes of section 31 (6) of the Act, the following are standards for authorisation of an entity prescribed for the purposes of section 30 (1) (d) of the Act: <ul style="list-style-type: none"> (a) 1 or more individuals as nominated managers for the purposes of authorisation are nominated by the entity, (b) at least 1 nominated manager is a person who is directly involved in the day-to-day management of the booking service, (c) at least 1 nominated manager is a resident of this State and is authorised by the partnership entity as a person on whom documents may be served for the purposes of the Act or this regulation, (d) none of the nominated managers has been convicted of a disqualifying offence and there are no current proceedings against any of those managers for a disqualifying offence, (e) at least 1 nominated manager who is a resident of this State has access to, and is authorised to provide, any information relating to the booking service that is required to be provided to the Commissioner under this Act or for the purposes of the passenger service levy in accordance with the Act, this Regulation or the Taxation Administration Act 1996, (f) the nominated manager will provide any such information on behalf of the entity in accordance with the Act, this Regulation or the <i>Taxation Administration Act 1996</i>. (2) The entity may at any time, by written notice given to the Commissioner, nominate, or revoke the nomination of, an | |

| | | | |
|----|---|---|--|
| | | individual as a nominated manager. | |
| 37 | Authorisation standard—close associates | <p>For the purposes of section 31 (6) of the Act, it is a standard for authorisation that no close associate of the applicant is a person:</p> <ul style="list-style-type: none"> (a) who was the holder of an accreditation, or an authorisation to operate a taxi-cab network, under the Passenger Transport Act 1990 that was cancelled on the basis that the person was not considered to be of good repute and in all other respects a fit and proper person to be so accredited or authorised, or (b) whose most recent application for any such accreditation or authorisation was rejected on the grounds that the person was not considered to be of good repute and in all other respects a fit and proper person to be so accredited or authorised. | |
| 38 | Authorisation standard - nominated directors or managers | <ul style="list-style-type: none"> (1) For the purposes of section 31 (6) of the Act, it is a standard for authorisation that a nominated director or manager has not been, at any time, a nominated director or manager for a person who held an authorisation and who was, while holding the authorisation, convicted of a disqualifying offence referred to in clause 39. (2) For the purposes of section 31 (6) of the Act, it is a standard for authorisation that a nominated director or manager of the applicant is not a person: <ul style="list-style-type: none"> (a) who was the holder of an accreditation, or an authorisation to operate a taxi-cab network, under the Passenger Transport Act 1990 that was cancelled on the basis that the person was not considered to be of good repute and in all other respects a fit and proper person to be so accredited or authorised, or (b) whose most recent application for any such accreditation or authorisation was rejected on the grounds that the person was not considered to be of good repute and in all other respects a fit and proper person to be so accredited | |

| | | | |
|--|--|---|---|
| | | or authorised. | |
| 39 | Disqualifying offences - applicants and nominated directors or managers | <p>(1) For the purposes of section 32 of the Act and clause 36 (1) (d), the following offences are prescribed as disqualifying offences for individuals who are applicants for authorisation and nominated directors or managers of applicants for authorisation:</p> <ul style="list-style-type: none"> (a) an offence that is specified in clause 26 (2) (b)–(e), (i), (j), (l)–(n) and (r)–(t), (b) an offence under section 48 of the Act, (c) an offence under section 76 (5), 78 or 79 (4) of the Act, (d) an offence under section 85, 89 or 102 of the Act, (e) an offence under section 126 of the Act, (f) an offence under section 31 or 32 of the <i>Work Health and Safety Act 2011</i>. <p>(2) In this clause, a reference to an individual who is an applicant for authorisation includes a reference to an individual who applies with 1 or more other persons for authorisation.</p> | We consider that offences under the Corporations Act should also be included as well as comparable offences from foreign jurisdictions. |
| 40 | Disqualifying offences—close associates | <p>For the purposes of section 32 of the Act, the following offences are prescribed as disqualifying offences for close associates of applicants for an authorisation:</p> <ul style="list-style-type: none"> (a) an offence under section 16 or 17 of the Act, (b) an offence under section 28 of the Act, (c) a second or subsequent offence under section 47 of the Act, (d) an offence under section 79 (4) of the Act, (e) an offence under section 31 or 32 of the <i>Work Health and Safety Act 2011</i>. | |
| Division 2 Authorisation conditions | | | |
| 41 | Conditions of | It is a condition of an authorisation that the provider of a taxi service or | |

| | | | |
|----|-----------------------------------|--|---|
| | authorisation | <p>booking service must comply with the provisions of this Division that apply to the provider.</p> <p>Note. It is an offence under section 29 of the Act (with a maximum penalty of 1,000 penalty units) to contravene a condition of authorisation. An authorisation may also be varied, suspended or cancelled if a condition is not complied with (see section 45 of the Act).</p> | |
| 42 | Information to be provided | <p>(1) The provider of a taxi service or the provider of a booking service must notify the Commissioner in writing of any of the following changes within 21 days of the change occurring:</p> <ul style="list-style-type: none"> (a) if a nominated director or manager for the service ceases to reside in this State or to be directly involved in the day-to-day management of the service, (b) a change of address of the premises from which the service is carried on, (c) a change of address of the premises at which records relating to the service are kept. <p>(2) The provider of a taxi service (other than an affiliated provider), the facilitator of an affiliated service or the provider of a booking service must keep a record of the following information:</p> <ul style="list-style-type: none"> (a) the name and driver licence number of drivers who drive vehicles used for the purposes of providing the taxi service, the affiliated service or a related booked service, (b) the registration number of each vehicle used to provide the taxi service, the affiliated service or a related booked service, (c) in the case of a facilitator of an affiliated service, the name and address of the place of business of the affiliated provider. <p>(3) The provider must, if requested to do so in writing by the Commissioner, give to the Commissioner copies of any record required to be kept under this clause.</p> <p>(4) A record required to be kept under this clause is to be kept in a</p> | <p>It is unclear to the NSW Taxi Council as to why “affiliated providers” are exempted from 42(2). It may be that once the definition of “affiliated provider” is clarified we can better understand this.</p> <p>There may be a benefit to recording the details of where the registered vehicle is normally garaged</p> |

| | | | |
|----|--|--|---|
| | | form approved by the Commissioner. | |
| 43 | Records of passenger service transactions | <p>(1) A booking service provider must keep a record of each booking for a passenger service for a period of not less than 2 years after the booking is taken (whether or not the booking request is made by or on behalf of the passenger or is referred by another booking service provider).</p> <p>(2) If the request is not referred to another booking service provider, the record must contain the following information:</p> <ul style="list-style-type: none"> (a) the date of the journey and the time at which it commenced and ended, (b) the location of the commencement and end of the journey, (c) the full name of the driver of the vehicle and the identification number shown on the driver identity document of the driver (in the case of the driver of a taxi), (d) the vehicle registration number of that vehicle, (e) contact information, such as a phone number or email or residential address of at least one of the passengers or the person who made the booking or the person to whose account the booking was charged, (f) if the booking request was made to a booking service but referred to another booking service, the name of each booking service. <p>(3) If the request is referred to another booking service provider, the record must contain the following information:</p> <ul style="list-style-type: none"> (a) the name of the booking service provider to which the request is referred, (b) contact information, such as a phone number or email or residential address of at least one of the passengers or the person who made the booking or the person to whose account the booking was charged. <p>(4) The provider must, if requested to do so in writing by the Commissioner, give to the Commissioner copies of any record</p> | For the reasons outlined in our related submissions, we consider that regulation 43(2)(e) and 43(3)(b) qualified by <i>'to the extent reasonably practicable'</i> |

| | | | |
|--------------------------------------|-------------------------------|--|---|
| | | <p>required to be kept under this clause.</p> <p>(5) A record required to be kept under this clause is to be kept in a form approved by the Commissioner.</p> | |
| 44 | Condition for Entities | An entity prescribed for the purposes of section 30 (1) (d) of the Act must give written notice to the Commissioner within 21 days if a nominated manager ceases to comply with the applicable authorisation standards specified under this Regulation. | |
| Division 3 Authorisation fees | | | |
| 45 | Authorisation fees | <p>(1) The following authorisation fees, as adjusted under this clause, are payable on or before the end of each financial year by an authorised provider of a taxi service or a booking service:</p> <p>(a) if the person is only authorised to provide a taxi service or a booking service - \$180, or</p> <p>(b) if the person is authorised to provide both a taxi service and a booking service—\$240.</p> <p>(2) An additional authorisation fee of \$0.03 is payable by each authorised provider for each passenger service transaction carried out by the provider.</p> <p>(3) For the purposes of subclause (1), the adjusted amount is:</p> <p>(a) in the financial year 2017/2018—the fee specified in subclause (1) (a) or (b) (the base fee), and</p> <p>(b) in each subsequent financial year—the amount calculated as follows:</p> $F \times \frac{A}{B}$ <p>where:</p> <p><i>F</i> is the base fee.</p> <p><i>A</i> is the CPI number for the March quarter in the financial year immediately preceding the financial year for which the amount is</p> | We will provide separate submission on this clause in due course. |

calculated.

B is the CPI number for the March quarter of 2017.

- (4) However, if an amount calculated under subclause (3) for any financial year is less than the amount that applied for the previous financial year, then the amount for that previous financial year applies instead.
- (5) As soon as practicable after the CPI number for the March quarter is first published by the Australian Statistician, the Commissioner is required to publish on the NSW legislation website a notice of the adjusted amounts payable under subclause (1) for the next financial year. That notice may be published by the addition of an editorial note relating to the amounts of the fees in the in force version of this Regulation published on the NSW legislation website.
- (6) The Commissioner is also required to give public notice on an appropriate government website of the amounts applying in each financial year under subclause (1) resulting from the application of the calculation under this clause.
- (7) This clause operates to change an amount payable under subclause (1) and that change is not dependent on the publication of a notice by the Commissioner under this clause.
- (8) In this clause:

CPI number means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

financial year means a period of 12 months commencing on 1 July.
- (9) For the purposes of determining the amounts payable under subclause (2), the Commissioner may rely on the returns furnished under Schedule 4 to the Act or may, by written notice given to the provider, require the provider to provide information as to the number of passenger service transactions carried out by the provider during the relevant financial year.

| | | | |
|--|---|--|--|
| | | (10) A person must not fail to comply with a notice given to the person under this clause. Maximum penalty: 10 penalty units. | |
| Part 4 Taxi Licences Division 1 General matters relating to applications and licences | | | |
| 46 | Fees Exemption | An applicant for a taxi licence is exempt from the requirement set out in section 51 (3) (c) of the Act, unless a fee is prescribed for the particular application in Schedule 1 to this Regulation. | |
| 47 | Reduction or waiver of fees for licences for taxis | <p>(1) For the purposes of section 63 (2) of the Act, the circumstances in which TfNSW may fix the licence fee for a taxi licence other than by inviting bids at a public auction or by seeking tenders are as follows:</p> <p>(a) if TfNSW is of the opinion that the service concerned would, for economic or other reasons, be unlikely to be provided if the full licence fee were to be imposed,</p> <p>(b) if the licence is subject to conditions that restrict:</p> <p>(i) the days on which the taxi may be used for a taxi service, or</p> <p>(ii) the times during which the taxi may be used for a taxi service, or</p> <p>(iii) the taxi services for which the taxi may be used.</p> <p>(2) Without limiting subclause (1) (a), TfNSW may form an opinion of the kind referred to in that paragraph if the service is to be provided for the benefit of persons who have disabilities.</p> | <p>This regulation provides substantial discretion to TfNSW We seek some clarification and guidelines around the use of that discretion. Is there any criteria?</p> <p>Does this limit pricing capacity of TfNSW</p> |
| 48 | Notice of lease, sublease or arrangement | <p>(1) For the purposes of section 67 (2) of the Act, a notice of the lease or sublease of a taxi licence, or an arrangement to confer the benefit of a taxi licence, must specify the following matters:</p> <p>(a) the name, date of birth, residential address, telephone number and email address for service (if any) of the lessee, sublessee or person having the benefit of the</p> | |

| | | | |
|--------------------------------------|-----------------------------------|--|--|
| | | <p>arrangement,</p> <p>(b) the date on which the lease, sublease or arrangement took effect,</p> <p>(c) the amount of any consideration paid or payable under the lease, sublease or arrangement.</p> <p>(2) It is a condition of a taxi licence that the holder of the licence must, as soon as practicable after a lease or sublease of the licence to the holder, give written notice of the information referred to in subclause (1) (a) and (b) to the authorised provider who uses the taxi to provide a taxi service.</p> | |
| Division 2 Licence conditions | | | |
| 49 | Conditions of taxi licence | <p>It is a condition of a taxi licence that the holder of the licence must ensure that the taxi complies with, or is operated in accordance with, the provisions of this Division that apply to or in respect of the taxi.</p> <p>Note. It is an offence under section 48 of the Act (with a maximum penalty of \$110,000) to contravene a condition of a taxi licence. A taxi licence may also be varied, suspended or cancelled if a condition is not complied with (see section 69 of the Act).</p> | |
| 50 | Monthly payment of fees | <p>(1) This clause applies if the fees for a taxi licence are payable by monthly instalments.</p> <p>(2) Each instalment of a fee must be paid on or before the due date, as notified by the Commissioner to the licence holder.</p> | <p>Please clarify the context of this regulation.</p> <p>Does this refer to Government tender licences only?</p> <p>We consider that the regulation should specify which taxi licences it refers to.</p> |
| 51 | Peak availability licences | <p>(1) A taxi for which a peak availability licence is held must not be used to provide a taxi service between the hours of 5 am and 12 pm.</p> <p>(2) In this clause: peak availability licence means a taxi licence of category TX05, TX06, TX06A or TX 12 Annual.</p> | <p>Does this regulation supersede previous PAL conditions? That is, does this amend the licence conditions of pre-issued peak availability licences.</p> <p>What about other previously restricted plates e.g. Night Plates?</p> |

| Part 5 Fares | | | |
|--------------|-----------------------------|---|--|
| 52 | Fare estimates | <p>(1) A person who provides a fare estimate for the purposes of section 79 of the Act must also include the following information in that estimate:</p> <ul style="list-style-type: none"> (a) information about when the fare may be varied and the amount of the variation or how any variation is to be calculated, and (b) information about any other fees and charges applicable to the provision of the relevant booking service or passenger service. <p>Maximum penalty: 50 penalty units.</p> <p>(2) For the purposes of section 79 (2) (b) of the Act, a fare estimate, including an estimate of variations, may be expressed as an amount per hour, a rate per distance travelled or a set amount.</p> <p>(3) A person must not commence to provide a related booked service to a passenger unless the fare estimate for the journey has been accepted by or on behalf of the passenger.</p> <p>Maximum penalty:</p> <ul style="list-style-type: none"> (a) in the case of a driver—20 penalty units, or (b) in any other case—50 penalty units. | <p>Clause 52 (1) will place cost and resourcing constraints on ASP taking bookings over the phone.</p> <p>Clarity is needed around how these obligations apply to the provision for account work. For example DVA bookings – in most cases these are sent to the Taxi Network via electronic file. Approximately 80 per day. Is the Taxi Network required to provide a fare estimate for each of these bookings?</p> <p>Are fare estimates required to be stored?</p> <p>How does an Authorised Service Provider have the ability to adjust a pre-set fare on the basis that the passenger may not be ready on time at the time of pick up?</p> <p>How do you provide details of the fare if the passenger makes the booking on the phone, and is in a hurry? They may advise that they do not need to know this information.</p> <p>Is the ASP covered if they continue to provide the service at the customer's request?</p> <p>The maximum penalty is quite high. There is no penalty notice offence listed for this clause.</p> <p>We submit that regulation 52(3) is amended to:</p> <p><i>“A person must not commence to provide a related booked service to a passenger unless the fare estimate for the journey has been accepted by or on behalf of the passenger or the passenger (or the passenger's representative) has indicated that they do not require a fare estimate,”</i> .</p> |
| 53 | Taxi fare structures | <p>(1) The provider of a taxi service (other than an affiliated provider) or the facilitator of an affiliated service must establish fares for the provision of transport by taxis that ply or stand for hire on a road</p> | <p>This regulation needs to be clarified. A situation may arise where a Taxi Service Provider authorises a fare below the maximum Fare Order, yet the driver seeks to</p> |

| | | | |
|----|----------------------------------|---|--|
| | | <p>or road related area and are used to provide the service.</p> <p>Maximum penalty: 20 penalty units.</p> <p>Note. Any fare determined cannot exceed any fare applicable under a fares order (see section 76 (5) of the Act).</p> <p>(2) Any cleaning fee for soiling of a taxi by a passenger that is contained in the fares established by a provider under this clause must not be of an amount that exceeds the amount that may be charged where the driver of a taxi waits for 1 hour for a passenger.</p> | <p>charge the maximum in accordance with the Fare Order.</p> <p>This will create confusion and potential disputation between drivers and passengers.</p> <p>We submit that there needs to be an express regulatory provisions which prohibits the driver from charging more than the Authorised Fare made by a Taxi Service Provider</p> <p>In terms of regulation 53(2), what happens if fares reduce? The rate for 1 hour waiting time cannot be reduced if the fare is ever reduced.</p> |
| 54 | Publication of taxi fares | <p>The provider of a taxi service (other than an affiliated provider) or facilitator of an affiliated service must ensure that information about the fares and charges payable by passengers who use the service is available on any website that is maintained by the provider or facilitator as the provider's or facilitator's official website and that copies of that information are made available by the provider to potential passengers on request.</p> <p>Maximum penalty: 50 penalty units.</p> | <p>The NSW Taxi Council notes that this provision is limited to taxi services. It is unclear to the NSW Taxi Council why this regulation has only been imposed on one part of the point to point industry.</p> <p>If clause 54 is intended for rank and hail only, then this needs to be specified and made clear. Otherwise this should apply to all booked services, or removed for Taxi Bookings.</p> <p>Moreover, the website provision should be limited to Sydney, Newcastle, Wollongong, Newcastle and the Central Coast.</p> <p>The obligations imposed on regional areas should be limited to simply publishing their fare schedules particularly as most regional networks do not have websites and of those that do a very basic and do not include the functionality for information updates</p> |
| 55 | Payment of fares | <p>(1) After the termination of a hiring (including a termination under clause 80), the hirer must pay to the driver of the taxi, or as agreed with the provider of the service, any unpaid amount of the authorised fare for the hiring.</p> | <p>This regulation needs to be clarified. A situation may arise where a Taxi Service Provider authorises a fare below the maximum Fare Order, yet the driver seeks to charge the maximum in accordance with the Fare Order.</p> |

| | | | |
|----|--|--|---|
| | | <p>Maximum penalty: 5 penalty units.</p> <p>(2) This clause is subject to clause 56.</p> | <p>This will create confusion and potential disputation between drivers and passengers.</p> <p>There needs to be regulatory provisions that prohibit the driver from charging more than the Authorised Fare made by a Taxi Service Provider</p> |
| 56 | Pre-payment scheme for taxi fares | <p>(1) The pre-payment scheme set out in this clause applies to taxis hired at a place, or in an area, specified by TfNSW by order published in the Gazette.</p> <p>(2) The driver of a taxi may, before a hiring starts or at any time during a hiring, require the hirer to pay a deposit of not more than an amount equal to the driver's reasonable estimate of the authorised fare for the proposed journey or the agreed fare (if the driver and passenger have agreed the fare is to be less than the authorised fare).</p> <p>(3) A driver who receives payment of a deposit under this clause must, on the request of the hirer, give the hirer a receipt for the deposit.</p> <p>Maximum penalty: 10 penalty units.</p> <p>(4) A driver who receives payment of a deposit based on an estimate of the authorised fare under this clause must, on the termination of the hiring (or on the hirer leaving the taxi in compliance with a direction to do so), refund to the hirer any amount by which the deposit exceeds the authorised fare for the journey.</p> <p>Maximum penalty: 10 penalty units.</p> <p>(5) After the termination of a hiring (or on leaving the taxi in compliance with a direction to do so), a hirer who paid a deposit based on an estimate of the authorised fare under this clause must pay to the driver of the taxi the amount (if any) by which the authorised fare exceeds the deposit.</p> <p>Maximum penalty: 10 penalty units.</p> <p>(6) This clause does not apply if the fare is subject to payment using</p> | <p>As per previous submissions from the NSW Taxi Council, pre-paid fares need to be expanded across NSW including the Sydney Metropolitan area as soon as is practicable.</p> <p>The regulation allows for a fine to be issued, however does not refer to recovery of the fare to the driver.</p> <p>Fare evasion is a regular occurrence. This is one of the most frustrating and difficult aspects of taxi driving.</p> <p>Having this included and specified would also assist Police in facilitating the recovery of the fare between passenger and driver.</p> |

| | | | |
|--|---|--|--|
| | | the taxi Transport Subsidy Scheme established by TfNSW. | |
| 57 | Fare may exceed authorised fare if out of area service | <p>The driver of a taxi is exempt from section 76 (5) of the Act if:</p> <ul style="list-style-type: none"> (a) the driver demands (or enters into an agreement to accept) more than the authorised fare for any hiring of the taxi, and (b) the taxi is hired to convey a passenger to a place outside the taxi's area of operation, and (c) the fare is negotiated and agreed with the hirer before the start of the journey. | This should be explicitly confined to rank and hail work as pre-booked work will be determined by the Booking Service . |
| Part 6 Other obligations relating to passenger and booking services | | | |
| Division 1 Driver obligations for passenger services generally | | | |
| 58 | Definition | In this Division, <i>passenger vehicle</i> means a taxi or a hire vehicle. | |
| 59 | Driver not to smoke in vehicle | <ul style="list-style-type: none"> (1) The driver of a taxi must not smoke in the vehicle, whether or not the taxi is being used to provide a taxi service. Maximum penalty: 10 penalty units. (2) The driver of a hire vehicle must not smoke in the vehicle while the vehicle is being used to provide a passenger service. Maximum penalty: 10 penalty units. (3) In this clause, smoke has the same meaning as it has in the <i>Smoke-free Environment Act 2000</i>. | |
| 60 | Offensive behaviour by drivers | <ul style="list-style-type: none"> (1) A driver of a passenger vehicle must not, while the vehicle is being used to provide a passenger service or is being used in connection with a passenger service: <ul style="list-style-type: none"> (a) behave in an offensive manner in the vehicle or the vicinity of the vehicle, or (b) intentionally interfere, or intentionally attempt to interfere, | |

| | | | |
|----|--|---|--|
| | | <p>with the comfort or safety of other persons.</p> <p>Maximum penalty: 20 penalty units.</p> <p>(2) It is a defence to a prosecution for an offence under this clause if the defendant satisfies the court that the defendant had a reasonable excuse for the alleged behaviour.</p> | |
| 61 | Driver not to interfere with equipment of, or damage, vehicle | <p>(1) The driver of a passenger vehicle must not:</p> <p>(a) without reasonable excuse, interfere with any equipment attached to, or forming part of, the vehicle, or</p> <p>(b) intentionally damage any part of the vehicle. Maximum penalty: 20 penalty units.</p> <p>(2) Subclause (1) (a) does not apply to equipment referred to in clause 74.</p> | |
| 62 | Driver not to drive non-compliant vehicle | <p>The driver of a passenger vehicle must not drive a passenger vehicle for the purposes of a passenger service if the driver knows, or ought reasonably to know, that the vehicle, or any equipment installed in or on the vehicle, contravenes a requirement of this Regulation.</p> <p>Maximum penalty: 20 penalty units.</p> | |
| 63 | Additional passengers | <p>The driver of a passenger vehicle that is being used to provide a passenger service must not permit any person to ride in the vehicle without the consent of the hirer.</p> <p>Maximum penalty: 10 penalty units.</p> | |
| 64 | Assistance animals | <p>(1) The driver of a passenger vehicle must not refuse to carry an assistance animal or an assistance animal in training in or on the vehicle.</p> <p>Maximum penalty: 10 penalty units.</p> <p>(2) In this clause:</p> <p>assistance animal means an assistance animal referred to in section 9 (2) of the <i>Disability Discrimination Act 1992</i> of the Commonwealth.</p> | |

| | | | |
|----|---|--|--|
| 65 | Wheelchair accessible vehicles | <p>(1) The driver of a wheelchair accessible taxi or wheelchair accessible hire vehicle 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.</p> <p>Maximum penalty: 10 penalty units.</p> <p>(2) The driver of a wheelchair accessible taxi or wheelchair accessible hire vehicle who is conveying a person using a wheelchair must ensure that the wheelchair is safely secured to the vehicle throughout the hiring.</p> <p>Maximum penalty: 10 penalty units.</p> | <p>Note the maximum penalty is 10 units which is the same for the previous clause 64 (Assistance Animals).</p> <p>However the penalty notice offence value for refusal of a wheelchair and fail to secure a wheelchair is \$150 whereas the notice offence value for refusal of an assistance animal is \$300. We submit that there should be some parity between offences.</p> |
| 66 | No touting or soliciting for passengers | <p>(1) The driver of a passenger vehicle or any other person must not tout or solicit for passengers for, or for a hiring of, a vehicle.</p> <p>Maximum penalty:</p> <p>(a) in the case of an offence committed in the Sydney Airport precinct— 50 penalty units, or</p> <p>(b) in any other case—5 penalty units.</p> <p>(2) This clause does not apply to an inquiry of persons as to whether they are waiting for the specific booked service provided by the passenger vehicle.</p> | <p>We believe that the penalty units for 66 (1) (b) should be increased to 10 penalty units to ensure deterrence of this behaviour.</p> <p>For the reasons outlined in our related submissions, clause 66(2) must be deleted from the regulations.</p> |
| 67 | Driver to be hired only at specific zones - Sydney Airport precinct and other airports | <p>(1) The driver of a passenger vehicle must not, while in the Sydney Airport precinct or at any other airport, stop the vehicle for the purpose of setting down or picking up passengers except in a designated area for that kind of vehicle.</p> <p>Maximum penalty: 50 penalty units.</p> <p>(2) In this clause:</p> <p>designated area for a passenger vehicle means an area in the Sydney Airport precinct or at another airport that is designated by signs erected with the approval of the Sydney Airport Corporation Limited or the manager of the airport as an area for the setting down and picking up of passengers of that kind</p> | <p>Recommend adding in a specific clause prohibiting picking up or setting down of passengers in designated taxi zone.</p> <p>What defines another airport?</p> |

| | | | |
|----|---|---|---|
| | | of vehicle. | |
| 68 | Driver to remain with vehicle - Sydney Airport precinct and other airports | <p>(1) The driver of a passenger vehicle in the Sydney Airport precinct or at another airport must not, without reasonable excuse, move more than 3 metres from the vehicle.</p> <p>Maximum penalty: 15 penalty units.</p> <p>(2) This clause does not apply:</p> <p>(a) if the driver of a passenger vehicle moves more than 3 metres from the vehicle for the purpose of loading luggage or goods into, or removing luggage or goods from, the vehicle, or</p> <p>(b) to the driver of a taxi while the taxi is in a holding bay in the Sydney Airport precinct.</p> | <p>What defines <i>another airport?</i></p> <p>Regulation 68(2)(a) should be expanded to allow drivers to meet passenger at the baggage carousel to assist with luggage particularly in circumstance where the passenger is less mobile.</p> |
| 69 | Directions to driver by authorised officers | <p>(1) An authorised officer may, for the purpose of ensuring that passenger services are provided in the Sydney Airport precinct in a manner that is safe, reliable and efficient, direct the driver of a passenger vehicle in the Sydney Airport precinct, by means of a sign or by any other reasonable method:</p> <p>(a) to stop the vehicle, or</p> <p>(b) to move the vehicle in a particular direction or to a particular location in the Sydney Airport precinct.</p> <p>(2) The driver of a passenger vehicle must not, without reasonable excuse, fail to comply with a direction given to the driver under this clause.</p> <p>Maximum penalty: 10 penalty units.</p> | |
| 70 | Driver to supply information on hirings | <p>(1) An authorised officer may require the driver of a passenger vehicle to answer questions relating to the following:</p> <p>(a) whether the driver's vehicle is hired,</p> <p>(b) the particulars of the hiring, including any booking particulars and the booking service provider,</p> <p>(c) if the driver indicates that the vehicle is hired, the details</p> | |

| | | | |
|---------------------------------|--|---|--|
| | | <p>of that hiring.</p> <p>(2) The driver of a passenger vehicle must not, without reasonable excuse, fail to comply with a requirement made of the driver under this clause.</p> <p>Maximum penalty: 10 penalty units.</p> | |
| 71 | Driver to hand over driver licence for inspection | <p>(1) The driver of a passenger vehicle must, at the request of an authorised officer, hand his or her driver licence to the authorised officer for inspection.</p> <p>Maximum penalty: 10 penalty units.</p> <p>(2) In this clause:</p> <p>driver includes a person who:</p> <p>(a) is occupying the driver seat of a vehicle that is on a road or road related area, or</p> <p>(b) is otherwise apparently in charge of such a vehicle.</p> | |
| Division 2 Taxi services | | | |
| 72 | Application of Division | This Division (other than clauses 74, 77, 80, 81 and 84) applies only in respect of a taxi that plies or stands for hire on a road or road related area. | |
| 73 | Use of taxi outside area of operation | <p>A person must not cause or permit a taxi to be used to provide a taxi service outside the area of its operation (if any) specified in the taxi licence for the taxi.</p> <p>Maximum penalty:</p> <p>(a) in the case of a body corporate—10 penalty units, or</p> <p>(b) in any other case—5 penalty units.</p> | |
| 74 | Interference with safety devices | <p>(1) A person must not intentionally:</p> <p>(a) interfere with any part of an approved vehicle tracking device fitted to a taxi, or</p> | |

| | | | |
|--|--|---|--|
| | | <p>(b) cause or permit any such interference, in a manner that prevents or impedes the proper working of the device.</p> <p>Maximum penalty: 50 penalty units.</p> <p>(2) A person must not intentionally:</p> <p>(a) interfere with any part of an approved security camera system fitted to a taxi, or</p> <p>(b) cause or permit any such interference, in a manner that prevents or impedes the proper working of the system.</p> <p>Maximum penalty: 50 penalty units.</p> <p>(3) A person must not intentionally:</p> <p>(a) interfere with any part of a fare calculation device fitted to a taxi, or</p> <p>(b) cause or permit any such interference, in a manner that prevents or impedes the proper working of the device.</p> <p>Maximum penalty: 50 penalty units.</p> <p>(4) A person must not intentionally:</p> <p>(a) interfere with any part of a duress alarm fitted to a taxi, or</p> <p>(b) cause or permit any such interference, in a manner that prevents or impedes the proper working of the duress alarm.</p> <p>Maximum penalty: 50 penalty units.</p> <p>(5) Nothing in this clause prevents any authorised officer or other person authorised by the Commissioner for the purposes of this clause from carrying out an inspection, check or other test of, or performing any proper function in relation to, a vehicle tracking</p> | |
|--|--|---|--|

| | | | |
|----|---|---|--|
| | | device, security camera system, fare calculation device or duress alarm. | |
| 75 | Standing otherwise than in a taxi zone | <p>The driver of a taxi must not permit the taxi to stand otherwise than in a taxi zone, except as follows:</p> <ul style="list-style-type: none"> (a) while hired, (b) while not available for hire, (c) while loading or unloading luggage or goods or taking up or setting down passengers, (d) at the direction or with the consent of a police officer. <p>Maximum penalty: 10 penalty units.</p> | |
| 76 | Use of taxi zones | <p>The driver of a taxi must not cause or allow the taxi to stand in a taxi zone if the taxi is hired or not available for hire.</p> <p>Maximum penalty: 10 penalty units.</p> | |
| 77 | Driver of taxi to accept hiring | <ul style="list-style-type: none"> (1) The driver of a taxi that is available for hire must accept a hiring immediately when offered. Maximum penalty: 10 penalty units. (2) However, the driver of a taxi may refuse to accept a hiring in any of the following circumstances: <ul style="list-style-type: none"> (a) if acceptance would result in a breach of the Road Rules 2014, (b) in the case of a driver who is proceeding to a destination for the purpose of terminating a 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 that destination, (c) if the intending passenger indicates that he or she wishes to be taken to a location that is outside the taxi's area of operation, (d) if the intending passenger is smoking, or drinking alcohol, | <p>Previously taxi drivers were required to display a sign that indicated their destination at regulated pre designated changeover times. The sign was to have a specific font and size. If a driver was on a taxi rank then the driver was deemed to be available for hire and not covered by the regulated "terminating a driver shift" provision.</p> <p>Regulation 2(b) appears to allow any driver to use the excuse that the driver is "finishing a shift" as an excuse for refusing a hiring. The NSW Taxi Council is aware of the tendency of some driver to refuse short or difficult trips for no reason other than their own convenience. We submit that the regulation needs to be more prescriptive to ensure the intent of the regulation is captured.</p> |

| | | | |
|----|---------------------------------|--|--|
| | | <p>and refuses to stop doing so,</p> <p>(e) if the intending passenger is a person who is, or who is carrying a thing that is, likely to soil or damage the taxi or the clothing or luggage of other passengers, or to otherwise cause inconvenience, a nuisance or annoyance to other passengers or to the driver,</p> <p>(f) if one of the intending passengers is under the age of 1 year and neither the driver of the taxi nor any other intending passenger is carrying a child restraint that complies with the applicable requirements of rule 266 of the <i>Road Rules 2014</i>,</p> <p>(g) if the intending passenger cannot, on request, satisfy the driver that the person is able to pay the estimated fare,</p> <p>(h) if the intending passenger, on request in accordance with clause 56, refuses to pay the deposit in accordance with that clause.</p> | |
| 78 | Peak availability taxis | <p>The driver of a taxi for which a peak availability licence is held must not use the taxi for the purposes of a passenger service between the hours of 5 am and 12pm.</p> <p>Maximum penalty: 5 penalty units.</p> | <p>Current restricted licences have conditions other than those prescribed by this regulation. We submit that the regulation must be amended to preserve all existing usage conditions to avoid detriment being suffered by licence holders (and a loss of value in the licence for licence owners).</p> |
| 79 | Multiple hiring of taxis | <p>(1) The driver of a taxi may accept separate hirings from 2 or more persons concurrently if:</p> <p>(a) all of the hirers commence the hiring of the taxi at the same time, and</p> <p>(b) each of the hirers agrees that the driver may accept the other hirings, and</p> <p>(c) all of the hirers are travelling to destinations in the same locality or the same general direction.</p> <p>(2) A driver of a taxi must not accept separate hirings from 2 or more persons concurrently otherwise than in accordance with this clause.</p> | <p>This regulation must be limited in its application to rank and hail hirings only, and in which case there needs to be a clear prescribed method of calculating the charge for how much each passenger should pay. Currently each passenger is required to pay 75% of the fare.</p> <p>Taxi Service Providers will establish Authorised Fares for multi hirings that are booked via the TSP.</p> |

| | | | |
|----|--|---|---|
| | | Maximum penalty: 10 penalty units. | |
| 80 | Termination of hiring | <p>(1) The hirer of a taxi may terminate the hiring at any time.</p> <p>(2) The driver of a taxi may terminate a hiring in the following circumstances:</p> <p>(a) on any ground on which the driver could refuse to accept a hiring under this Division,</p> <p>(b) without limiting paragraph (a), on any ground set out in clause 77 (2) (a)–(h) or if the driver is reasonably of the opinion that the passenger is contravening clause 87,</p> <p>(c) if any passenger who is under 16 years of age is not wearing a seatbelt or other restraint that is properly adjusted and securely fastened.</p> | In the situation where the hiring has been terminated after commencement, this regulation should include a requirement that the hirer must pay the authorised fare incurred up until the time of the termination. |
| 81 | Direction to leave taxi | <p>(1) A driver of a taxi or an authorised officer may direct a person to leave, or not to enter, the taxi if the driver or authorised officer is of the opinion that any of the circumstances set out in clause 77 (2) (a)–(h) exist in relation to the person.</p> <p>(2) A person who is given a direction under subclause (1) must comply with it.</p> <p>Maximum penalty: 10 penalty units.</p> | In the situation where the hiring has been terminated after commencement, this regulation should include a requirement that the hirer must pay the authorised fare incurred up until the time of the termination. |
| 82 | Operation of fare calculation device by taxi driver | <p>(1) The driver of a taxi to which a fare calculation device is fitted:</p> <p>(a) must not start the device before the taxi is hired, and</p> <p>(b) as soon as the taxi is hired, must start the device, and</p> <p>(c) during any hiring, must keep the device running, and</p> <p>(d) during any hiring, must stop the device for as long as may be necessary to prevent it from registering a charge in any period during which:</p> <p>(i) a hirer in a multiple hire is paying the fare for his or her hire and getting out of the taxi, or</p> <p>(ii) the taxi is delayed because of any shortage of fuel or any accident to the tyres, mechanism or</p> | <p>This needs to qualified to rank and hail hirings only</p> <p>In regulation 82(1)(a), we submit that the meaning of the word “hired” must be defined.</p> <p>Express provision must be made for loading luggage or items, or waiting for passenger on or after the booked time, as long as the passenger has been notified.</p> |

| | | | |
|----|------------------------------------|--|--|
| | | <p>any other portion of the taxi, or</p> <p>(iii) the taxi is delayed for any reason that may be prevented by the driver.</p> <p>Maximum penalty: 10 penalty units.</p> <p>(2) The driver of a taxi that is hired as a result of the taking of a booking for the taxi must, if the fare is subject to payment using the Taxi Transport Subsidy Scheme established by TfNSW, ensure that the fare calculation device is operated for the purposes of the hire in accordance with subclause (1).</p> <p>Maximum penalty: 10 penalty units.</p> | <p>Regulation 82(2) is unclear as to us how will the Taxi Service Provider be covered in the case where a customer making a booking does not declare that they will be using a TTSS voucher, hence a fare greater than the metered fare may be agreed.</p> <p>It is recommended that an education and awareness campaign with the TTSS participants is undertaken to ensure that they are aware that they need to make the TSP aware of the TTSS to ensure that the metered fare is applied.</p> |
| 83 | Wheelchair accessible taxis | <p>(1) Despite any other provision of this Part, a driver of a wheelchair accessible taxi to which a fare calculation device is fitted must not start the device before the taxi is ready to safely transport a passenger in a wheelchair.</p> <p>Maximum penalty: 10 penalty units.</p> <p>(2) For the purposes of this Part, the hiring of a wheelchair accessible taxi by a person using a wheelchair terminates (unless it is sooner terminated) when the taxi stops at the hirer's destination.</p> | <p>This clause needs to be reviewed in relation to Booked Services and in particular where no TTSS docket is involved.</p> <p>For the reasons outlined in detail in our related submissions, regulation 83(1) must be amended to remove the words "<i>safely transport a passenger in a wheelchair</i>" and replace those words with "<i>safely board a passenger in wheelchair into the taxi</i>"</p> |
| 84 | Stand-by taxis | <p>(1) For the purposes of section 49 (2) (f) of the Act, a stand-by taxi used as a wheelchair accessible taxi must comply with the requirements of this Regulation relating to the equipment and construction of a wheelchair accessible taxi.</p> <p>(2) A taxi service provider who uses a stand-by taxi to provide the service must, while the taxi is operating as such, display on it a sign with the words "STAND-BY TAXI" clearly visible from the front of the taxi.</p> <p>Maximum penalty: 10 penalty units.</p> | |

| Division 3 | | Hire vehicles | |
|------------|--|--|--|
| 85 | No plying or standing for hire | <p>The driver of a hire vehicle must not:</p> <ul style="list-style-type: none"> (a) ply, stand or park the hire vehicle for hire on any road or road related area, or (b) use the hire vehicle to carry out a hiring other than for a booking made before the driver stops the vehicle at the place where the passenger is picked up, or (c) not stop, stand or queue in a taxi zone. <p>Maximum penalty: 30 penalty units.</p> | |
| 86 | Direction to leave hire vehicle | <p>(1) A driver of a hire vehicle or an authorised officer may direct a person to leave, or not to enter, the hire vehicle if the driver or authorised officer is of the opinion that any of the following circumstances exist in relation to the person:</p> <ul style="list-style-type: none"> (a) if continuing the hire would result in a breach of the Road Rules 2014, (b) if the person is smoking, or drinking alcohol, and refuses to stop doing so, (c) if the person is, or is carrying a thing that is, likely to soil or damage the hire vehicle or the clothing or luggage of other passengers, or to otherwise cause inconvenience, a nuisance or annoyance to other passengers or to the driver, (d) if one of the intending passengers is under the age of 1 year and neither the driver of the hire vehicle nor any other intending passenger is carrying a child restraint that complies with the applicable requirements of rule 266 of the <i>Road Rules 2014</i>, (e) if the person cannot, on request, satisfy the driver that the person is able to pay, or has paid, the fare. <p>(2) A person who is given a direction under subclause (1) must</p> | |

| | | | |
|-------------------------------------|-----------------------------------|--|--|
| | | <p>comply with it.</p> <p>Maximum penalty: 10 penalty units.</p> | |
| Division 4 Passenger conduct | | | |
| 87 | Passenger conduct offences | <p>A passenger of a taxi or hire vehicle must not:</p> <ul style="list-style-type: none"> (a) soil or damage the vehicle, or (b) smoke in the vehicle, or (c) behave in an offensive manner, or (d) use any offensive language, or (e) intentionally interfere with the comfort or safety of other persons. <p>Maximum penalty:</p> <ul style="list-style-type: none"> (a) for a breach of paragraph (a)—20 penalty units, (b) in any other case—10 penalty units. | <p>We submit that there is a benefit to clarifying the meaning of “smoke” in regulation 87(b) by the addition a note in the same form as it appears in regulation 59 (3)</p> |
| Part 7 Miscellaneous | | | |
| 88 | Authorised officers | <ul style="list-style-type: none"> (1) For the purposes of section 107 of the Act, the following classes of persons are prescribed: <ul style="list-style-type: none"> (a) persons employed in the Transport Service within the meaning of the Transport Administration Act 1988, (b) other persons employed in the government sector (within the meaning of the Government Sector Employment Act 2013), (c) persons engaged by TfNSW, Roads and Maritime Services or the Commissioner under a contract for services, (d) persons engaged by Sydney Airport Corporation Limited to provide road traffic management services. (2) A person referred to in subclause (1) (c) or (d) may only exercise | |

| | | | |
|----|---|---|--|
| | | <p>the functions of an authorised officer if the exercise of those functions is subject to the control and direction of the Commissioner.</p> <p>Note. Schedule 2 sets out offences under the Act and this Regulation for which penalty notices may be issued.</p> | |
| 89 | Unauthorised use of recording | <p>A person must not use a video recording made by a security camera system of a taxi for a purpose other than a purpose authorised by the Commissioner by notice in writing published in the Gazette.</p> <p>Maximum penalty: 20 penalty units.</p> | |
| 90 | Transport services that are not passenger services | <p>For the purposes of section 4 (4) of the Act the following are not passenger services:</p> <ul style="list-style-type: none"> (a) the provision of transport under the Assisted School Travel Program of the Department of Education, (b) the provision of transport for patients that is facilitated by a hospital and transport services for patients provided by the Ambulance Service of NSW, (c) the provision of transport services for persons in custody by or on behalf of Corrective Services NSW. | <p>We seek clarity around whether all transport undertaken pursuant to (a) (b) and (c) falls outside the provisions of the Act and Regulations.</p> <p>For example, patient transport may be facilitated by a hospital who arranged for a taxi service to be used.</p> |
| 91 | Car pooling not passenger service | <p>For the purposes of section 4 (4) of the Act, the provision of transport in all of the following circumstances is not a passenger service:</p> <ul style="list-style-type: none"> (a) the driver of a vehicle proceeding to a destination regularly provides transport to passengers who wish to proceed to the same destination or a destination that is in the same locality or the same general direction, (b) the driver is not a provider of a booking service or otherwise the provider of a passenger service or an employee, contractor or bailee for a booking service or passenger service, (c) no consideration is payable to any person for the provision of the transport, (d) despite paragraph (c), an amount may be paid to the driver | |

| | | | |
|----|--|---|--|
| | | to reimburse actual costs associated with operating the vehicle and a small gift may be provided to a driver for participation in a voluntary non-profit carpooling scheme. | |
| 92 | Travel agents not booking service providers | <p>(1) For the purposes of section 7 (4) of the Act, the taking or communicating of bookings for passenger services by a travel agent in the course of carrying on business as a travel agent is not the provision of a booking service if the bookings are incidental to, and not the main part of, the business.</p> <p>(2) For the purposes of this clause, a person carries on business as a travel agent if the person carries on a business involving the following:</p> <ul style="list-style-type: none"> (a) selling tickets entitling another person to travel, or otherwise arranging for another person a right of passage, on a vehicle, vessel, plane or other conveyance, (b) selling to, or arranging or making available for, another person rights of passage to, and hotel or other accommodation at, one or more places, whether within or outside this State, (c) purchasing for resale the right of passage on a vehicle, vessel, plane or other conveyance, (d) making arrangements in connection with travel. | |
| 93 | Exemptions | <p>(1) The Commissioner may, by order in writing, exempt a person or a vehicle, or a class of persons or vehicles, from all or any of the provisions of the Act or any regulation under the Act.</p> <p>(2) An exemption under this clause may be conditional or unconditional and, if the exemption is conditional, it ceases to have effect if the conditions are not observed.</p> <p>(3) Notice of an exemption given under this clause is to be given by notice published in the Gazette and in any other manner that the Commissioner considers appropriate in the circumstances of the case.</p> | The NSW Taxi Council seeks advice on the circumstances under which this would apply. |

| | | | |
|------------------------|--|---|--|
| 94 | Appointment of taxi zones | <p>(1) The Commissioner may, with the approval of the roads authority for the road concerned, appoint taxi zones for taxis.</p> <p>(2) Taxi zones are to be indicated by signs erected on or near a road.</p> <p>(3) A sign referred to in this clause may specify the class or classes of taxis that may use the taxi zone to which it relates.</p> <p>(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.</p> <p>(5) A police officer may appoint temporary taxi zones at any place where taxis are congregated.</p> | |
| 95 | Requirements relating to information disclosure | <p>(1) This clause applies if, under the Act, the Commissioner discloses personal information about a person who drives a taxi or hire vehicle or a person who owns a taxi or hire vehicle used for the provision of transport by a passenger service, to the provider of a passenger service or booking service.</p> <p>(2) The provider of the service must ensure that the personal information is kept, accessed and disclosed in accordance with any requirements approved by the Commissioner for the purposes of this clause and published in the Gazette.</p> <p>Maximum penalty: 20 penalty units.</p> | |
| 96 | Fees | The fee payable for a specified matter is the fee specified for that matter in Schedule 1. | |
| 97 | Transitional provision | For the purposes of clause 35, a reference in that clause to authorisation includes a reference to accreditation under the <i>Passenger Transport Act 1990</i> . | |
| Schedule 1 Fees | | | |
| Item | Matter for which fee payable | Fee | |

| | | | |
|---|--|-------|-----------------------------------|
| 1 | Application for authorisation to provide taxi service (section 30 (3) (d) of the Act) | \$120 | |
| 2 | Application to renew authorisation to provide taxi service (sections 30 (3) (d) and 37 (2) of the Act) | \$120 | What is the frequency of renewal? |
| 3 | Application for authorisation to provide booking service (section 30 (3) (d) of the Act) | \$120 | |
| 4 | Application to renew authorisation to provide booking service (sections 30 (3) (d) and 37 (2) of the Act) | \$120 | What is the frequency of renewal? |
| 5 | Combined application for authorisation to provide a taxi service and to provide a booking service | \$160 | |
| 6 | Application for taxi licence (section 51 (3) (c) of the Act), if annual fee is to be determined by bids at auction or sealed tender | \$200 | |
| 7 | Application to renew taxi licence (section 51 (3) (c) of the Act), if annual fee is to be determined by bids at auction or sealed tender | \$200 | What is the frequency of renewal? |

Schedule 2 Penalty notice offences

For the purposes of section 135 of the Act:

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

| Column 1 | Column 2 | |
|--|---|--|
| Provision | Penalty | |
| Offences under the Act | | |
| Section 24 | \$5,500 in the case of a body corporate, and \$1,400, in any other case | |
| Section 48, in relation to a breach of clause 51 | \$600, in the case of a body corporate, and \$300, in any other case | |

| | | |
|--|--|--|
| Section 67 | \$300 | |
| Section 76 (5) | \$300 | |
| Section 78 (2) or (3) | \$300 | |
| Section 126 (3) or (4) | \$440 | |
| Section 128 (2) | \$300 | |
| Section 129 (1) | \$5,000, in the case of a body corporate, and \$1,400, in any other case | |
| Section 130 (2) | \$550 | |
| Offences under this Regulation | | |
| Clause 6 (1), in relation to a breach of clause 7 (1), (2) or (3) | \$2,200, in the case of a body corporate, and \$1,100, in any other case | |
| Clause 6 (1), in relation to a breach of clause 11 (1) (c) or (d) | \$5,500, in the case of a body corporate, and \$1,100, in any other case | |
| Clause 6 (1), in relation to a breach of clause 13 (1) | \$1,100, in the case of a body corporate, and \$550, in any other case | |
| Clause 6 (1), in relation to a breach of clause 13 (2) or (4) | \$300 | |
| Clause 6 (2), in relation to a breach of clause 14 (1), (2) or (3) | \$1,100, in the case of a body corporate, and \$550, in any other case | |
| Clause 6 (1), in relation to a breach of clause 15 (1) or (2) | \$1,100, in the case of a body corporate, and \$550, in any other case | |
| Clause 6 (1), in relation to a breach of clause 16 (1) | \$1,100, in the case of a body corporate, and \$550, in any other case | |
| Column 1 | Column 2 | |
| Provision | Penalty | |

| | | |
|---|--|--|
| Clause 6(1), in relation to a breach of clause 16(2), (3), (4), (5), (6), (7), (8) or (9) | | |
| Clause 6 (1), in relation to a breach of clause 17 (1) | \$1,100, in the case of a body corporate, and \$550, in any other case | |
| Clause 6 (1), in relation to a breach of clause 18 (1) or (2) | \$1,100, in the case of a body corporate, and \$550, in any other case | |
| Clause 6 (1), in relation to a breach of clause 19 (1) or (2) | \$1,100, in the case of a body corporate, and \$550, in any other case | |
| Clause 6 (1), in relation to a breach of clause 20 (1), (2), (3) or (4) | \$1,100, in the case of a body corporate, and \$550, in any other case | |
| Clause 6 (1), in relation to a breach of clause 21 (1) | \$1,100, in the case of a body corporate, and \$550, in any other case | |
| Clause 6 (2), in relation to a breach of clause 22 (1) | \$2,200, in the case of a body corporate, and \$1,100, in any other case | |
| Clause 6, in relation to a breach of clause 22 (2) | \$150 | |
| Clause 6, in relation to a breach of clause 23 (1), (2), (3), (4), (5) or (6) | \$2,200, in the case of a body corporate, and \$1,100, in any other case | |
| Clause 6 (1), in relation to a breach of clause 24 (1), (2) or (4) | \$600, in the case of a body corporate, and \$300, in any other case | |
| Clause 6 (1), in relation to a breach of clause 26 (1), where the offender is the driver | \$1,100 | |
| Clause 6 (1), in relation to a breach of clause 27 (1), where the offender is the driver | \$1,100 | |
| Clause 6 (1) in relation to a breach of clause 30 (1), where the offender is the driver | \$300 | |
| Clause 53 (1) | \$2,200, in the case of a body corporate, and \$1,100, in any other case | |

| | | |
|---------------------------|--|--|
| Clause 54 | \$1,100, in the case of a body corporate, and \$550, in any other case | |
| Clause 56 (3), (4) or (5) | \$300 | |
| Clause 59 (1) or (2) | \$300 | |
| Clause 61 (1) (a) | \$550 | |
| Clause 63 | \$300 | |
| Clause 64 (1) | \$300 | |
| Clause 65 (1) | \$150 | |

| Column 1 | Column 2 | |
|----------------------|--|--|
| Provision | Penalty | |
| Clause 65 (2) | \$150 | |
| Clause 66 (1) | \$850, in the case of an offence committed in the Sydney Airport precinct, or \$550, in any other case | |
| Clause 67 (1) | \$550 | |
| Clause 68 (1) | \$300 | |
| Clause 69 (2) | \$550 | |
| Clause 70 (2) | \$550 | |
| Clause 71 | \$300 | |
| Clause 73 | \$600, in the case of a body corporate, and \$300, in any other case | |
| Clause 75 | \$150 | |
| Clause 76 | \$150 | |
| Clause 77 (1) | \$300 | |
| Clause 78 | \$150 | |
| Clause 79 (2) | \$300 | |
| Clause 81 (2) | \$300 | |
| Clause 82 (1) or (2) | \$300 | |
| Clause 83 (1) | \$300 | |

| | | |
|---------------------------------|-------|--|
| Clause 84 (2) | \$300 | |
| Clause 85 | \$850 | |
| Clause 86 (2) | \$300 | |
| Clause 87 (a) | \$550 | |
| Clause 87 (b) | \$550 | |
| Clause 87 (c) | \$300 | |
| Clause 87 (d) | \$200 | |
| Clause 89 | \$550 | |
| Clause 95 (2) | \$550 | |
| Schedule 3, clause 7 (1) or (2) | \$300 | |

Schedule 3 Passenger Service Levy

Part 1 Preliminary

| | | | |
|---|--------------------|--|--|
| 1 | Definitions | <p>(1) In this Schedule:</p> <p>Administration Act means the Taxation Administration Act 1996.</p> <p>levy amount—see clause 4 (3) of this Schedule.</p> <p>objection means an objection under Part 10 of the Administration Act.</p> <p>(2) Words and expressions used in this Schedule have the same meaning as in Schedule 4 to the Act.</p> <p>Note. Expressions used in this Schedule have the same meaning as in the Administration Act.</p> | |
|---|--------------------|--|--|

| Part 2 Assessment and payment of liability for levy | | |
|--|---|---|
| 2 | Registrations by taxpayers | <p>(1) A person who is required to register as a taxpayer under Schedule 4 to the Act must apply to be registered not later than 21 days after first becoming liable to pay the levy.</p> <p>(2) A person who is registered as a taxpayer under Schedule 4 to the Act must notify the Point to Point Transport Commissioner of any change to the information provided by the taxpayer in the application for registration as soon as practicable after becoming aware of that change.</p> <p>(3) A person who fails to comply with this clause is guilty of an offence. Maximum penalty: 5 penalty units.</p> |
| 3 | Arrangements for payment of levy | <p>(1) The arrangements for payment of the levy by a taxpayer are to be as follows:</p> <ul style="list-style-type: none"> (a) the amount of levy payable is to be deposited in an account in an authorised deposit-taking institution on or before the due date for payment, (b) the Chief Commissioner (by arrangement with the taxpayer) is to access or appropriate that amount (such as by way of direct debit from that account). <p>(2) The Chief Commissioner may permit other arrangements to be made for the payment of the levy.</p> <p>(3) The Chief Commissioner may enter into arrangements with taxpayers and other persons for the payment of the levy in accordance with this clause.</p> |
| 4 | Reduction or waiver of liability in case of third party collection | <p>(1) The assessor may, on application by a taxpayer or on the assessor's initiative, waive or reduce the amount of levy payable by a taxpayer, if the assessor is satisfied that:</p> <ul style="list-style-type: none"> (a) a levy amount was collected by a driver, affiliated provider or other person on behalf of the taxpayer, and (b) the amount was not paid by that person to the taxpayer or otherwise as agreed with the taxpayer, and (c) that person has been affected by a non-payment event, and (d) the taxpayer took all reasonable steps to recover the amount, or to have the amount paid in accordance with the Act and this Schedule. <p>(2) This clause is in addition to any other power of the assessor to assess or reassess, or</p> |

| | | | |
|---|---|--|--|
| | | <p>to waive or reduce, the liability of a taxpayer to pay the levy.</p> <p>(3) In this clause:</p> <p>levy amount means an amount paid by a person who obtains a service under a passenger service transaction to an affiliated provider, driver or any other person involved in the provision of the transaction that is:</p> <p>(a) under an agreement between the person who is paid the amount and the taxpayer, required to be paid to the taxpayer or another person for the purposes of the levy, or</p> <p>(b) the part of a fare that represents the amount payable to cover the levy, as determined by a fares order.</p> <p>non-payment event affecting a person means:</p> <p>(a) the person has died or is no longer in Australia, or</p> <p>(b) the person has become bankrupt, or</p> <p>(c) the person has become a mentally incapacitated person.</p> | |
| 5 | Exemption and rebate for certain small providers | <p>(1) A taxpayer who carries out 150 or fewer passenger service transactions in any period of 12 months is exempt from clauses 3, 4, 7 and 12 of Schedule 4 to the Act.</p> <p>(2) A taxpayer who carries out more than 150 but fewer than 600 passenger service transactions in any period of 12 months is entitled to a rebate of the levy.</p> <p>(3) The amount of the rebate is to be the amount of rebate required so that the amount of levy payable by the taxpayer is as follows:</p> <p>(a) if the number of passenger service transactions carried out is more than 150 but not more than 400—\$150, or</p> <p>(b) if the number of passenger service transactions carried out is more than 400 but not more than 600—\$400.</p> | |
| 6 | Exemption from levy for transport in remote or very remote areas | <p>(1) The provider of a taxi service or booking service is exempt from clauses 3, 4, 7 and 12 of Schedule 4 to the Act in respect of a passenger transaction if the passenger service provided is carried out within, or commences or ends at a place within, a remote or very remote area of this State.</p> <p>(2) For the purposes of this clause, a place is within a remote area or very remote area of this State if it is located within an area that is so classified under the Australian</p> | |

| | | | |
|---|--|--|--|
| | | Statistical Geography Standard (ASGS) published by the Australian Bureau of Statistics, as effective from time to time. | |
| 7 | Information to be provided by small providers or remote providers | <p>(1) A person who seeks to rely on an exemption or rebate under this Part must, if required to do so by the Point to Point Transport Commissioner, confirm in writing that the person intends to rely on the exemption or rebate and provide particulars as to why the person is entitled to do so.</p> <p>Maximum penalty: 10 penalty units.</p> <p>(2) A person who receives an exemption or rebate from the levy under this Part must notify the Point to Point Transport Commissioner in writing as soon as practicable after the person becomes aware that the person is no longer entitled to the exemption or rebate or is entitled to a lesser rebate.</p> <p>Maximum penalty: 10 penalty units.</p> | |
| Part 4 Objections to assessments of liability | | | |
| 8 | Modification of operation of Administration Act | Part 10 of the Administration Act is modified to the extent necessary to provide for objections to assessments in accordance with this Part. | |
| 9 | Periods of objections | <p>(1) Sections 86 (2), 89 (1) and 90 of the Administration Act are taken to be modified by omitting “60” and “60-day” wherever occurring and by inserting instead “30” and “30-day”, respectively.</p> <p>(2) The Point to Point Transport Commissioner may grant an application under section 90 of that Act to lodge an objection after the 30-day period only if satisfied that special circumstances prevented the objection from being lodged within that period.</p> <p>(3) Without limiting subclause (2), special circumstances may include the following circumstances:</p> <p>(a) a serious illness or other personal emergency affecting the taxpayer or person or persons responsible for returns for the taxpayer,</p> <p>(b) failure of computing or other systems, including loss of data, affecting the taxpayer’s ability to make the objection,</p> <p>(c) an unforeseeable occurrence or circumstance outside the control of the taxpayer.</p> <p>(4) A decision by the Point to Point Transport Commissioner not to grant an application to</p> | |

| | | | |
|--|--|--|--|
| | | lodge an objection after the 30-day period is a decision that may be the subject of an objection under section 86 (1) of the Administration Act. | |
| 10 | Grounds for objection | <p>(1) The only grounds on which an objection to an assessment may be made by a taxpayer are as follows:</p> <p>(a) that there was a mistake in the return which resulted in a higher assessed liability than would have been assessed if the mistake had not been made,</p> <p>(b) if the assessment was made on an estimated basis by the assessor, that the assessed liability was higher than would have been assessed if the assessment had been determined on the basis of the actual passenger service transactions during the assessment period.</p> <p>(2) In determining an objection to an assessment made on an estimated basis, the Point to Point Transport Commissioner may require the objector to lodge a return for the assessment period concerned.</p> | |
| 11 | Form of objections and information | <p>An objection to an assessment must contain the following information (in addition to the requirements of section 87 of the Administration Act):</p> <p>(a) the assessment and the assessment period the subject of the objection,</p> <p>(b) any relevant records supporting the objection, such as trip data, vehicle records, fare calculation device data and financial statements.</p> | |
| 12 | Decisions not available for objection | <p>(1) A taxpayer may not lodge an objection to a decision by the assessor to make or not to make an assessment on an estimated basis.</p> <p>(2) This clause does not prevent an objection on a ground permitted by this Part.</p> | |
| Part 4 Enforcement and offences | | | |
| 13 | Excess levy payments by passengers | <p>(1) A person must not demand for the provision of a passenger service transaction (whether as part of a fare or as an additional amount) the payment of an amount in respect of the levy unless:</p> <p>(a) the amount is permitted to be included in a fare by a fares order or, if there is no applicable fares order, by the fares established by the provider of the passenger service or booking service, and</p> <p>(b) the amount does not exceed the amount of levy payable for the transaction.</p> | |

| | | | |
|----------------------------------|---------------------------------|---|--|
| | | <p>Maximum penalty:</p> <p>(a) in the case of a body corporate—40 penalty units, or</p> <p>(b) in any other case—20 penalty units.</p> <p>(2) This clause does not apply to any component of a fare established under a fares order that compensates for administrative costs arising out of the levy.</p> | |
| 14 | Authorised officers | <p>(1) An authorised officer under this Act may be appointed by the Point to Point Transport Commissioner as an authorised officer for the purposes of the Administration Act.</p> <p>(2) An authorised officer so appointed may exercise functions under the Administration Act only for the purposes of, or in respect of, the levy.</p> <p>(3) The Point to Point Transport Commissioner may issue an identity card for the officer in accordance with section 69 of the Administration Act.</p> <p>(4) An authorised officer may carry out a function conferred under the Administration Act when the officer is carrying out other functions under the Point to Point Transport (Taxis and Hire Vehicles) Act 2016.</p> <p>(5) This clause is in addition to section 68 of the Administration Act and that section is taken to be modified accordingly.</p> <p>(6) Section 69 of the Administration Act is taken to be modified so that the form of identity card for an authorised officer appointed under this clause is to be the form approved by the Point to Point Transport Commissioner.</p> | |
| 15 | Proceedings for offences | <p>(1) Proceedings for an offence under the Administration Act in connection with the levy or a taxpayer may be taken by the Point to Point Transport Commissioner.</p> <p>(2) This clause is in addition to section 62 of the Administration Act and that section is taken to be modified accordingly.</p> | |
| Part 5 Miscellaneous | | | |
| 16 | Service of documents | <p>(1) A document authorised or required to be served on, given to or lodged with the assessor, the Point to Point Transport Commissioner or the Chief Commissioner for the purposes of this Schedule, Schedule 4 to the Act or the Administration Act may be served, given or lodged electronically through a website approved by the Point to Point Transport Commissioner and maintained for the purpose of facilitating the</p> | |

| | | | |
|---|--|--|--|
| | | <p>administration of the assessment, payment and collection of the levy.</p> <p>(2) A document authorised or required to be served on or given to a person by the assessor, the Point to Point Transport Commissioner or the Chief Commissioner for the purposes of this Schedule, Schedule 4 to the Act or the Administration Act may be served or given by sending it to an email address provided to the assessor, the Point to Point Transport Commissioner or the Chief Commissioner by the person concerned for the purpose of service of documents.</p> <p>(3) The Administration Act is modified to the extent necessary to permit the serving or giving of documents in accordance with this clause but without limiting any other means of doing so specified by that Act.</p> | |
| Schedule 4 Amendment of Point to Point Transport (Taxis and Hire Vehicles) Act 2016 No 34 | | | |
| 1 | Schedule 2 Savings, transitional and other provisions | <p>Insert after clause 3 (9):</p> <p>(10) The Commissioner may, by notice published in the Gazette, revoke any or all conditions of a licence (other than a condition referred to in subclause (5)) that is continued by this clause.</p> <p>(11) To avoid doubt, the regulations may revoke or amend a condition continued by this clause and may impose a condition that is inconsistent with a continued condition.</p> <p>(12) A continued condition of a taxi licence has no effect to the extent that it is inconsistent with a condition imposed on the licence by the regulations.</p> | |
| 2 | Schedule 2, clause 8 | <p>Insert after clause 8 (7):</p> <p>(8) This clause does not apply to a person who is an affiliated provider within the meaning of the Act or who, for any other reason, is exempt from the requirement to hold an authorisation to provide a taxi service or passenger service under this Act.</p> | |
| 3 | Schedule 2, clause 9 | <p>Insert after clause 9 (8):</p> <p>(8) This clause applies to a person who, immediately before the commencement of Part 3 of this Act was an accredited operator of a taxi service and exempt from the requirements of section 31G of the 1990 Act, and so applies as if that person were the holder of a taxi-cab network authorisation referred to in subclause (1).</p> | |
| 4 | Schedule 2, clause 10 | <p>Insert after clause 10 (1):</p> <p>(1A) A person who was, immediately before the commencement of this Act, an accredited</p> | |

| | | | |
|---|------------------------------|--|--|
| | | operator of a tourist service provided by means of motorcycles or four wheel drive vehicles under the 1990 Act is taken to be an authorised provider of a booking service under this Act and this Act applies accordingly. | |
| 5 | Schedule 2, clause 15 | <p>Insert after clause 14:</p> <p>15 IPART investigations</p> <p>Any investigation being carried out by IPART before the commencement of section 72 or 74 of this Act, and relevant to the matters with respect to which IPART may exercise functions under either of those sections, may continue and the functions are taken to be being exercised for the purposes of the section.</p> | |