



Australian Capital Territory

Road Transport (Public Passenger Services) Regulations 2002 No 3

made under the

Road Transport (Public Passenger Services) Act 2001

Republication No 1

Republication date: 1 March 2002

Regulations not amended up to this date

Not all provisions are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Road Transport (Public Passenger Services) Regulations 2002*, made under the *Road Transport (Public Passenger Services) Act 2001* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 March 2002. It also includes any commencement, repeal or expiry affecting the republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial amendments

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

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Road Transport (Public Passenger Services) Act 2001

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Chapter 1 Preliminary

1 Name of regulations

These regulations are the *Road Transport (Public Passenger Services) Regulations 2002*.

2 Commencement

- (1) These regulations (other than regulation 132 (4)) commence when the *Road Transport (Public Passenger Services) Amendment Act 2001*, section 8 commences.
- (2) Regulation 132 (4) commences on 1 March 2003.

3 Dictionary

The dictionary at the end of these regulations is part of these regulations.

Note 1 The dictionary defines certain words and expressions, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in these regulations or in other legislation.

For example, the signpost definition '*road transport legislation*—see the *Road Transport (General) Act 1999*, section 6.' means the expression 'road transport legislation' is defined in section 6 of that Act and the definition applies to these regulations.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulations unless the definition, or another provision of the regulations, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

4 Notes

- (1) A note included in these regulations is explanatory and is not part of these regulations.

Note See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

- (2) In these regulations:

note includes bracketed material in regulation headings.

Note For comparison, a number of regulations contain bracketed notes in their headings drawing attention to equivalent or comparable (though not necessarily identical) provisions of other legislation. The notes include the following abbreviations:

- ACT Act: *Road Transport (General) Act 1999*
- ACT Bus: *Road Transport (Bus Services) Regulations 2000*
- ACT Taxi: *Road Transport (Taxi Services) Regulations 2000*
- NSW Act: *Passenger Transport Act 1990 (NSW)*
- NSW Bus: *Passenger Transport (Bus Services) Regulation 2000 (NSW)*
- NSW Taxi: *Passenger Transport (Taxi Services) Regulation 2001 (NSW)*.

- (3) Subregulation (2), the bracketed notes mentioned in subregulation (2), and this subregulation, expire on 31 December 2002.

Chapter 2 Accreditation of public passenger service operators and taxi networks

Part 2.1 Kinds of accreditation

5 Accreditations that may be approved

- (1) The road transport authority may accredit people to operate the following kinds of bus services:
 - (a) regular route services;
 - (b) tour and charter services.
- (2) The road transport authority may accredit people to operate a taxi network for the following kinds of taxi services:
 - (a) a taxi service (other than a restricted taxi service);
 - (b) a restricted taxi service.
- (3) The road transport authority may accredit people to operate the following kinds of taxi services:
 - (a) a taxi service (other than a restricted taxi service);
 - (b) a restricted taxi service.

Part 2.2 Accreditation procedure

6 Meaning of *regulated service* and *relevant person*

For these regulations:

regulated service means—

- (a) a public passenger service; or
- (b) a taxi network.

relevant person, for an application for accreditation (including for the renewal of an accreditation) by a person or in relation to an accreditation held by the person, means—

- (a) if the person is an individual—the person and any employee of the person who is concerned with, or takes part in, the management of the regulated service to which the application relates; or
- (b) if the person is a corporation—an executive officer of the corporation; or
- (c) if the person is any other kind of entity—the person and any person who is concerned with, or takes part in, the entity's management.

7 Application procedure for accreditation (NSW Act s 8)

- (1) A person (the *applicant*) who applies to the road transport authority for an accreditation of a particular kind (including for the renewal of an accreditation) must give the authority—
 - (a) a completed application form for accreditation of that kind; and

- (b) the proposed service standards for the regulated service to which the application relates; and
- (c) a consent signed by each relevant person for a police officer to make inquiries about any criminal record of the person.

Note A fee for the application may be determined under the *Road Transport (General) Act 1999*, s 96.

- (2) The road transport authority may require the applicant to give the authority any additional documents or other information that the authority reasonably needs to decide the application.
- (3) The applicant may, with the road transport authority's agreement, give the authority amended service standards for the regulated service to which the application relates.

8 Mandatory refusal of accreditation

- (1) The road transport authority must refuse an application for accreditation (including for the renewal of an accreditation) if the authority believes, on reasonable grounds, that—
 - (a) the applicant is not a suitable person to operate the kind and size of regulated service to which the application relates; or
 - (b) compliance with the service standards proposed by the applicant for the regulated service will not ensure that the applicant provides a safe, reliable and efficient regulated service; or
 - (c) the applicant does not have the capacity to meet the service standards proposed by the applicant.

Note For the service standards, see sch 1.

- (2) The matters to which the road transport authority may have regard in deciding whether the applicant is a suitable person include the following:

Regulation 8

- (a) the financial capacity of the applicant to operate the kind and size of regulated service to which the application relates;
 - (b) the knowledge and experience of the relevant people in relation to the operation of a regulated service of the kind and size to which the application relates;
 - (c) whether a relevant person is or has been a director (however described) of a corporation that is or has been placed in administration or liquidation or wound-up under an Australian or foreign law.
- (3) However, the applicant is not a suitable person to operate the regulated service if—
- (a) the applicant is disqualified under chapter 5 (Disciplinary action in relation to accreditations and taxi licences) from holding or applying for the accreditation; or
 - (b) for an application for a kind of accreditation for which educational qualifications have been approved by the road transport authority—at least 1 relevant person does not hold the approved educational qualifications; or
 - (c) a relevant person—
 - (i) has been found guilty of a mandatory disqualifying offence; or
 - (ii) is disqualified (however described) from managing a corporation under an Australian or foreign law (including, for example, the Corporations Act, part 2D.6 (Disqualification from managing corporations)); or
 - (iii) is an undischarged bankrupt under an Australian or foreign law; or
 - (d) a relevant person has been found guilty of an offence against any of the following provisions of the Corporations Act:

- (i) section 209 (3) (which is about a public company giving financial benefits to a related party);
- (ii) part 5.8 (which relates to the winding-up etc of companies); or
- (e) a relevant person has been found guilty of an offence against another Australian law or a foreign law that corresponds to a provision mentioned in subregulation (3) (d).

9 Discretionary refusal of accreditation

The road transport authority may refuse an application for accreditation (including for the renewal of an accreditation) if the authority believes, on reasonable grounds, that—

- (a) a relevant person has failed to comply with a requirement made by the authority in relation to the application or a requirement of the Act relating to the application; or
- (b) the applicant has contravened an accepted service standard; or
- (c) the applicant has contravened a condition of the person's accreditation; or
- (d) a relevant person has contravened any other provision of the Act; or
- (e) the applicant has not maintained a public vehicle policy in accordance with the *Road Transport (General) Act 1999*, section 217 (Public vehicle insurance compulsory) for a public passenger vehicle operated by the person.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and service standards (see *Legislation Act 2001*, s 104).

10 Issue or amendment of accreditation subject to conditions (NSW Act s 9B)

- (1) An accreditation may be issued or renewed subject to a condition imposed by the road transport authority.
- (2) An accreditation may be amended by the road transport authority to impose a condition to which the accreditation is to be subject or to amend or revoke a condition to which the accreditation is already subject.
- (3) A condition mentioned in subregulation (1) or (2) may be imposed, amended or revoked by the road transport authority—
 - (a) on the authority's own initiative or on the application of the applicant for, or the holder of, an accreditation; and
 - (b) for a stated period or indefinitely.

11 Accredited people—procedure for imposition etc of conditions on authority's initiative

- (1) This regulation applies to a person if the road transport authority proposes, on its own initiative, to take action under regulation 10 (2) to amend an accreditation held by the person to impose, amend or revoke a condition (the *proposed action*).
- (2) The road transport authority must give the accredited person a written notice stating—
 - (a) the proposed action; and
 - (b) if the proposed action is to impose a condition to which the accreditation is to be subject—the proposed condition; and
 - (c) if the proposed action is to amend a condition to which the accreditation is subject—the proposed condition as amended; and

- (d) if the proposed action is to impose or amend a condition—the grounds for the proposed action; and
 - (e) if appropriate, any action that must be taken by the person to avoid or reverse the proposed action; and
 - (f) the date when the proposed imposition, amendment or revocation of the condition takes effect (the date of effect); and
 - (g) that the proposed action takes effect on the date of effect unless the notice is revoked by the authority before that date.
- (3) The notice may, but need not, provide an opportunity for the person to make representations about why the proposed action should not be taken.
 - (4) The date of effect must not be earlier than 14 days after the notice is given to the person.
 - (5) This regulation does not affect the taking of action under chapter 5 (Disciplinary action in relation to accreditations and taxi licences).

12 Accreditation and certificates of accreditation

- (1) If the road transport authority accredits a person to operate a regulated service, the authority must give the person—
 - (a) a certificate of accreditation; and
 - (b) a copy of the service standards in relation to which the accreditation was given.
- (2) The certificate of accreditation must show—
 - (a) the accreditation number allocated to the person; and
 - (b) the person's full name; and
 - (c) the kind of accreditation; and
 - (d) the expiry date of the accreditation.

- (3) The certificate of accreditation may also show any additional information that the authority considers appropriate.
- (4) The maximum period the road transport authority may accredit a person (including renew an accreditation) to operate a regulated service is as follows:
 - (a) for a bus service—3 years;
 - (b) for a taxi service—6 years;
 - (c) for a taxi network—6 years.
- (5) An accreditation is not transferable.

13 Amendment of accepted service standards

- (1) An accredited person may apply to the road transport authority for the amendment of an accepted service standard.
- (2) The road transport authority may, in writing, approve the amendment of the service standard if satisfied, on reasonable grounds, that compliance with the service standard, as amended, will ensure that the applicant provides a safe, reliable and efficient regulated service.

14 Notification of change in details of accreditation or operation of regulated service

- (1) This regulation applies if—
 - (a) particulars set out in an application for accreditation (including for the renewal of an accreditation) or other documents given to the road transport authority for the application, or the particulars shown in the certificate of accreditation, become (or are about to become) inaccurate or inapplicable because of a change in circumstances; or

- (b) the operation of a regulated service is changed in a way that may have an adverse effect on the provision of a safe, reliable and efficient regulated service by an accredited person; or
- (c) the financial circumstances of an accredited person change in a way that affects the person's ability to provide a safe, reliable and efficient regulated service.

Examples for par (a)—changes of circumstances

- 1 A change in a relevant person for an accredited person.
 - 2 A relevant person is found guilty of a mandatory disqualifying offence or disqualified from managing a corporation under the Corporations Act, pt 2D.6.
 - 3 An accredited entity or a relevant person is declared bankrupt.
 - 4 An entity no longer has a relevant person who has the relevant approved educational qualifications.
 - 5 A change of business address.
- (2) The accredited person must give the road transport authority written notice of the change as soon as practicable (but within 7 days) after the change and, if the change relates to the certificate of accreditation, return the certificate to the authority.

Maximum penalty: 20 penalty units.

- (3) If the change relates to the certificate of accreditation and the certificate is returned to the road transport authority, the authority must amend the certificate or issue another certificate for the remainder of the period of the certificate that it replaces.
- (4) The road transport authority may require a person who becomes a relevant person for an accredited person after the authority gives the accreditation to—
- (a) comply with regulation 7 (1) (c) (which is about a criminal records check); and

- (b) provide any other information that the authority reasonably requires to decide whether, because of the change of circumstances, the accredited person ceases to be a suitable person to be accredited.
- (5) A person must not fail to comply with a requirement under subregulation (4).

Maximum penalty: 20 penalty units.

15 Holder of conditional accreditation to comply with conditions

The holder of an accreditation must not, without reasonable excuse, contravene a condition to which the accreditation is subject.

Maximum penalty: 20 penalty units.

16 Replacement of certificate of accreditation

- (1) The road transport authority may issue a replacement certificate of accreditation to the holder of the accreditation if satisfied that the certificate of accreditation has been lost, stolen or destroyed.
- (2) For subregulation (1), the road transport authority may require the holder of the accreditation to give the authority a statement, verified by a statutory declaration signed by the person, that the certificate has been lost, stolen or destroyed.

Note 1 A fee for the application may be determined under the *Road Transport (General) Act 1999*, s 96.

Note 2 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

17 Production of certificate of accreditation

- (1) An accredited person must not, without reasonable excuse, fail to produce a certificate of accreditation for a particular kind of regulated service for inspection when required to do so by a police officer or authorised person.

Maximum penalty: 5 penalty units.

- (2) It is a defence to an offence against subregulation (1) if—
- (a) the defendant has a reasonable excuse for failing to produce the certificate of accreditation when required to do so; and
 - (b) within 3 days after being required to produce the certificate, the defendant produces the certificate at the place directed by the police officer or authorised person.

18 Surrender of accreditation

- (1) An accredited person may apply to the road transport authority to surrender an accreditation held by the person.
- (2) The application may be made personally by the person or by an agent who produces written evidence of the person's appointment as agent.
- (3) The person must, with the application—
- (a) return the person's certificate of accreditation to the road transport authority; or
 - (b) if the certificate has been lost, stolen or destroyed—give the authority a statement, verified by a statutory declaration signed by the person or agent, that the certificate has been lost, stolen or destroyed.

Note The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

Chapter 2	Accreditation of public passenger service operators and taxi networks
Part 2.2	Accreditation procedure

Regulation 18

- (4) If the person complies with this regulation, the road transport authority must approve the application unless the authority is taking action to suspend or cancel the person's accreditation.
- (5) However, if the person is accredited to operate regular route services, the road transport authority may approve the application only if each service contract held by the person has expired or been terminated in accordance with the contract.

Part 2.3 Other matters relating to accreditation

19 Approval of educational qualifications

- (1) The road transport authority may, in writing, approve educational qualifications for a kind of accreditation.
- (2) An approval of educational qualifications is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

20 Operator training

The road transport authority may, by written notice, direct an accredited person to undertake, within a stated reasonable time, stated training about the operation of the public passenger service or taxi network for which the person is accredited.

Chapter 3 Bus services

Part 3.1 Operation of bus services

Division 3.1.1 Bus services generally

21 Maintenance of buses

- (1) The accredited operator of a bus service must not use a bus to operate the service unless the bus is serviced and maintained in accordance with the bus manufacturer's maintenance standards (however described) relating to the bus.

Maximum penalty: 20 penalty units.

- (2) The accredited operator of a bus service must not use a bus to operate the service unless the bus complies with the requirements of the vehicle standards applying to the bus.

Maximum penalty: 20 penalty units.

Note 1 For other provisions about the maintenance of vehicles and compliance with the vehicle standards, see *Road Transport (Vehicle Registration) Regulations 2000*, ch 6.

Note 2 For additional insurance requirements for buses, see *Road Transport (General) Act 1999*, div 10.12.

22 Fleet and maintenance records for buses to be made

- (1) The accredited operator of a bus service must make a written record of the following particulars for each bus used to operate the service:
 - (a) the make, model and year of manufacture of the bus;
 - (b) the registration number of the bus;

- (c) the insurance policies, and the expiry date of the policies, that apply in relation to the operation of the bus;
 - (d) the maximum number of seated and standing passengers that may be carried on the bus in accordance with regulation 37 (Maximum number of passengers in buses);
 - (e) the date the bus was first used by the operator to operate the bus service and (if applicable) the date the bus ceased to be used by the operator to operate the bus service;
 - (f) the inspections of the bus for compliance with regulation 21 (Maintenance of buses);
 - (g) any defects that affect the roadworthiness or safe operation of the bus;
 - (h) the cleaning, servicing, maintenance and repair of the bus and any other work done to the bus;
 - (i) accidents or other incidents in which—
 - (i) the death of, or bodily injury to, a person is caused by, or arises out of the use of, the bus; or
 - (ii) damage to property is caused by, or arises out of the use of, the bus.
- (2) The accredited operator of a bus service must not fail to comply with subregulation (1).

Maximum penalty: 10 penalty units.

23 Notification of changes to bus fleet

The accredited operator of a bus service must, as soon as practicable (but within 5 days) after acquiring (including under a lease) a bus to operate the bus service, give the road transport authority written notice of the matters mentioned in regulation 22 (1) (a) to (d).

Maximum penalty: 20 penalty units.

24 Notifiable incidents involving buses

- (1) The accredited operator of a bus service must, as soon as practicable (but within 24 hours) after a notifiable accident, give the road transport authority written notice of the time and date when, and the place where, the accident happened.

Maximum penalty: 20 penalty units.

- (2) The accredited operator of a bus service must, as soon as practicable (but within 5 days) after a notifiable accident, give the road transport authority written notice of the following information:

- (a) the make, model and registration number of the bus involved in the accident;
- (b) the full name and home address of the driver of the bus involved in the accident;
- (c) the circumstances of the accident;
- (d) the name and address of anyone killed or injured in the accident;
- (e) for an injured person—the kind of injuries received by the person.

Maximum penalty: 20 penalty units.

- (3) The accredited operator of the bus service must also give the road transport authority written notice of any other incident relating to a bus that significantly affects the operation of the bus service.

Maximum penalty: 20 penalty units.

- (4) In this regulation:

notifiable accident means an accident or other incident in which the death of, or bodily injury to, a person is caused by, or arises out of the use of, a bus used to operate the bus service.

25 Condition of buses (ACT Bus reg 5, NSW Bus cl 7 (2))

- (1) The accredited operator of a bus service must ensure that, while a bus is being used to operate the service, its interior, exterior and fittings are clean and undamaged and that its fittings are properly fitted and securely in place.

Maximum penalty: 10 penalty units.

- (2) In this regulation:

exterior, of a bus, includes the body, door panels, bumper bars, trim and wheels of the bus.

26 Bus drivers to hold appropriate driver licence or authority (ACT Bus reg 6, NSW Bus cl 10 (1))

The accredited operator of a bus service must ensure that a person who drives a vehicle to operate the service is—

- (a) the holder of a public vehicle licence authorising the person to drive the vehicle for hire or reward; or
- (b) exempt from holding a public vehicle licence under the *Road Transport (Driver Licensing) Regulations 2000*, regulation 94A (Exemption of drivers of public vehicles driven for hire or reward—Act, s 31 (1) (b)).

Maximum penalty: 20 penalty units.

27 Records of bus drivers to be made (ACT Bus reg 7, NSW Bus cl 10 (2))

- (1) The accredited operator of a bus service must make a written record of the following particulars for each person who drives a bus to operate the service:

- (a) the person's full name and home address;

- (b) the prescribed driver authority information for the person;
 - (c) the dates and times when the bus was driven by the person.
- (2) The accredited operator of a bus service must not fail to comply with subregulation (1).

Maximum penalty: 10 penalty units.

- (3) In this regulation:

prescribed driver authority information, for a person, means—

- (a) if the person is the holder of a public vehicle licence—the number of the person’s public vehicle licence and its expiry date; or
- (b) in any other case—
 - (i) the number of the person’s Australian driver licence and its expiry date; and
 - (ii) the number of the authority mentioned in the *Road Transport (Driver Licensing) Regulations 2000*, regulation 94A (1) (b) held by the person and its expiry date.

28 Keeping and inspection etc of records about buses (ACT Bus reg 8, NSW Bus cl 11)

- (1) A person who is or has been the accredited operator of a bus service must—
- (a) keep every record required to be made by the person under the Act for at least 4 years after the making of the last entry in it; and
 - (b) produce the record for inspection when required by a police officer or authorised person; and

- (c) provide the record, or a copy of the record, to the road transport authority for inspection within a stated reasonable time when required to do so, in writing, by the authority.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

- (2) A person must not fail to comply with subregulation (1).

Maximum penalty: 10 penalty units.

- (3) The road transport authority, police officer or authorised person may take copies of any record produced or provided under subregulation (1) (b) or (c).
- (4) This regulation does not apply to a recording made by a security camera in a bus.

Note For the keeping and destruction of security camera recordings, see reg 32 (2).

29 Display of notice on bus about maximum number of passengers (NSW Bus cl 15 (4))

- (1) The accredited operator of a single-decker bus used to operate a bus service must display in a conspicuous position at the rear of the bus a statement, in legible text at least 25mm high, of the maximum number of seated, and the maximum number of standing, passengers the bus is permitted to carry under regulation 37 (3) (Maximum number of passengers in buses).

Maximum penalty: 5 penalty units.

- (2) The accredited operator of a double-decker bus used to operate a bus service must display in a conspicuous position at the rear of the bus a statement, in legible text at least 25mm high, of—
- (a) the maximum number of seated passengers the bus is permitted to carry on each deck of the bus under regulation 37 (3); and

- (b) the maximum number of standing passengers the bus is permitted to carry on the lower deck under the subregulation.

Maximum penalty: 5 penalty units.

30 Accreditation details to be displayed on buses
(NSW Bus cl 6)

- (1) The accredited operator of a bus used to operate a bus service must display on the bus in a position approved, in writing, by the road transport authority a statement, in legible text at least 50mm high, of the name in which the accreditation is held and the accreditation number allocated to the operator by the authority.

Maximum penalty: 5 penalty units.

- (2) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

31 Presence of security camera in bus to be indicated

The accredited operator of a bus fitted with a security camera must ensure that signs telling people that they may be under video surveillance while in or near the bus are conspicuously placed inside and outside the bus.

Maximum penalty: 5 penalty units.

Note 1 The accredited operator must also comply with any standards about security cameras in buses, see reg 68 (5).

Note 2 If the National Privacy Principles under the *Privacy Act 1988* (Cwlth) apply to the accredited operator, the operator must collect personal information in accordance with the principles or another provision of the Privacy Act (including, for example, a code of practice).

32 Bus operator's responsibilities for security camera recordings

- (1) This regulation applies to the accredited operator of a bus if the bus is fitted with a security camera.
- (2) If a recording made by the security camera has not been given to a police officer or the road transport authority under subregulation (4), the accredited operator must ensure that the recording is—
 - (a) kept by the accredited operator for 30 days after the day it is made; and
 - (b) destroyed as soon as practicable after the end of the 30 day period.
- (3) The accredited operator of a bus must not fail to comply with subregulation (2).

Maximum penalty: 10 penalty units.

- (4) If a police officer or the road transport authority asks the accredited operator of a bus to give the police officer or authority a recording made by the security camera, the accredited operator must not, without reasonable excuse, fail to comply with the request.

Maximum penalty: 10 penalty units.

- (5) The accredited operator of a bus must maintain, in good condition and fully operational, equipment that can display a recording made by the security camera.

Maximum penalty: 5 penalty units.

Note If the National Privacy Principles under the *Privacy Act 1988* (Cwlth) apply to the accredited operator, the operator must store, use and disclose the recordings in accordance with the principles. For example, the principles authorise the use or disclosure of personal information if—

- (a) there is reason to suspect that unlawful activity has been, is being or may be engaged in, and the accredited operator uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant people or authorities (see principle 2.1 (f)); or
- (b) the use or disclosure is required or authorised by or under law (see principle 2.1 (g)).

33 Bus operators to comply with service standard for lost property

The accredited operator of a bus service who is given lost property found in or near a bus used to operate the service must deal with the property in accordance with the operator's accepted service standard for the handling and disposal of lost property.

Maximum penalty: 5 penalty units.

34 Effect of noncompliance notices—bus operators (ACT Bus reg 9)

- (1) If a noncompliance notice has been attached under regulation 175 (Attachment and removal of noncompliance notices) to a bus used to operate a bus service and has not been removed in accordance with the regulation, the accredited operator of the bus service must not allow the bus to be used to operate the service—
 - (a) after the time of effect of the notice; or
 - (b) if the accredited operator knows the notice has been removed other than in accordance with regulation 175.

Maximum penalty: 20 penalty units.

- (2) Subregulation (1) (b) ceases to apply to the bus in relation to the noncompliance notice if a police officer or authorised person directs under regulation 175 that the notice be taken to have been removed.

Division 3.1.2 Bus drivers

35 Requirements about bus drivers stopping for passengers (ACT Bus reg 10, NSW Bus cl 14 (1), (5))

- (1) A bus driver must stop the bus and drop off a passenger at a bus stop if the passenger indicates to the driver that the passenger wishes to get off the bus at the bus stop.

Maximum penalty: 5 penalty units.

- (2) A bus driver must stop the bus and pick up a person at a bus stop if the person indicates to the driver that the person wishes to get on the bus at the bus stop.

Maximum penalty: 5 penalty units.

- (3) Despite subregulations (1) and (2), the bus driver may refuse to stop the bus or pick up a person if—

- (a) the driver would contravene regulation 37 (Maximum number of passengers in buses) or regulation 39 (Carriage of goods in buses) if the driver picked up the person; or
- (b) the person is a person mentioned in regulation 63 (Bus passengers—soiled clothing etc) or regulation 64 (Intoxicated bus passengers).

- (4) This regulation does not, by implication, require a bus driver to pick up and drop off passengers only at bus stops.

36 Where bus drivers must stop on a road (ACT Bus reg 11, NSW Bus cl 14 (2))

If a bus driver stops on a road to drop off or pick up a passenger, the driver must stop parallel to, and as close as practicable to, the side of the road.

Maximum penalty: 5 penalty units.

37 Maximum number of passengers in buses
(NSW Bus cl 15 (1)-(3), (5))

- (1) A bus driver must not, at any time—
- (a) carry in the bus more passengers, whether seated or standing, than the total number of passengers permitted to be carried in the bus; or
 - (b) if the bus is a single-decker—
 - (i) carry in the bus more passengers seated than the number of passengers permitted to be carried seated in the bus; or
 - (ii) carry in the bus more passengers standing than the number of passengers permitted to be carried standing in the bus; or
 - (c) if the bus is a double-decker—
 - (i) carry more passengers seated on a deck of the bus than the number of passengers permitted to be carried seated on that deck of the bus; or
 - (ii) carry more passengers standing on the lower deck of the bus than the number of passengers permitted to be carried standing in the bus.

Maximum penalty: 5 penalty units.

Note Passengers are not allowed to stand on the upper deck of a double-decker bus, see reg 44 (2) (c).

- (2) In working out the number of passengers being carried, the following people are not to be taken into account:
- (a) any child apparently under 5 years old who is being carried on the lap of a seated passenger;

- (b) every 3rd child, whether seated or standing, who is apparently under 12 years old unless the child is seated on a seat designed (either by way of fixed armrests or seating contours for individual passengers) so that it is impracticable for the seat to be used by more than the number of passengers for which it is designed.
- (3) For these regulations, the number of passengers who are permitted to be carried seated, or are permitted to be carried standing, in a bus is—
- (a) if the bus is registered under the *Road Transport (Vehicle Registration) Act 1999*—the number notified (or last notified) to the bus operator by the road transport authority; or
 - (b) if the bus is registered under the law of another jurisdiction that corresponds to the *Road Transport (Vehicle Registration) Act 1999*—the number permitted to be carried by the bus under that law.

38 Responsibilities of bus drivers for security cameras

- (1) This regulation applies to the driver of a bus if the bus is fitted with a security camera.
- (2) The driver must, before operating the vehicle as a bus, check whether the security camera is operating.

Maximum penalty: 5 penalty units.

- (3) If the camera is not operating, the driver must tell the accredited operator of the bus.

Maximum penalty: 5 penalty units.

Note The bus driver must also comply with any standards about security cameras in buses, see reg 68 (5).

39 Restrictions on carriage of goods in buses
(ACT Bus reg 12, NSW Bus cl 16 (1))

- (1) A bus driver must not allow anyone to place or carry in the bus something that, because of its size or dimensions, cannot be carried in the bus without inconvenience or danger to someone else.

Maximum penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to anything used by a person with a disability to alleviate the effect of the disability.

40 Responsibility of bus drivers for lost property

A bus driver who finds lost property in the bus, or who is given lost property under regulation 67 (Lost property found by bus passengers), must give the property to the accredited operator of the bus within 24 hours after finding or being given the property.

Maximum penalty: 5 penalty units.

41 Behaviour of bus drivers generally
(ACT Bus reg 14, NSW Bus cl 19)

A bus driver must not—

- (a) solicit for passengers or for a hiring; or
- (b) move the bus while a door is open; or
- (c) start or stop the bus in a way that subjects a passenger or anyone else to unnecessary risk of injury.

Maximum penalty: 10 penalty units.

Note 1 A bus driver is not allowed to smoke in the bus (see *Smoke-free Areas (Enclosed Public Places) Act 1994*).

Note 2 A bus driver must also comply with any standards about security cameras in buses, see reg 68 (5).

42 Dress and conduct of bus drivers
(ACT Bus reg 15, NSW Bus cl 20)

- (1) A bus driver must be clean and tidy and wear clean and respectable clothes.

Maximum penalty: 5 penalty units.

- (2) A bus driver must behave in an orderly way and with politeness and propriety towards every passenger, police officer and authorised person and other road users.

Maximum penalty: 5 penalty units.

43 Drivers to remain in bus (ACT Bus reg 16, NSW Bus cl 21)

A bus driver must not, without reasonable excuse, leave the driver's seat of the bus during a journey of the bus.

Maximum penalty: 5 penalty units.

44 Passengers not to be carried on certain parts of a bus
(ACT Bus reg 13, NSW Bus cl 17)

- (1) A bus driver must not allow a passenger—

- (a) to enter the driver's compartment (if any) of the bus; or
(b) to occupy the driver's seat or a part of the driver's seat.

Maximum penalty: 5 penalty units.

- (2) A bus driver must not, while the bus is moving, allow a passenger—

- (a) on a part of the bus not designed to carry passengers; or
(b) on a part of the bus beside or in front of the driver's seat; or
(c) if the bus is a double-decker—to stand on the upper deck of the bus.

Maximum penalty: 5 penalty units.

- (3) Without limiting subregulation (2), the parts of a bus not designed to carry passengers include—
- (a) the roof, steps and footboard; and
 - (b) if the bus is a double-decker—the stairs to the upper deck.

45 Effect of noncompliance notices—bus drivers
(ACT Bus reg 17)

- (1) If a noncompliance notice has been attached under regulation 175 (Attachment and removal of noncompliance notices) to a bus and has not been removed in accordance with the regulation, a person must not use the bus to operate a bus service—
- (a) after the time of effect of the notice; or
 - (b) if the person knows the notice has been removed from the vehicle other than in accordance with regulation 175.

Maximum penalty: 20 penalty units.

- (2) Subregulation (1) (b) ceases to apply to the bus in relation to the noncompliance notice if a police officer or authorised person directs under regulation 175 that the notice be taken to have been removed.

Part 3.2 Bus tickets

46 Validity of bus tickets (ACT Bus reg 18, NSW Bus cl 18)

- (1) A bus ticket is valid for travel only for the journey or journeys for which it is issued.
- (2) A bus ticket transferred in contravention of regulation 48 (Bus tickets not transferable) is not a valid ticket.

Note The dictionary defines *bus ticket* as meaning anything issued by or on behalf of the accredited operator of a bus service for the purpose of authorising a person to travel in a bus operated for the service.

47 Valid bus ticket required for travel (ACT Bus reg 21, 24, NSW Bus cl 26, 29)

- (1) A person must not, without reasonable excuse, travel in a bus unless the person holds a valid bus ticket for the travel.

Maximum penalty: 5 penalty units.

- (2) For subregulation (1), if a bus uses automatic equipment to read or record any details in a bus ticket, a bus ticket may be validated—
 - (a) for equipment that is operated by inserting a bus ticket into the equipment—by putting the ticket into the automatic equipment in accordance with any instructions provided by the bus operator; or
 - (b) for equipment operated by passing a bus ticket near the equipment—by passing the ticket near the equipment in accordance with any instructions provided by the bus operator.

Example of bus ticket inserted into automatic equipment

A bus ticket with a magnetic strip.

Example of bus ticket passed near automatic equipment

A bus ticket with a microchip.

48 Bus tickets not transferable
(ACT Bus reg 19, NSW Bus cl 24)

- (1) A person who is issued with a bus ticket must not transfer (or offer to transfer) the ticket, or a part of the ticket, to someone else.

Maximum penalty: 5 penalty units.

- (2) This regulation does not apply if—
- (a) the ticket was bought for the other person; or
 - (b) the transfer is authorised by the accredited operator of the bus service.

49 Damaged or changed bus tickets not to be used
(ACT Bus reg 20, NSW Bus cl 25)

A person must not travel in a bus using a bus ticket if the ticket has been—

- (a) damaged or defaced in a material respect; or
- (b) changed in a material particular.

Maximum penalty: 5 penalty units.

Examples of a bus ticket damaged or defaced in a material respect—par (a)

- 1 If the ticket has a magnetic strip or microchip, the ticket cannot be read or recorded by the automatic equipment used by a bus to read or record any details in the ticket.
- 2 The information shown on the ticket by, or with the authorisation of, the accredited operator of the bus service for which the ticket is issued is missing or cannot be readily read.

Examples of a bus ticket changed in a material particular—par (b)

- 1 The information shown on the ticket by, or with the authorisation of, the accredited operator of the bus service for which the ticket is issued has been changed or deleted without the accredited operator's authorisation.

- 2 If the ticket has a magnetic strip or microchip, the information recorded in the magnetic strip or microchip by, or with the authorisation of, the accredited operator of the bus service for which the ticket is issued, has been changed or deleted without the accredited operator's authorisation.

50 Concession tickets for buses
(ACT Bus reg 22, NSW Bus cl 27)

- (1) A person must not travel in a bus using a concession ticket unless the person is entitled to use the concession ticket.

Maximum penalty: 5 penalty units.

- (2) A bus driver, police officer or authorised person may require a person who uses (or attempts to use) a concession ticket to travel on a bus to produce satisfactory evidence (for example, a student or pensioner concession card) that the person is entitled to use the ticket to travel on the bus.

- (3) A person must not, without reasonable excuse, fail to comply with a requirement under subregulation (2).

Maximum penalty: 5 penalty units.

- (4) A person may not be prosecuted for offences against both subregulation (1) and subregulation (3) in relation to the same journey.

- (5) For this regulation, a person is entitled to use a concession ticket for travel on a bus service if the accredited operator of the bus service has authorised the person to use the concession ticket.

- (6) A person must not provide a document containing information that is false, misleading or incomplete in a material particular—

- (a) in relation to an application for a concession ticket; or
(b) in purported compliance with a requirement under subregulation (2).

Maximum penalty: 20 penalty units.

- (7) A person must not in or in relation to an application for a concession ticket or in purported compliance with a requirement under subregulation (2)—
- (a) state anything that is false or misleading in a material particular; or
 - (b) omit from a statement anything without which the statement is misleading in a material particular.

Maximum penalty: 20 penalty units.

- (8) In this regulation:

concession ticket means a bus ticket issued free or at a reduced fare.

51 Inspection and processing of bus tickets
(ACT Bus reg 23, NSW Bus cl 28)

A person who is in a bus must make the person's bus ticket available for inspection or processing by an authorised person on the authorised person's request.

Maximum penalty: 5 penalty units.

Part 3.3 Conduct of bus passengers

52 Conduct of people in buses generally

(ACT Bus reg 25, NSW Bus cl 30)

- (1) A person in a bus must not unreasonably interfere with the comfort or safety of anyone else.

Maximum penalty: 5 penalty units.

- (2) Without limiting subregulation (1), a person unreasonably interferes with the comfort or safety of someone else if the person—
- (a) puts a foot on a seat; or
 - (b) spits; or
 - (c) uses offensive language; or
 - (d) behaves offensively; or
 - (e) uses a wheeled recreational device within the meaning of the Australian Road Rules, dictionary.

Note A person is not allowed to smoke on a bus (see *Smoke-free Areas (Enclosed Public Places) Act 1994*).

53 Bus seats for older people and people with disabilities

(ACT Bus reg 26, NSW Bus cl 31)

- (1) The accredited operator of a bus service may, by a notice in a bus operating the service, set aside seats for older people or people with a disability and specify the people who may use the seats.

- (2) If a seat on a bus is set aside for particular people under subregulation (1), a person for whom the seat is not set aside must not continue to occupy the seat if a person for whom the seat is set aside is standing or indicates that the person wishes to use the seat.

Maximum penalty: 5 penalty units.

54 Drinking of liquor in buses generally prohibited
(ACT Bus reg 27, NSW Bus cl 32)

- (1) A person must not drink, or be in possession of an open container of, liquor in a bus.

Maximum penalty: 5 penalty units.

- (2) This regulation does not apply if the liquor is supplied in the bus by, or with the permission of, the accredited operator of the bus service.

55 Eating and drinking in buses
(ACT Bus reg 28, NSW Bus cl 33)

- (1) A person must not eat or drink in a bus (or part of a bus) if eating and drinking in the bus (or the part of the bus) is prohibited by a notice displayed in the bus.

Maximum penalty: 5 penalty units.

- (2) This regulation does not apply if—
- (a) the person is eating or drinking with the permission of the accredited operator of the bus service; or
 - (b) the person is eating or drinking for medical reasons; or
 - (c) the food or drink is supplied in the bus by, or with the permission of, the accredited operator of the bus service.

56 Getting on and getting off buses
(ACT Bus reg 29, NSW Bus cl 35)

A person must not, without reasonable excuse, get on or off a bus—

- (a) while the bus is moving; or
- (b) through a window (including a window used as an emergency exit) or a roof hatch.

Maximum penalty: 5 penalty units.

57 No interference with bus equipment
(ACT Bus reg 31, NSW Bus cl 37)

A person must not, without reasonable excuse—

- (a) interfere with equipment attached to or forming part of a bus;
or
- (b) block a bus door; or
- (c) open a locked bus door; or
- (d) open an unlocked bus door while the bus is moving; or
- (e) interfere with an automatically operated bus door.

Maximum penalty: 5 penalty units.

58 Throwing objects in or from buses
(ACT Bus reg 32, NSW Bus cl 45)

A person must not throw anything in or from a bus.

Maximum penalty: 5 penalty units.

59 Travel not allowed on certain parts of bus
(ACT Bus reg 33, NSW Bus cl 38, cl 39)

- (1) A passenger on a bus must not—
- (a) enter the driver's compartment (if any) of the bus; or
 - (b) occupy the driver's seat or a part of the driver's seat.

Maximum penalty: 5 penalty units.

- (2) A passenger must not, while the bus is moving—
- (a) be on a part of the bus not designed to carry passengers; or
 - (b) be on a part of the bus beside or in front of the driver's seat; or
 - (c) if the bus is a double-decker—stand on the upper deck of the bus.

Maximum penalty: 5 penalty units.

- (3) Without limiting subregulation (2), the parts of a bus not designed to carry passengers include—
- (a) the roof, steps and footboard; and
 - (b) if the bus is a double-decker—the stairs to the upper deck.

60 Property not to be removed from buses
(ACT Bus reg 34, NSW Bus cl 40)

- (1) A person must not remove from a bus property of the accredited operator of the bus.

Maximum penalty: 5 penalty units.

- (2) This regulation does not apply to the accredited operator of the bus, a police officer or an authorised person.

61 No littering in buses (ACT Bus reg 35, NSW Bus cl 41)

- (1) A person must not deposit, in a bus, litter or anything that may endanger a person or property.

Maximum penalty: 5 penalty units.

- (2) This regulation does not apply to litter or a thing placed in a container provided in the bus for the collection of litter.

**62 Carriage of animals in buses
(ACT Bus reg 36, NSW Bus cl 42)**

- (1) A person must not take an animal onto a bus without the driver's permission.

Maximum penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to—
- (a) an animal accompanying a person with a disability that is trained to help the person alleviate the effect of the disability; or
 - (b) an animal being trained to help alleviate the effect of a disability.

Note If a person is treated unfavourably because the person is accompanied by an animal trained to help the person alleviate the effect of a disability, the person is discriminated against (see *Discrimination Act 1991*, s 9).

63 Bus passengers—soiled clothing etc
(ACT Bus reg 37, NSW Bus cl 43)

- (1) A bus driver, police officer or authorised person may direct a person not to get on, or to get off, a bus if the driver, police officer or authorised person believes, on reasonable grounds, that—
 - (a) the person, the person's clothing or goods (or anything else on or carried by the person) may soil or damage the bus or the clothing or goods of someone else; or
 - (b) any of the person's goods cannot, because of their size or dimensions, be carried in the bus without inconvenience or danger to someone else.
- (2) Subregulation (1) (b) does not apply to anything used by a person with a disability to alleviate the effect of the disability.
- (3) A person must not fail to comply with a direction under subregulation (1).

Maximum penalty: 5 penalty units.

64 Intoxicated bus passengers
(ACT Bus reg 38, NSW Bus cl 44)

- (1) A bus driver, police officer or authorised person may direct a person not to get on, or to get off, a bus if the driver, police officer or authorised person believes, on reasonable grounds, that the person—
 - (a) is under the influence of liquor or a drug; and
 - (b) is causing, or is likely to cause, a nuisance or annoyance to someone else.
- (2) A person must not fail to comply with a direction under subregulation (1).

Maximum penalty: 5 penalty units.

65 Offender to get off bus when directed
(ACT Bus reg 39, NSW Bus cl 46)

- (1) A bus driver, police officer or authorised person may direct a person to get off the bus if the driver, police officer or authorised person believes, on reasonable grounds, that the person is committing, or has just committed, an offence against this part or part 3.2 (Bus tickets).
- (2) A person must not fail to comply with a direction under subregulation (1).

Maximum penalty: 5 penalty units.

66 Removal of people from buses
(ACT Bus reg 40)

A person who fails to comply with a direction under this part to get off a bus may be removed from the bus by a police officer.

67 Lost property found by bus passengers
(ACT Bus reg 41, NSW Bus cl 47)

A person who finds something on a bus must return it to its owner or give it to the bus driver, a police officer or an authorised person.

Maximum penalty: 5 penalty units.

Part 3.4 Other matters relating to bus services

68 Standards about security cameras in buses

- (1) The road transport authority may, in writing, approve standards in relation to security cameras in buses.
- (2) A standard may make provision in relation to security cameras in buses, including, for example—
 - (a) when security cameras may be installed; and
 - (b) the kinds of security cameras that may be installed; and
 - (c) the position of security cameras; and
 - (d) the operation of security cameras; and
 - (e) requirements about notices to be included in a bus that has a security camera installed.

Note The *Privacy Act 1988* (Cwlth) imposes obligations on some private sector organisations in relation to the collection, storage, use and disclosure of personal information collected about an individual.

- (3) An approval is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (4) A standard may apply, adopt or incorporate (with or without change) an instrument, or a provision of an instrument, as in force from time to time.

Note 1 A statutory instrument may also apply, adopt or incorporate (with or without change) a law or instrument (or a provision of a law or instrument) as in force at a particular time (see *Legislation Act 2001*, s 47 (1)).

Note 2 If a statutory instrument applies, adopts or incorporates a law or instrument (or a provision of a law or instrument), the law, instrument or provision may be taken to be a notifiable instrument that must be notified under the *Legislation Act 2001* (see s 47 (2)-(6)).

- (5) A person must not, without reasonable excuse, contravene a standard approved under subregulation (1).

Maximum penalty: 20 penalty units.

69 Interference with bus security cameras and recordings

- (1) A person must not, without lawful authority or excuse, interfere with a security camera in a bus.

Maximum penalty: 20 penalty units.

- (2) A person must not change or otherwise interfere with a recording made by a security camera in a bus.

Maximum penalty: 20 penalty units.

Note For the destruction of recordings, see reg 32.

70 Appointment of bus stops (ACT Bus reg 46, NSW Bus cl 51)

- (1) Bus stops may be appointed by—
- (a) the road transport authority; or
 - (b) the accredited operator of a bus service in accordance with the prior written approval of the road transport authority.
- (2) A bus stop appointed under subregulation (1) must be indicated by a sign (a **bus stop sign**) erected or displayed with the authority's approval and on which the words 'bus stop', 'bus stand' or 'bus zone', or some suitable pictorial representation, appear.
- (3) If times are stated on a bus stop sign, the sign operates only during those times.

- (4) If a bus service operated by a particular accredited operator is stated on a bus stop sign, the sign operates only in relation to a bus service operated by the accredited operator.

Chapter 4 Taxis

Part 4.1 Taxi networks

71 Affiliation of accredited taxi service operators with taxi network

- (1) If the accredited operator of a taxi service applies to an accredited taxi network provider for affiliation with the network, the network provider must not, without reasonable excuse, refuse to affiliate the accredited operator with the network.

Maximum penalty: 20 penalty units.

- (2) The network provider may refuse the application if the accredited operator does not comply with the network's accepted service standards for affiliation of accredited operators of taxi services.
- (3) The network provider must refuse the application if the accredited operator is not accredited to operate a taxi service of the kind for which the network provider is accredited to provide taxi related services.

Maximum penalty: 20 penalty units.

72 Operation of taxis through taxi networks

- (1) This regulation applies to an accredited taxi network provider who is providing taxi related services (including a taxi booking service) in relation to a vehicle while it is being operated as a taxi.

- (2) The network provider must ensure that the vehicle—
- (a) is licensed as a taxi; and
 - (b) is operated by a person who is accredited to operate the kind of taxi service for which the vehicle is licensed as a taxi; and
 - (c) is driven by a person who is—
 - (i) the holder of a public vehicle licence authorising the person to drive the vehicle as a taxi for hire or reward; or
 - (ii) exempt from holding a public vehicle licence under the *Road Transport (Driver Licensing) Regulations 2000*, regulation 94A (Exemption of drivers of public vehicles driven for hire or reward—Act, s 31 (1) (b)); and
 - (d) complies with the network’s relevant accepted service standards for the operation of taxis (including, for example, in relation to equipment for sending messages between the network and the vehicle’s driver).
- (3) An accredited taxi network provider must not fail to comply with subregulation (2).

Maximum penalty: 20 penalty units.

73 Taxi network access to taxi booking service

- (1) An accredited taxi network provider must ensure that a taxi booking service is available at all times for taxis operated by affiliated taxi service operators.

Maximum penalty: 20 penalty units.

- (2) The network provider must ensure that the taxi booking service is operated in accordance with the network’s accepted service standards for taxi bookings.

Maximum penalty: 20 penalty units.

74 Special responsibilities of taxi networks for wheelchair accessible taxi hirings

- (1) The regulation applies if—
 - (a) a person asks for, or makes a booking for, a wheelchair accessible taxi through a booking service for an accredited taxi network provider; and
 - (b) the person for whom the booking is being made is dependent on a wheelchair for mobility outdoors; and
 - (c) a wheelchair accessible taxi operated by an affiliated taxi service operator is available for hire; and
 - (d) the taxi's driver does not accept an offer of the booking.
- (2) The network provider must direct the driver to accept the booking.

Maximum penalty: 10 penalty units.

75 Waiting periods for wheelchair accessible taxis to be notified

An accredited taxi network provider must ensure that every person who asks for a booking to be made for a wheelchair accessible taxi through the network's taxi booking service is told, as soon as practicable after the booking is made, of the estimated time when, or the estimated period before which, the taxi will arrive at the place where the taxi is to pick up the person.

Maximum penalty: 10 penalty units.

76 Records of affiliated taxi service operators to be made

- (1) An accredited taxi network provider must make a written record of the following particulars for each affiliated taxi service operator:
 - (a) the person's full name and home address;
 - (b) the accreditation number allocated to the person by the road transport authority;
 - (c) the kind of taxi service the person is accredited to operate;
 - (d) the expiry date of the accreditation;
 - (e) the registration numbers of the taxis operated by the operator through the taxi network.
- (2) An accredited taxi network provider must not fail to comply with subregulation (1).

Maximum penalty: 10 penalty units.

77 Records of taxi drivers to be made

- (1) An accredited taxi network provider must make a written record of the following particulars for each person who drives a taxi that is being used to operate a taxi service by an affiliated taxi service operator:
 - (a) the person's full name and home address;
 - (b) the prescribed driver authority information for the person;
 - (c) the dates and times when the taxi was used by the person to provide a taxi service;
 - (d) the registration number of the taxi driven by the person.
- (2) An accredited taxi network provider must not fail to comply with subregulation (1).

Maximum penalty: 10 penalty units.

(3) In this regulation:

prescribed driver authority information, for a person, means—

- (a) if the person is the holder of a public vehicle licence—the number of the person’s public vehicle licence and its expiry date; or
- (b) in any other case—
 - (i) the number of the person’s Australian driver licence and its expiry date; and
 - (ii) the number of the authority mentioned in the *Road Transport (Driver Licensing) Regulations 2000*, regulation 94A (1) (b) held by the person and its expiry date.

78 Keeping and inspection etc of records of taxi networks

- (1) A person who is or has been an accredited taxi network provider must—
 - (a) keep every record required to be made by the person under the Act—
 - (i) for a record mentioned in regulation 77 (1) (c) and (d)—for at least 1 year after the making of the last entry in it; and
 - (ii) for any other record—for at least 4 years after the making of the last entry in it; and
 - (b) produce the record for inspection when required by a police officer or authorised person; and
 - (c) provide the record, or a copy of the record, to the road transport authority for inspection within a stated reasonable time when required to do so, in writing, by the authority.

- (2) A person must not fail to comply with subregulation (1).

Maximum penalty: 10 penalty units.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and service standards (see *Legislation Act 2001*, s 104).

- (3) The road transport authority, police officer or authorised person may take copies of any record produced or provided under subregulation (1) (b) or (c).
- (4) This regulation does not apply to a recording made by a security camera in a taxi.

Note For the keeping and destruction of security camera recordings, see reg 79 (2).

79 Network provider's responsibilities for security camera recordings

- (1) This regulation applies to an accredited taxi network provider if a taxi operated by an affiliated taxi service operator is fitted with a security camera.
- (2) If a recording made by the security camera has not been given to a police officer or the road transport authority under subregulation (4), the network provider must ensure that the recording is—
- (a) kept by the network provider for 30 days after the day it is made; and
 - (b) destroyed as soon as practicable after the end of the 30 day period.
- (3) An accredited taxi network provider must not fail to comply with subregulation (2).

Maximum penalty: 10 penalty units.

Note The network provider must also comply with any standards about security cameras in taxis, see reg 156 (5).

- (4) If a police officer or the road transport authority asks an accredited taxi network provider to give the police officer or authority a recording made by the security camera, the network provider must not, without reasonable excuse, fail to comply with the request.

Maximum penalty: 10 penalty units.

- (5) An accredited taxi network provider must maintain, in good condition and fully operational, equipment that can display a recording made by the security camera.

Maximum penalty: 5 penalty units.

Note If the National Privacy Principles under the *Privacy Act 1988* (Cwlth) apply to the network provider, the network provider must collect, store, use and disclose the recordings in accordance with the principles. For example, the principles authorise the use or disclosure of personal information if—

- (a) there is reason to suspect that unlawful activity has been, is being or may be engaged in, and the network provider uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant people or authorities (see principle 2.1 (f)); or
- (b) the use or disclosure is required or authorised by or under law (see principle 2.1 (g)).

80 Taxi network provider to comply with service standard for lost property

An accredited taxi network provider who is given lost property found in or near a taxi operated by an affiliated taxi service operator must deal with the property in accordance with the provider's accepted service standard for the handling and disposal of lost property.

Maximum penalty: 5 penalty units.

81 Taxi network performance standards

- (1) The road transport authority may, in writing, approve standards in relation to the performance of taxi services by or on behalf of accredited taxi network providers.
- (2) A standard may, for example, make provision in relation to—
 - (a) minimum standards for the taxi services; and
 - (b) anything else mentioned in schedule 1, part 1.2 (Taxi network service standards); and
 - (c) the making and management of the records and systems for the monitoring of compliance with the minimum standards; and
 - (d) the reporting requirements in relation to the minimum standards; and
 - (e) the auditing (including performance auditing) of records and systems relating to the minimum standards.

Example of minimum standards for taxi services

Maximum waiting times for different kinds of taxi services in different parts of Canberra.

Note A statutory instrument may make different provision about different matters and apply differently by reference to stated exceptions or factors (see *Legislation Act 2001*, s 48).

- (3) An approval is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 4.2 Taxi vehicle licences

Division 4.2.1 Kinds of taxi licences

82 Taxi licences that may be issued (ACT Act s 106 (1), 108 (1), NSW Act s 31 (1))

The road transport authority may issue the following kinds of taxi licences:

- (a) a taxi licence (other than a restricted taxi licence);
- (b) a restricted taxi licence.

Division 4.2.2 Taxi licensing procedure

83 Application procedure for taxi licences (NSW Act s 32A (1))

- (1) A person (the *applicant*) who applies to the road transport authority for a taxi licence must give the authority a completed application form.

Note A fee for the application may be determined under the *Road Transport (General) Act 1999*, s 96.

- (2) The road transport authority may require the applicant to give the authority any additional documents or other information that the authority reasonably needs to decide the application.

84 Refusal to issue taxi licences

- (1) The road transport authority may refuse to issue a taxi licence to an applicant if the authority believes, on reasonable grounds, that the applicant—
 - (a) has contravened a condition of another taxi licence held by the person; or
 - (b) has not complied with a requirement made by the authority in relation to the application or a requirement of the Act relating to the application.

Note 1 A taxi licence cannot be issued if it would exceed the number of the relevant kind of licence determined by the Minister under the Act, s 39.

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

- (2) The road transport authority must refuse to issue a restricted taxi licence to an applicant if the applicant is not accredited to operate a restricted taxi service.
- (3) The road transport authority may not renew a restricted taxi licence.

85 Issue or amendment of taxi licence subject to conditions (ACT Act s 110, NSW Act s 32F (1))

- (1) A taxi licence may be issued subject to a condition imposed by the road transport authority.
- (2) A taxi licence may be amended by the road transport authority to impose a condition to which the licence is to be subject or to amend or revoke a condition to which the licence is already subject.

- (3) A condition mentioned in subregulation (1) or (2) may be imposed, amended or revoked by the road transport authority—
- (a) on the authority's own initiative or on the application of the applicant for, or the holder of, a licence; and
 - (b) for a stated period or indefinitely.

86 Taxi licences—procedure for imposition etc of conditions on authority's initiative (ACT Act s 111, NSW Act s 32F (2))

- (1) This regulation applies to a person if the road transport authority proposes, on its own initiative, to take action under regulation 85 (2) to amend a taxi licence held by the person to impose, amend or revoke a condition (the *proposed action*).
- (2) The road transport authority must give the person a written notice stating—
- (a) the proposed action; and
 - (b) if the proposed action is to impose a condition to which the licence is to be subject—the proposed condition; and
 - (c) if the proposed action is to amend a condition to which the licence is subject—the proposed condition as amended; and
 - (d) if the proposed action is to impose or amend a condition—the grounds for the proposed action; and
 - (e) if appropriate, any action that must be taken by the person to avoid or reverse the proposed action; and
 - (f) the date when the proposed imposition, amendment or revocation of the condition takes effect (the date of effect); and
 - (g) that the proposed action takes effect on the date of effect unless the notice is revoked by the authority before that date.

- (3) The notice may, but need not, provide an opportunity for the person to make representations about why the proposed action should not be taken.
- (4) The date of effect must not be earlier than 14 days after the notice is given to the person.
- (5) This regulation does not affect the taking of action under chapter 5 (Disciplinary action in relation to accreditations and taxi licences).

87 Issue and form of taxi licences

(ACT Act s 106 (4), 108 (4), NSW Act s 32C)

- (1) If the road transport authority decides to issue a taxi licence of a particular kind to a person, the authority must issue to the person a taxi licence of that kind.
- (2) The taxi licence must show—
 - (a) the taxi licence number allocated to the person; and
 - (b) the person's full name; and
 - (c) the kind of licence; and
 - (d) the expiry date (if any) of the licence; and
 - (e) any additional information that the authority considers appropriate.
- (3) The maximum period for which the road transport authority may issue a restricted taxi licence is 6 years.

Note For the transferability of taxi licences, see the Act, s 41.

88 Notification of change in taxi licence particulars
(ACT Taxi reg 15, NSW Taxi cl 26)

- (1) This regulation applies if the particulars shown in a taxi licence become (or are about to become) inaccurate.

Examples of when particulars become inaccurate

- 1 The vehicle to which the licence relates is replaced by another vehicle.
- 2 A change in the address of the licence holder shown on the licence.

- (2) The licence holder must give the road transport authority written notice of the change as soon as practicable (but within 14 days) after the change and return the licence to the authority.

Maximum penalty: 20 penalty units.

- (3) If the licence is returned to the road transport authority, the authority must amend the licence or issue another licence for the remainder of the period of the licence that it replaces.

89 Holder of conditional taxi licence to comply with conditions (NSW Act s 32F (3))

The holder of a taxi licence must not, without reasonable excuse, contravene a condition to which the licence is subject.

Maximum penalty: 20 penalty units.

90 Replacement of taxi licence

- (1) The road transport authority may issue a replacement taxi licence to the holder of the licence if satisfied that the taxi licence has been lost, stolen or destroyed.

- (2) For subregulation (1), the road transport authority may require the licence holder to give the authority a statement, verified by a statutory declaration signed by the person, that the licence has been lost, stolen or destroyed.

Note 1 A fee for the application may be determined under the *Road Transport (General) Act 1999*, s 96.

Note 2 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

91 Production of taxi licence

- (1) The holder of a taxi licence must not, without reasonable excuse, fail to produce the person's licence for inspection when required to do so by a police officer or authorised person.

Maximum penalty: 5 penalty units.

- (2) It is a defence to an offence against subregulation (1) if—
- (a) the defendant has a reasonable excuse for failing to produce the taxi licence when required to do so; and
 - (b) within 3 days after being required to produce the licence, the defendant produces the licence at the place directed by the police officer or authorised person.

92 Surrender of taxi licence

- (1) The holder of a taxi licence may apply to the road transport authority to surrender the licence.
- (2) The application may be made personally by the person or by an agent who produces written evidence of his or her appointment as agent.

- (3) The person must, with the application—
- (a) return the person's taxi licence to the road transport authority;
or
 - (b) if the licence has been lost, stolen or destroyed—give the authority a statement, verified by a statutory declaration signed by the person or agent, that the licence has been lost, stolen or destroyed.

Note The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

- (4) If the person complies with this regulation, the road transport authority must approve the application unless the authority is taking action to suspend or cancel the person's licence.

Part 4.3 Taxi services

Division 4.3.1 Taxi operators

93 Maintenance of taxis (NSW Taxi cl 6 (2) (a))

- (1) The accredited operator of a taxi service must not use a vehicle as a taxi unless the vehicle is serviced and maintained in accordance with the vehicle manufacturer's maintenance standards (however described) relating to the vehicle.

Maximum penalty: 20 penalty units.

- (2) The accredited operator of a taxi service must not use a vehicle as a taxi unless the vehicle complies with the requirements of the vehicle standards applying to the vehicle.

Maximum penalty: 20 penalty units.

Note 1 For other provisions about the maintenance of vehicles and compliance with the vehicle standards, see *Road Transport (Vehicle Registration) Regulations 2000*, ch 6.

Note 2 For age limits on the registration of vehicles as taxis, see *Road Transport (Vehicle Registration) Regulations 2000*, reg 32 (1) (g)-(k).

Note 3 For additional insurance requirements for taxis, see *Road Transport (General) Act 1999*, div 10.12.

94 Responsibility of operator for condition of taxi (ACT Taxi reg 8, NSW Taxi cl 16)

- (1) The accredited operator of a taxi must ensure that, while the taxi is operating as a taxi, its exterior and interior are clean and undamaged.

Maximum penalty: 10 penalty units.

- (2) The accredited operator of a taxi must ensure that, while the taxi is operating as a taxi, its fittings are clean and undamaged, properly fitted and securely in place and, if appropriate, are fully operational.

Maximum penalty: 10 penalty units.

Examples of fittings to be fully operational

- 1 Interior lights and window winding mechanisms.
- 2 Fire extinguisher.
- 3 If the taxi is fitted with a security camera, the security camera.

Note 1 A taxi must be fitted with a fire extinguisher, see *Road Transport (Vehicle Registration) Regulations 2000*, sch 1 (Vehicle standards), cl 60A.

Note 2 The accredited operator must also comply with any standards about security cameras in taxis, see reg 156 (5).

- (3) In this regulation:

exterior, of a taxi, includes the body, door panels, bumper bars, trim and wheels of the taxi.

interior, of a taxi, includes the interior of the boot of the taxi.

95 Taxis to be fitted with taximeters

(ACT Taxi reg 5 (1)-(3), NSW Taxi cl 11 (1)-(3))

- (1) The accredited operator of a taxi must ensure the taxi is fitted with a taximeter that complies with the standards approved under regulation 158 (1) (Standards for taximeters).

Maximum penalty: 20 penalty units.

- (2) The road transport authority may, in writing, exempt a taxi from subregulation (1).
- (3) If the road transport authority exempts a taxi under subregulation (2), the authority must endorse the licence for the taxi accordingly.

- (4) An exemption under subregulation (2) is a notifiable instrument.

Note 1 A notifiable instrument must be notified under the *Legislation Act 2001*.

Note 2 It is an offence to interfere with a taximeter without lawful authority or excuse, see reg 159.

96 Taximeters to be clearly visible (NSW Taxi cl 11 (4))

The accredited operator of a taxi must ensure that the amount recorded on the taximeter for the taxi, and any figures affecting the rate at which a taxi fare is charged, are displayed (including, if necessary, illuminated) so that they can be readily read by a hirer.

Maximum penalty: 5 penalty units.

97 Taxi drivers to hold appropriate driver licence or authority (ACT Taxi reg 17, NSW Taxi cl 30 (1))

The accredited operator of a taxi must ensure that a person who drives the taxi while it is operating as a taxi is—

- (a) the holder of a public vehicle licence authorising the person to drive the taxi for hire or reward; or
- (b) exempt from holding a public vehicle licence under the *Road Transport (Driver Licensing) Regulations 2000*, regulation 94A (Exemption of drivers of public vehicles driven for hire or reward—Act, s 31 (1) (b)).

Maximum penalty: 20 penalty units.

98 Drivers of wheelchair accessible taxis to be trained (NSW Taxi cl 8 (c))

- (1) The accredited operator of a wheelchair accessible taxi must ensure that a person who drives the taxi while it is operating as a taxi has—
- (a) successfully completed an approved wheelchair accessible taxi driver training course; or

- (b) been exempted by the road transport authority under regulation 160 (Authority may exempt wheelchair accessible taxi drivers from approved training course) from the requirement to successfully complete the course.

Maximum penalty: 20 penalty units.

- (2) However, this regulation does not apply to the accredited operator of a wheelchair accessible taxi until 1 year after these regulations commence.
- (3) This subregulation, and subregulation (2), expire 1 year after this regulation commences.

99 Records of taxi drivers to be made

(ACT Taxi reg 18, NSW Taxi cl 30 (2), (4))

- (1) The accredited operator of a taxi must make a written record of the following particulars for each person who drives the taxi while it is operating as a taxi:
- (a) the person's full name and home address;
 - (b) the prescribed driver authority information for the person;
 - (c) whether the person has successfully completed an approved wheelchair accessible taxi driver training course or has been exempted by the road transport authority under regulation 160 (Authority may exempt wheelchair accessible taxi drivers from approved training course) from the requirement to successfully complete the course;
 - (d) the dates and times when the taxi was driven by the person while it was operated as a taxi;
 - (e) the registration number of the taxi driven by the person.
- (2) A person must not fail to comply with subregulation (1).

Maximum penalty: 10 penalty units.

(3) In this regulation:

prescribed driver authority information, for a person, means—

- (a) if the person is the holder of a public vehicle licence—the number of the person’s public vehicle licence and its expiry date; or
- (b) in any other case—
 - (i) the number of the person’s Australian driver licence and its expiry date; and
 - (ii) the number of the authority mentioned in the *Road Transport (Driver Licensing) Regulations 2000*, regulation 94A (1) (b) held by the person and its expiry date.

100 Keeping and inspection etc of records about taxis
(ACT Taxi reg 19, NSW Taxi cl 31)

- (1) A person who is or has been the accredited operator of a taxi must—
 - (a) keep every record required to be made by the person under the Act for at least 4 years after the making of the last entry in it; and
 - (b) produce the record for inspection when required by a police officer or authorised person; and
 - (c) provide the record, or a copy of the record, to the road transport authority for inspection within a stated reasonable time when required to do so, in writing, by the authority.
- (2) A person must not fail to comply with subregulation (1).

Maximum penalty: 10 penalty units.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and service standards (see *Legislation Act 2001*, s 104).

- (3) The road transport authority, police officer or authorised person may take copies of any record produced or provided under subregulation (1) (b) or (c).

101 Arrangements with taxi networks
(ACT Taxi reg 20, NSW Act s 31G)

- (1) The accredited operator of a taxi must ensure that, while the taxi is operating as a taxi, arrangements are in force with an accredited taxi network provider for the provision of a taxi booking service for the taxi.

Maximum penalty: 10 penalty units.

- (2) The accredited operator of a taxi must ensure that, while the taxi is operating as a taxi, the taxi is fitted with equipment that allows the taxi driver to send messages to, and receive messages from, the accredited taxi network provider with which the operator is affiliated.

Maximum penalty: 10 penalty units.

- (3) The road transport authority may, in writing, exempt an accredited taxi operator or a vehicle from subregulation (1) or (2).
- (4) An exemption is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

102 Information to be displayed in taxis
(ACT Act s 114, ACT Taxi reg 9, NSW Taxi cl 17)

- (1) The accredited operator of a taxi must ensure that the following information is displayed in accordance with subregulation (2) while the taxi is operating as a taxi:
- (a) a summary of the rights and obligations of the hirer;
- (b) the maximum fares on which the fare for hiring is worked out;

- (c) the registration number of the taxi;
- (d) the maximum number of passengers the taxi is licensed to carry.

Maximum penalty: 5 penalty units.

- (2) The information must be displayed inside the taxi in a form approved, in writing, by the road transport authority in a position where it can readily be read by a passenger.
- (3) If the taxi is a stand-by taxi, the reference to the registration number in subregulation (1) (c) is to the registration number of the stand-by taxi.
- (4) An approval under subregulation (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

103 Presence of security camera in taxi to be indicated

The accredited operator of a taxi fitted with a security camera must ensure that signs telling people that they may be under video surveillance while in or near the taxi are conspicuously placed inside and outside the taxi.

Maximum penalty: 5 penalty units.

Note If the National Privacy Principles under the *Privacy Act 1988* (Cwlth) apply to the accredited operator, the operator must collect personal information in accordance with the principles or another provision of the Privacy Act (including, for example, a code of practice).

104 Airconditioning of taxis (ACT Taxi reg 7, NSW Taxi cl 15)

The accredited operator of a taxi must ensure that the taxi is fitted with airconditioning that is in good condition and fully operational.

Maximum penalty: 10 penalty units.

105 Child restraint anchorages in taxis
(ACT Taxi reg 10, NSW Taxi cl 19)

The accredited operator of a taxi must ensure that the taxi is fitted with a child restraint anchorage that complies with the Australian Design Rules.

Maximum penalty: 10 penalty units.

106 Taxi roof sign indicating hiring availability
(ACT Taxi reg 11, NSW Taxi cl 11)

- (1) The accredited operator of a taxi must ensure that the taxi is fitted with equipment (including a light) that operates in accordance with this regulation.

Maximum penalty: 10 penalty units.

- (2) The taxi must be fitted with a roof sign—
- (a) made of opaque plastic or another substance approved, in writing, by the road transport authority; and
 - (b) enclosing a light; and
 - (c) displaying the word ‘taxi’ on the front and back of the sign in black capital letters at least 70mm high.
- (3) The roof sign, when lit, must show white light.
- (4) The light enclosed by the roof sign must be wired to the taximeter so that—
- (a) the sign is not lit while the taxi is hired; and
 - (b) the sign is lit while the taxi is available for hire.

Note For a taxi driver’s responsibilities for the operation of the roof sign, see reg 134.

- (5) The accredited operator of a taxi must ensure that the taxi does not display anything not required by this regulation to show that it is available for hire.

Maximum penalty: 10 penalty units.

- (6) An approval under subregulation (2) (a) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

107 Taxi network decals and livery
(ACT Taxi reg 12, NSW Taxi cl 21)

- (1) The accredited operator of a taxi must ensure that the taxi is fitted, in a way approved, in writing, by the road transport authority, with approved network decal signs.

Maximum penalty: 10 penalty units.

- (2) The accredited operator of a taxi must ensure that the taxi is painted in the approved network colours.

Maximum penalty: 10 penalty units.

- (3) In this regulation:

approved network colours means colours approved, in writing, by the road transport authority for the accredited taxi network provider with which the operator is affiliated.

approved network decal signs means signs approved, in writing, by the road transport authority for the accredited taxi network provider with which the operator is affiliated.

108 Offensive material etc in or on taxis

- (1) The accredited operator of a taxi must ensure that an advertisement or other document that a reasonable adult would consider indecent, insulting or offensive is not displayed in the taxi.

Maximum penalty: 10 penalty units.

Note The dictionary definition of *in* a vehicle includes on the vehicle.

- (2) The road transport authority, police officer or authorised person may direct the accredited operator of a taxi to remove an advertisement or other document that the authority, officer or person believes, on reasonable grounds, contravenes subregulation (1).
- (3) The accredited operator must not fail to comply with a direction under subregulation (2).

Maximum penalty: 10 penalty units.

109 Stand-by taxis

(ACT Taxi reg 13, 14, NSW Act s 32K, NSW Taxi cl 24)

- (1) The accredited operator of a taxi must not operate another motor vehicle as a taxi (a *stand-by taxi*) instead of the vehicle mentioned in the licence (the *usual taxi*) unless—
 - (a) the usual taxi is out of operation because it is being repaired or serviced; and
 - (b) the stand-by taxi complies with subregulation (3); and
 - (c) the operator has given the notices required under subregulation (4) to the road transport authority and the accredited taxi network provider with which the operator is affiliated.
- (2) The accredited operator of a taxi must not fail to comply with subregulation (1).

Maximum penalty: 10 penalty units.

- (3) A stand-by taxi must—
- (a) have attached to it the numberplates issued for the usual taxi instead of the numberplates issued for the stand-by taxi; and
 - (b) comply with the conditions of the licence that apply to the usual taxi (unless otherwise authorised in writing by the road transport authority); and
 - (c) comply with the other requirements of the Act for taxis; and
 - (d) have been registrable as a taxi when it was last registered under the *Road Transport (Vehicle Registration) Act 1999*; and
 - (e) be covered by a public vehicle policy to the extent that the usual taxi would be.

Examples of the other requirements to be met by the stand-by taxi—par (c)

- 1 The vehicle is fitted with the approved network decal signs mentioned in reg 107 for the accredited taxi network provider with which the operator is affiliated.
 - 2 If the usual taxi is a wheelchair accessible taxi, the other vehicle must be a wheelchair accessible taxi.
- (4) The accredited operator must give written notice of the operator's intention to operate the stand-by taxi instead of the usual taxi to the road transport authority and the accredited taxi network provider with which the operator is affiliated.
- (5) If the accredited operator of the usual taxi complies with subregulation (1), the stand-by taxi is taken, for these regulations, to be the usual taxi while it is being operated as a taxi.

110 Taxi network uniforms (NSW Taxi cl 28)

The accredited operator of a taxi must not allow a person to drive the taxi while it is operating as a taxi unless the driver is wearing a clean uniform approved, in writing, by the road transport authority for the accredited taxi network provider with which the operator is affiliated.

Maximum penalty: 10 penalty units.

111 Taxi operators to comply with service standard for lost property

The accredited operator of a taxi service who is given lost property found in or near a taxi used to operate the service must give the property to the accredited taxi network provider with which the operator is affiliated.

Maximum penalty: 5 penalty units.

**112 Effect of noncompliance notices—taxi operators
(ACT Taxi reg 16, NSW Taxi cl 27)**

(1) If a noncompliance notice has been attached under regulation 175 (Attachment and removal of noncompliance notices) to a taxi used to operate a taxi service and has not been removed in accordance with the regulation, the accredited operator of the taxi service must not allow the taxi to be used to operate the service—

- (a) after the time of effect of the notice; or
- (b) if the accredited operator knows the notice has been removed other than in accordance with regulation 175.

Maximum penalty: 20 penalty units.

(2) Subregulation (1) (b) ceases to apply to the taxi in relation to the noncompliance notice if a police officer or authorised person directs under regulation 175 that the notice be taken to have been removed.

Division 4.3.2 Taxi drivers

Note For the licensing of taxi drivers, see the *Road Transport (Driver Licensing) Regulations 2000*.

113 Responsibility of drivers for condition of taxi (ACT Taxi reg 21, NSW Taxi cl 39)

A taxi driver must not operate the taxi as a taxi unless it is clean and tidy.

Maximum penalty: 5 penalty units.

114 Special responsibilities of wheelchair accessible taxi drivers

- (1) The regulation applies to the driver of a wheelchair accessible taxi.
- (2) As soon as practicable after the driver becomes available to accept a hiring, the driver must tell a network booking service of the driver's availability.

Maximum penalty: 10 penalty units.

- (3) The driver must comply with any direction of a network booking service to accept a booking for the taxi for a person who is dependent on a wheelchair for mobility outdoors.

Maximum penalty: 10 penalty units.

Note For the obligations of the network, see reg 74.

- (4) In this regulation:

network booking service means a booking service for the accredited taxi network provider with which the accredited operator of the taxi is affiliated.

115 Responsibilities of taxi drivers for security cameras

- (1) This regulation applies to the driver of a taxi if the taxi is fitted with a security camera.
- (2) The driver must, before operating the vehicle as a taxi, check whether the security camera is operating.

Maximum penalty: 5 penalty units.

- (3) If the camera is not operating, the driver must tell the accredited taxi network provider with which the accredited operator of the taxi is affiliated.

Maximum penalty: 5 penalty units.

Note The taxi driver must also comply with any standards about security cameras in taxis, see reg 156 (5).

116 Restrictions on carriage of goods in taxis (ACT Taxi reg 23 (1), (2), NSW Taxi cl 41 (1))

- (1) A taxi driver must not allow anyone to place or carry in the taxi something that, because of its size or dimensions, cannot be carried in the taxi without inconvenience or danger to someone else.

Maximum penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to anything used by a person with a disability to alleviate the effect of the disability.

117 Carriage of animals in taxis (ACT Taxi reg 23 (3), NSW Taxi cl 41 (2), (3))

- (1) A taxi driver must not allow anyone to place or carry in the taxi a dog, cat, bird or any other animal unless it is suitably confined in a box, basket or other container.

Maximum penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to—
- (a) a person with a disability who is accompanied by an animal trained to help the person to alleviate the effect of the disability; or
 - (b) a person who is training an animal to help to alleviate the effect of a disability.

Note If a person is treated unfavourably because the person is accompanied by an animal trained to help the person alleviate the effect of a disability, the person is discriminated against (see *Discrimination Act 1991*, s 9).

118 Responsibility of taxi drivers for lost property
(NSW Taxi cl 42)

A taxi driver who finds lost property in the taxi, or who is given lost property under regulation 154 (Lost property found by taxi passengers), must give the property to the accredited taxi network provider with which the accredited operator of the taxi is affiliated within 24 hours after finding or being given the property.

Maximum penalty: 5 penalty units.

119 Behaviour of taxi drivers generally
(ACT Taxi reg 24, NSW Taxi cl 43)

- (1) A taxi driver must not—
- (a) move the taxi while a door is open; or
 - (b) start or stop the taxi in a way that subjects a passenger or anyone else to unnecessary risk of injury; or

- (c) eat or drink in the taxi while the taxi is available for hire or is hired.

Maximum penalty: 10 penalty units.

Note 1 Soliciting for passengers is prohibited by reg 128.

Note 2 A taxi driver may not smoke in the taxi (see *Smoke-free Areas (Enclosed Public Places) Act 1994*).

- (2) Subregulation (1) (c) does not apply if the driver is eating or drinking for medical reasons.

120 Dress and conduct of taxi drivers

(ACT Taxi reg 25, 33, NSW Taxi cl 45, 46, 60)

- (1) This regulation applies to the driver of a vehicle while it is operating as a taxi.

- (2) The driver must be clean and tidy.

Maximum penalty: 5 penalty units.

- (3) The driver must wear a clean uniform approved by the road transport authority for the accredited taxi network provider with which the accredited operator of the taxi is affiliated.

Maximum penalty: 5 penalty units.

- (4) The driver must behave in an orderly way and with politeness and propriety towards every passenger, police officer and authorised person and other road users.

Maximum penalty: 5 penalty units.

- (5) The driver must comply with every reasonable request of a passenger.

Maximum penalty: 5 penalty units.

Example of reasonable request by passenger

Operating the taxi's airconditioning system when asked by a passenger.

121 Drivers to remain in taxi (ACT Taxi reg 26, NSW Taxi cl 47)

A taxi driver must not, without reasonable excuse, leave the driver's seat of the taxi during a hiring.

Maximum penalty: 5 penalty units.

Note A taxi driver is required to provide reasonable assistance in loading goods into, and unloading goods from, a taxi and carrying goods (see reg 135 (5)).

122 Use of taxi zones (ACT Taxi reg 27, NSW Taxi cl 48)

- (1) A taxi driver must not stop the taxi in a taxi zone if the taxi is hired or is not available for hire.

Maximum penalty: 5 penalty units.

- (2) However, the driver may set down a passenger in a taxi zone if the taxi occupies the last available vacant position in the taxi zone.

Note The dictionary definition of *taxi zone* includes a temporary taxi zone appointed under reg 123.

- (3) On arriving at a taxi zone with positions for 2 or more taxis, a taxi driver must place and keep the taxi in the 1st available vacant position in the taxi zone unless otherwise directed by a police officer or authorised person.

Maximum penalty: 5 penalty units.

- (4) If 2 or more taxis are in a taxi zone, the 1st taxi has a right to the next hiring unless the person hiring selects another taxi.

- (5) The driver of a taxi (other than the 1st taxi) must not do anything in contravention of the 1st taxi's right to the next hiring under subregulation (4).

Maximum penalty: 5 penalty units.

- (6) A taxi driver must not leave a taxi zone, or another place where passengers are picked up or dropped off, in contravention of a direction given by a police officer or authorised person.

Maximum penalty: 10 penalty units.

123 Temporary taxi zones

(ACT Taxi reg 27 (5), NSW Taxi cl 48 (5))

- (1) A police officer or authorised person may appoint a temporary taxi zone at a place where taxis are congregated.
- (2) A taxi driver must use the temporary taxi zone in accordance with directions of the police officer or authorised person.

Maximum penalty: 10 penalty units.

124 Offence to park taxis on road for longer than 30 minutes

(ACT Act s 116, NSW Taxi cl 49)

- (1) A taxi driver must not park the taxi on a road for longer than 30 minutes, other than in a taxi zone.

Maximum penalty: 10 penalty units.

- (2) The driver does not contravene subregulation (1) if—
- (a) the vehicle was hired throughout the period when the vehicle was parked; or
 - (b) the driver was, throughout the period when the vehicle was parked, waiting to pick up a person who had hired it before the beginning of that period; or
 - (c) the vehicle was parked at the direction, or with the agreement, of a police officer or authorised person; or
 - (d) the vehicle was not being operated as a taxi or was not available for hire.

125 Use of accredited taxi network by drivers

(ACT Taxi reg 28, NSW Act s 33E, NSW Taxi cl 50)

- (1) A taxi driver must use equipment in the taxi that allows the driver to send messages to, and receive messages from, the operator's network in accordance with the network's procedures.

Maximum penalty: 5 penalty units.

- (2) A taxi driver must follow the rules of the operator's network for taxi drivers.

Maximum penalty: 5 penalty units.

- (3) A taxi driver must comply with all reasonable requests of the operator's network in relation to providing taxi services.

Maximum penalty: 5 penalty units.

- (4) In this regulation:

operator's network means the accredited taxi network provider with which the accredited operator of the taxi is affiliated.

126 Effect of noncompliance notices—taxi drivers

(ACT Taxi reg 22, NSW Taxi cl 40)

- (1) If a noncompliance notice has been attached under regulation 175 (Attachment and removal of noncompliance notices) to a taxi and has not been removed in accordance with the regulation, a person must not use the taxi to operate a taxi service—

- (a) after the time of effect of the notice; or
(b) if the person knows the notice has been removed from the vehicle other than in accordance with regulation 175.

Maximum penalty: 20 penalty units.

- (2) Subregulation (1) (b) ceases to apply to the taxi in relation to the noncompliance notice if a police officer or authorised person directs under regulation 175 that the notice be taken to have been removed.

Division 4.3.3 Taxi hirings

127 When do taxi hirings begin and end?

(ACT Taxi reg 34, NSW Taxi cl 61, 69 (2))

- (1) If a taxi travels to a place (the *pick-up point*) to carry a hirer or the hirer's goods from the pick-up point to another place, the following provisions apply:
- (a) unless the hirer and the taxi driver otherwise agree, the hiring begins at the later of—
 - (i) the time the hirer has been notified of the taxi's arrival at the pick-up point; or
 - (ii) the time agreed for the arrival of the taxi at the pick-up point;
 - (b) if the fare for the taxi includes a booking fee—the booking fee is payable by the hirer to the driver.
- (2) If subregulation (1) does not apply to a hiring, the hiring begins on the acceptance of the hiring by the taxi driver.
- (3) The hiring of a taxi ends when—
- (a) if the hiring is ended under regulation 137 (Ending of taxi hiring by hirer)—the hirer ends the hiring; or
 - (b) if the hiring is ended under regulation 138 (Ending of taxi hiring by driver)—the driver ends the hiring; or

- (c) if the driver of a wheelchair accessible taxi accepts a hiring in accordance with regulation 129 (3) (Requirements about acceptance of taxi hirings) from a person using a wheelchair—the driver accepts the hiring offered by the person using a wheelchair; or
 - (d) if the hirer leaves the taxi in accordance with a direction under regulation 152 (Offender to get out of taxi when directed)—the hirer leaves the taxi; or
 - (e) if the hirer is removed under regulation 153 (Removal of people from taxis)—the hirer is removed from the taxi; or
 - (f) in any other case—the taxi stops at the hirer’s destination.
- (4) To remove any doubt, a taxi driver must not ask for payment for any period during which—
- (a) the driver unloads goods from the taxi or is carrying goods to a door or entrance of a house, station or other place where the hiring of the taxi ends; and
 - (b) if the taxi is a wheelchair accessible taxi—a wheelchair is being—
 - (i) released from its attachment to the taxi; or
 - (ii) unloaded from the taxi; or
 - (iii) manoeuvred (with or without the assistance of the driver) away from the taxi.

128 Soliciting for taxi hirings prohibited
(ACT Taxi reg 24 (a), NSW Taxi cl 54)

A person must not solicit for passengers for, or for a hiring of, a taxi.

Maximum penalty: 10 penalty units.

129 Requirements about acceptance of taxi hirings
(ACT Taxi reg 29, NSW Taxi cl 55, 56)

- (1) The driver of a taxi that is available for hire must accept a hiring promptly when offered.

Maximum penalty: 5 penalty units.

- (2) However, the driver of a wheelchair accessible taxi that is available for hire must accept a hiring offered by a person using a wheelchair in preference to a hiring offered by a person not using a wheelchair.

Maximum penalty: 5 penalty units.

- (3) Also, the driver of a wheelchair accessible taxi must accept a hiring offered by a person using a wheelchair even if the driver has already accepted the offer of a person not using a wheelchair unless an intending passenger is already seated in the taxi when the person using a wheelchair offers to hire the taxi.

Maximum penalty: 5 penalty units.

- (4) Despite subregulations (1) to (3), a taxi driver may refuse to accept a hiring if—

- (a) the driver would contravene any of the following provisions of these regulations if the driver accepted the hiring:
- (i) regulation 132 (Wheelchair passengers in wheelchair accessible taxis);
 - (ii) regulation 135 (Carriage of goods in taxis);
 - (iii) regulation 147 (Drinking of liquor in taxis prohibited);
 - (iv) regulation 149 (Restrictions on carriage of animals in taxis); or

- (b) the intending passenger is a person mentioned in—
 - (i) regulation 148 (Eating and drinking in taxis); or
 - (ii) regulation 150 (Taxi passengers—soiled clothing etc); or
 - (iii) regulation 151 (Intoxicated taxi passengers); or
 - (c) the intending passenger’s destination is outside the ACT taxi region; or
 - (d) the intending passenger cannot, when asked, satisfy the driver that the person can pay the estimated fare for the proposed hiring; or
 - (e) the driver believes, on reasonable grounds, that the person will not pay the fare for the proposed hiring; or
 - (f) the driver would contravene any other provision of the road transport legislation.
- (5) However, the driver must accept the hiring if directed to do so under regulation 130 (1).
- (6) To remove any doubt, a reference in this regulation to a *hiring* includes a hiring made using a taxi booking service.

130 Directions by police officers or authorised people about acceptance and carrying out of hirings
(ACT Taxi reg 30, NSW Taxi cl 57)

- (1) A police officer or authorised person may give a taxi driver a direction—
- (a) to accept a particular hiring even though the driver could refuse to accept the hiring under regulation 129 (4) (Requirements about acceptance of taxi hirings); or
 - (b) about how a particular hiring is to be carried out.

(2) However, the police officer or authorised person may not give a direction under subregulation (1) that would involve the driver in committing an offence (other than an offence against these regulations).

(3) A taxi driver who is given a direction under subregulation (1) must not, without reasonable excuse, fail to comply with the direction.

Maximum penalty: 5 penalty units.

(4) If a taxi driver accepts a hiring in accordance with a direction under subregulation (1) (a)—

(a) the driver is exempt from any provision of these regulations that would otherwise prohibit the driver from carrying out the hiring; and

(b) the Territory must pay the driver, in addition to the fare, reasonable compensation for any damage, injury, loss of time or other harm incurred by the driver because of the hiring.

(5) If a taxi driver carries out a hiring in accordance with a direction under subregulation (1) (b)—

(a) the driver is exempt from any provision of these regulations that would otherwise prohibit the driver from carrying out the hiring in accordance with the direction; and

(b) the Territory must pay the driver, in addition to the fare, reasonable compensation for any damage, injury, loss of time or other harm incurred by the driver because of the driver's compliance with the direction.

131 How taxi hiring to be carried out
(ACT Taxi reg 31 (1)-(4), NSW Taxi cl 58 (1)-(2))

(1) A taxi driver must not fail to carry out promptly any hiring accepted by the driver.

Maximum penalty: 5 penalty units.

- (2) A taxi driver must not fail to drive the taxi by the shortest practicable route to any place stated by the hirer that is within the ACT taxi region, unless the hirer asks that the taxi be driven to the place by another route.

Maximum penalty: 5 penalty units.

- (3) The hirer of a taxi may, at any time during the hiring, direct the driver to carry the hirer to another place within the ACT taxi region (the *new destination*), even if that place was not originally stated.

- (4) A taxi driver must not, without reasonable excuse, fail to comply with a direction under subregulation (3).

Maximum penalty: 5 penalty units.

- (5) However, a taxi driver is not required to comply with a direction made under subregulation (3) if, when asked, the hirer does not pay a fare deposit for the journey to the new destination.

U 132 **Wheelchair passengers in wheelchair accessible taxis**
(NSW Taxi cl 59)

- (1) The driver of a wheelchair accessible taxi must not carry a wheelchair in the taxi unless it is safely and securely attached to the taxi.

Maximum penalty: 10 penalty units.

Note The dictionary definition of *in* a vehicle includes on the vehicle.

- (2) The driver of a wheelchair accessible taxi must not carry a person in the taxi while the person is seated in a wheelchair unless—

- (a) the wheelchair cannot travel faster than 10km/h on level ground; and
(b) the wheelchair is not in another vehicle (for example, a motorised tricycle) while the wheelchair is in the taxi; and

- (c) if a seatbelt is provided for the position where the wheelchair is attached—the person is wearing the seatbelt.

Maximum penalty: 10 penalty units.

- (3) However, subregulation (2) (c) does not apply if the person is exempt under a Territory law from wearing a seatbelt.

Note 1 A passenger in a taxi, including a person in a wheelchair, must wear a suitable child restraint or a seatbelt if one is available unless the person is exempt from wearing a seatbelt (see *Road Transport (Safety and Traffic Management) Regulations 2000*, reg 23B and the Australian Road Rules, r 265 and r 266).

Note 2 For exemptions from wearing a seatbelt, including for medical reasons, see *Road Transport (Safety and Traffic Management) Regulations 2000*, reg 25 and the Australian Road Rules, r 267.

Note 3 A person who is exempt from wearing a seatbelt and who is a passenger in a motor vehicle with 2 or more rows of seats must not sit in the front row of seats (see Australian Road Rules, r 267 (1)).

- U** (4) *Despite subregulation (2) (a), the driver of a wheelchair accessible taxi must not carry a person in the taxi while the person is seated in a motorised wheelchair of a kind known as, or that is similar to, a scooter or tricycle.*

Maximum penalty: 10 penalty units.

Note This provision was uncommenced at republication date. It will commence on 1 March 2003 (see reg 2 (3)).

- (5) The driver of a wheelchair accessible taxi must provide reasonable assistance in loading and unloading a wheelchair, or a person in a wheelchair, into or from the taxi.

Maximum penalty: 10 penalty units.

133 Where taxi drivers must stop (ACT Taxi reg 31 (5), 32, NSW Taxi cl 58 (3), (4))

- (1) A taxi driver may refuse to stop the taxi at a place where stopping the taxi would be unlawful or, in the driver's opinion, unsafe.

- (2) If a taxi driver stops on a road or road related area to drop off or pick up a passenger, the driver must stop parallel to, and as close as practicable to, the side of the road or area.

Maximum penalty: 5 penalty units.

- (3) However, subregulation (1) does not apply to the driver of a taxi if compliance with the regulation would significantly hinder the safe dropping off or picking up of a person with a significant disability that affects the person's mobility.

Examples of people with significant disabilities affecting mobility

- 1 A person who ordinarily uses a wheelchair to move around.
- 2 A person who ordinarily uses a walking stick, crutches or a walking frame to move around outdoors.
- 3 A person who is blind.

- (4) To remove any doubt, this regulation does not authorise a taxi driver to stop a taxi at a place in contravention of a Territory law.

134 Operation of taxi roof sign by drivers
(ACT taxi reg 11 (3), NSW Taxi cl 20 (6))

- (1) The driver of a taxi must ensure that the taxi's roof sign is operated in accordance with this regulation.

Maximum penalty: 5 penalty units.

- (2) The roof sign must be operated so that it is not lit when the taxi is not available for hire (including, for example, when the taxi is travelling to a pick-up point within the meaning of regulation 127 (When do taxi hirings begin and end?)).
- (3) If the taxi is exempt under regulation 95 (2) (Taxis to be fitted with taximeters) from being fitted with a taximeter complying with the standards for taximeters approved by the road transport authority the roof sign must also be operated so that—
- (a) it is not lit while the taxi is hired; and

(b) it is lit while the taxi is available for hire.

(4) In this regulation:

roof sign means the roof sign mentioned in regulation 106 (2) (Taxi roof sign indicating hiring availability).

135 Carriage of goods in taxis

(ACT Taxi reg 35, NSW Taxi cl 62)

(1) A taxi driver must carry any goods in the taxi if asked to do so by a hirer.

Maximum penalty: 5 penalty units.

Note 1 The dictionary defines *goods* to include luggage.

Note 2 The dictionary definition of *in* a vehicle includes on the vehicle.

(2) However, the driver may refuse to carry goods in the taxi if the driver would contravene regulation 116 (Restrictions on carriage of goods in taxis) by doing so.

(3) A taxi driver must not—

(a) carry goods on the roof of the taxi except with the hirer's agreement; or

(b) carry goods (except luggage) with a total weight over 25kg in a part of the taxi designed to carry passengers.

Maximum penalty: 5 penalty units.

(4) However, subregulation (3) (b) does not apply to the carriage of a wheelchair in a part of a wheelchair accessible taxi designed to carry passengers.

(5) A taxi driver must provide reasonable assistance with a passenger's goods.

Maximum penalty: 5 penalty units.

Examples of reasonable assistance with passenger's goods

- 1 Loading goods into, and unloading goods from, the taxi.
- 2 Carrying goods from or to a door or entrance of a house, station, airport or other place where the hiring of the taxi begins or ends.

(6) A taxi driver must take reasonable care of a passenger's goods.

Maximum penalty: 5 penalty units.

(7) If a taxi driver removes goods from the taxi, the driver must promptly deliver them in the condition in which the driver received them.

Maximum penalty: 5 penalty units.

136 Taxi driver waiting or instructed to return
(ACT Taxi reg 36, NSW Taxi cl 63)

(1) If the hirer of a taxi asks the driver to wait, the driver must wait for—

- (a) 15 minutes; or
- (b) if the driver and hirer agree to a shorter or longer period—the period agreed.

Maximum penalty: 5 penalty units.

(2) On arriving at a place where the hirer asks the driver to wait, the driver may refuse to wait unless the hirer pays the fare to the place and the fare for the waiting period.

(3) If the hirer ends the hire and instructs the taxi driver to return later to the place where the hiring was ended, the taxi driver may claim the fare to the time of the ending of the hiring and is not obliged to accept the hiring to return.

137 Ending of taxi hiring by hirer
(ACT Taxi reg 37, NSW Taxi cl 64)

The hirer of a taxi may end the hiring at any time.

138 Ending of taxi hiring by driver
(ACT Taxi reg 38, NSW Taxi cl 65)

- (1) A taxi driver may end a hiring—
- (a) on a ground on which the driver could refuse to accept a hiring under regulation 129 (4) (Requirements about acceptance of taxi hirings); or
 - (b) if a passenger behaves in an offensive way or uses offensive language; or
 - (c) if a passenger does not stop eating, drinking or smoking when asked by the driver to do so; or
 - (d) if a passenger is not wearing a suitable child restraint or a seatbelt that is properly fastened and adjusted.
- (2) However—
- (a) subregulation (1) (c) does not apply if the person is eating or drinking for medical reasons; and
 - (b) subregulation (1) (d) does not apply if the person is exempt under a Territory law from wearing a seatbelt.

Note 1 A passenger in a taxi, including a person in a wheelchair, must wear a suitable child restraint or a seatbelt if one is available unless the person is exempt from wearing a seatbelt (see *Road Transport (Safety and Traffic Management) Regulations 2000*, reg 23B and the Australian Road Rules, r 265 and r 266).

Note 2 For exemptions from wearing a seatbelt, including for medical reasons, see *Road Transport (Safety and Traffic Management) Regulations 2000*, reg 25 and the Australian Road Rules, r 267.

Note 3 A person who is exempt from wearing a seatbelt and who is a passenger in a motor vehicle with 2 or more rows of seats must not sit in the front row of seats (see Australian Road Rules, r 267 (1)).

139 Extra taxi passengers (ACT Taxi reg 40, NSW Taxi cl 66)

A taxi driver must not allow anyone else other than the hirer to travel in the taxi without the hirer's agreement.

Maximum penalty: 5 penalty units.

140 Sharing taxis (ACT Taxi reg 41, NSW Taxi cl 67)

(1) This regulation applies if, at the beginning of, or during, a hiring of a taxi, the hirer requires the driver—

(a) to allow other people (the hirer's guests) to share the taxi with the hirer; and

(b) to drive the hirer's guests to a destination other than the hirer's destination before driving the hirer to his or her destination.

(2) The taxi driver must comply with a requirement under subregulation (1).

Maximum penalty: 5 penalty units.

(3) The taxi driver must not ask for payment of all or part of the fare from any of the hirer's guests.

Maximum penalty: 5 penalty units.

141 Multiple hiring of taxis (ACT Taxi reg 42, NSW Taxi cl 68)

A taxi driver must not, without the agreement of anyone who has already hired the taxi, accept a 2nd or subsequent hiring of the taxi.

Maximum penalty: 5 penalty units.

142 Operation of taximeter by driver

(ACT Taxi reg 43, NSW Taxi cl 69 (1), (3), (4))

- (1) The driver of a taxi with a taximeter must—
 - (a) not start the taximeter before the taxi is hired; and
 - (b) start the taximeter as soon as the taxi is hired; and
 - (c) keep the taximeter operating during a hiring; and
 - (d) stop the taximeter at the end of a hiring; and
 - (e) ensure that after payment for a hiring (or, if a fare for a hiring is not paid, after the end of the hiring) the fare indicators of the taximeter return to zero (unless the hiring is not the last in a multiple hiring).
- (2) The driver of a taxi with a taximeter must not fail to operate the taximeter in accordance with subregulation (1).

Maximum penalty: 5 penalty units.
- (3) However, the driver must, during a hiring, stop the taximeter for as long as is necessary to prevent it from registering a charge during any period when—
 - (a) a hirer in a multiple hire is paying the fare for his or her hire and getting out of the taxi; or
 - (b) the taxi is delayed for a reason mentioned in regulation 145 (Taxi fare not payable for avoidable delays).
- (4) Before receiving payment for a hiring, a taxi driver must—
 - (a) ensure that the amount recorded on the taximeter, and any figures that affect the rate at which the taxi fare is charged, are displayed (including, if necessary, illuminated) so that they can be readily read by a hirer; and

(b) state any other amounts that are payable for the hiring.

Maximum penalty: 5 penalty units.

- (5) This regulation does not apply to a proposed hiring to a destination outside the ACT taxi region if the taxi driver and the person who is proposing to hire the taxi agree on the amount payable as the fare for the hiring in accordance with regulation 144 (3) (Taxi fares).

143 Taxi fare deposits (ACT Taxi reg 39)

- (1) Before accepting an offer of a hiring from a person, a taxi driver may ask the person to provide a fare deposit if the driver believes, on reasonable grounds, that the person may not be able to, or will not, pay the fare for the proposed hiring.
- (2) If, during a hiring of a taxi, the hirer asks to be taken to somewhere (the *new destination*) other than the destination originally stated (the *original destination*) and the driver believes, on reasonable grounds, that the hirer may not be able to pay the fare for the new destination, the driver may ask the hirer to pay a fare deposit.
- (3) If the person or hirer gives the taxi driver the fare deposit, the driver may not refuse to accept the hiring or end the hiring on the ground that the person or hirer cannot satisfy the driver that the person or hirer can pay the estimated fare for the proposed hiring.

144 Taxi fares (ACT Taxi reg 44, NSW Taxi cl 70 (1)-(3))

- (1) A taxi driver must not ask a hirer for payment of more than the fare for the hiring of the taxi.

Maximum penalty: 5 penalty units.

Example of asking for payment of more than the fare for a hiring

If different fare rates are payable for hirings begun between certain times, asking for a fare that is calculated on a higher rate than applies at the time a hiring begins.

Note 1 The fare may include charges not shown on the taximeter, eg, a toll or cleaning charge for the taxi.

Note 2 If a taxi travels to a pick-up point to accept a hiring, the booking fee becomes payable, see reg 127 (1) (b).

- (2) A taxi driver must not make an agreement with a hirer for payment of more than the fare for the hiring of the taxi.

Maximum penalty: 5 penalty units.

Example of agreement for payment of more than the fare for a hiring

Agreeing to a fixed amount for a hiring that is higher than the fare that would have been payable if the taximeter were operated for the hiring.

- (3) However, subregulation (2) does not apply if, before the hiring is begun—

- (a) the driver tells the intending passenger that the destination is outside the ACT taxi region; and
(b) the driver and the intending passenger agree on the amount payable as the fare for the hiring.

- (4) At the end of a hiring, if the hirer paid a fare deposit and—

- (a) the fare for the hiring is less than the fare deposit—the taxi driver must pay the difference to the hirer; or
(b) the fare for the hiring is more than the fare deposit—the hirer must pay the difference to the taxi driver.

Maximum penalty: 5 penalty units.

- (5) At the ending of a hiring the hirer must pay to the taxi driver the fare for the hiring if the hirer did not pay a fare deposit.

Maximum penalty: 5 penalty units.

Note For when a hiring ends, see reg 127 (3).

- (6) The taxi driver must not, without reasonable excuse, fail to offer the correct change if given more money than the amount of the fare for the hiring.

Maximum penalty: 5 penalty units.

145 Taxi fare not payable for avoidable delays
(ACT Taxi reg 45, NSW Taxi cl 70 (5))

A taxi driver must not ask for payment of a fare for a period when the taxi is delayed because of—

- (a) the taxi breaking down or being involved in an accident; or
- (b) anything that the driver could have prevented (including, for example, a shortage of fuel).

Maximum penalty: 5 penalty units.

Division 4.3.4 Conduct of taxi passengers

146 Offensive behaviour or language in taxis
(ACT Taxi reg 46 (a) and (b), NSW Taxi cl 71)

A person must not, in a taxi—

- (a) behave in an offensive way; or
- (b) use offensive language.

Maximum penalty: 10 penalty units.

147 Drinking of liquor in taxis prohibited

A person must not drink, or be in possession of an open container of, liquor in a taxi.

Maximum penalty: 5 penalty units.

148 Eating and drinking in taxis

(ACT Taxi reg 46 (c), NSW Taxi cl 72)

- (1) A person must not eat or drink in a taxi except with the taxi driver's agreement.

Maximum penalty: 5 penalty units.

- (2) Subregulation (1) does not apply if the person is eating or drinking for medical reasons.
- (3) To remove any doubt, subregulation (1) does not authorise a taxi driver to agree to a person drinking liquor in the taxi.

Note A person is not allowed to smoke in a taxi (see *Smoke-free Areas (Enclosed Public Places) 1994*).

149 Restrictions on carriage of animals in taxis

(ACT Taxi reg 47, NSW Taxi cl 73)

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

Maximum penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to—
- (a) an animal accompanying a person with a disability that is trained to help the person to alleviate the effect of the disability; or

- (b) an animal being trained to help to alleviate the effect of a disability.

Note If a person is treated unfavourably because the person is accompanied by an animal trained to help the person alleviate the effect of a disability, the person is discriminated against (see *Discrimination Act 1991*, s 9).

150 Taxi passengers—soiled clothing etc
(ACT Taxi reg 48, NSW Taxi cl 74)

- (1) A taxi driver, police officer or authorised person may direct a person not to get into, or to get out of, a taxi if the driver, police officer or authorised person believes, on reasonable grounds, that—
- (a) the person, the person’s clothing or goods (or anything else on or carried by the person) may soil or damage the taxi or the clothing or goods of someone else; or
- (b) any of the person’s goods cannot, because of their size or dimensions, be carried in the taxi without inconvenience or danger to someone else.
- (2) Subregulation (1) (b) does not apply to anything used by a person with a disability to alleviate the effect of the disability.
- (3) A person must not fail to comply with a direction under subregulation (1).

Maximum penalty: 5 penalty units.

151 Intoxicated taxi passengers
(ACT Taxi reg 49, NSW Taxi cl 75)

- (1) A taxi driver, police officer or authorised person may direct a person not to get into, or to get out of, the taxi if the driver, police officer or authorised person believes, on reasonable grounds, that the person—

- (a) is under the influence of liquor or a drug; and
 - (b) is causing, or is likely to cause, a nuisance or annoyance to someone else.
- (2) A person must not fail to comply with a direction under subregulation (1).

Maximum penalty: 5 penalty units.

152 Offender to get out of taxi when directed
(ACT Taxi reg 50, NSW Taxi cl 76)

- (1) A taxi driver, police officer or authorised person may direct a person to get out of the taxi if the driver, police officer or authorised person believes, on reasonable grounds, that the person is committing an offence under this part.
- (2) A person must not fail to comply with a direction under subregulation (1).

Maximum penalty: 5 penalty units.

153 Removal of people from taxis
(ACT Taxi reg 51)

A person who fails to comply with a direction under this division to get out of a taxi may be removed from the taxi by a police officer.

154 Lost property found by taxi passengers
(ACT Taxi reg 52, NSW Taxi cl 77)

A person who finds something in a taxi must return it to its owner or give it to the taxi driver or a police officer.

Maximum penalty: 5 penalty units.

Division 4.3.5 Other matters relating to taxi services

155 Declaration of ACT taxi region

- (1) The road transport authority may, in writing, declare a stated area to be the ACT taxi region.
- (2) The area declared may include any part of the ACT or New South Wales.
- (3) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

156 Standards about security cameras in taxis

- (1) The road transport authority may, in writing, approve standards in relation to security cameras in taxis.
- (2) A standard may make provision in relation to security cameras in taxis, including, for example—
 - (a) when security cameras may be installed; and
 - (b) the kinds of security cameras that may be installed; and
 - (c) the position of security cameras; and
 - (d) the operation of security cameras; and
 - (e) requirements about notices to be included in a taxi that has a security camera installed.

Note The *Privacy Act 1988* (Cwlth) imposes obligations on some private sector organisations in relation to the collection, storage, use and disclosure of personal information collected about an individual.

- (3) An approval is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (4) A standard may apply, adopt or incorporate (with or without change) an instrument, or a provision of an instrument, as in force from time to time.

Note 1 A statutory instrument may also apply, adopt or incorporate (with or without change) a law or instrument (or a provision of a law or instrument) as in force at a particular time (see *Legislation Act 2001*, s 47 (1)).

Note 2 If a statutory instrument applies, adopts or incorporates a law or instrument (or a provision of a law or instrument), the law, instrument or provision may be taken to be a notifiable instrument that must be notified under the *Legislation Act 2001* (see s 47 (2)-(6)).

- (5) A person must not, without reasonable excuse, contravene a standard approved under subregulation (1).

Maximum penalty: 20 penalty units.

157 Interference with taxi security cameras and recordings (NSW Taxi cl 14 (4))

- (1) A person must not, without lawful authority or excuse, interfere with a security camera in a taxi.

Maximum penalty: 20 penalty units.

- (2) A person must not change or otherwise interfere with a recording made by a security camera in a taxi.

Maximum penalty: 20 penalty units.

Note For the destruction of recordings, see reg 79.

158 Standards for taximeters (ACT Taxi reg 6, NSW Taxi cl 11 (1), (7))

- (1) The road transport authority may, in writing, approve standards in relation to taximeters.

- (2) A standard may make provision, for example, in relation to—
- (a) the kinds of taximeters that may be installed in taxis; and
 - (b) the installation, testing and sealing of taximeters; and
 - (c) requirements for taximeters in restricted taxis.
- (3) An approval is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

159 Interference with taximeters
(ACT Taxi reg 5 (4), NSW Taxi cl 11 (5))

A person must not, without lawful authority or excuse, interfere with a taximeter (including, for example, any seal attached to the taximeter or a part of the mechanism controlling the taximeter).

Maximum penalty: 20 penalty units.

160 Authority may exempt wheelchair accessible taxi drivers from approved training course

- (1) The road transport authority may, in writing, exempt a person from the requirement mentioned in regulation 98 (1) (a) (which is about the successful completion of an approved wheelchair accessible taxi driver training course).
- (2) An exemption may be conditional.
- (3) If an exemption is given subject to conditions, the exemption applies only if all the conditions are being complied with.

161 Authority may require wheelchair accessible taxi drivers to undertake training

The road transport authority may, by written notice given to the holder of a public vehicle licence that authorises the person to drive a taxi, require the person, within a stated period—

- (a) to undertake an approved wheelchair accessible taxi driver training course or a part of such a course, or another form of training; and
- (b) to provide evidence to the authority, in a form acceptable to the authority, that the person has successfully completed the training.

Note For a general power to direct taxi drivers to undertake training, see the *Road Transport (Driver Licensing) Regulations 2000*, reg 79.

162 Approval of wheelchair accessible taxi driver training courses

- (1) The road transport authority may, in writing, approve courses for the training of people who wish to drive wheelchair accessible taxis and for wheelchair accessible taxi drivers.
- (2) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

Chapter 5 Disciplinary action in relation to accreditations and taxi licences

Note 1 For the power to suspend, vary or cancel a public vehicle licence, see *Road Transport (Driver Licensing) Regulations 2000*, div 5.2.

Note 2 For the power to disqualify a person who is exempt from holding a public vehicle licence from driving a public vehicle on a road or road related area in the ACT, see *Road Transport (Driver Licensing) Regulations 2000*, div 6.4.

163 Meaning of *service authority*

In this chapter:

service authority means—

- (a) an accreditation to operate a public passenger service or taxi network; or
- (b) a taxi licence.

164 When authority may take action in relation to accreditations and taxi licences

(ACT Act s 112, NSW Act s 31F, 32G, 34F, 38E, 39G)

- (1) The road transport authority may take action under regulation 166 (Procedure for authority taking disciplinary action) in relation to an accreditation held by a person if—
 - (a) a ground mentioned in regulation 8 (Mandatory refusal of accreditation) applies in relation to the person (including in relation to a relevant person for the accreditation); or
 - (b) the person has contravened an accepted service standard; or

- (c) the person has contravened a condition of the person's accreditation; or
 - (d) the person, or a relevant person for the accreditation, has contravened any other provision of the Act; or
 - Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and standards (see *Legislation Act 2001*, s 104).
 - (e) the person has not maintained a public vehicle policy in accordance with the *Road Transport (General) Act 1999*, section 217 (Public vehicle insurance compulsory) for a public passenger vehicle operated by the person; or
 - (f) the person obtained the accreditation (or renewal of the accreditation) because of a false or misleading statement made, or false or misleading information supplied, by the person or a relevant person for the accreditation.
- (2) The road transport authority may take action under regulation 166 (Procedure for authority taking disciplinary action) in relation to a taxi licence held by a person if—
- (a) the person is the holder of a restricted taxi licence and the person is not accredited to operate a restricted taxi service; or
 - (b) the person has contravened a condition of the person's taxi licence; or
 - (c) the person has contravened any other provision of the Act in relation to the licence; or
 - (d) the person obtained the licence (or renewal of the licence) because of a false or misleading statement made, or false or misleading information supplied, by the person; or
 - (e) the authority is taking action against the person under subregulation (1) in relation to the operation of a taxi service.

165 Action that may be taken in relation to accreditations and taxi licences (NSW Act s 10 (1), 31F (1), 32G, 34F (1))

- (1) The road transport authority may take any 1 or more of the following actions under regulation 166 (Procedure for authority taking disciplinary action) in relation to a service authority held by a person:
- (a) cancel the service authority, and disqualify the person from applying for a service authority of that kind for a period of not longer than 2 years;
 - (b) suspend the service authority for a period of not longer than 1 year and, if the authority considers appropriate, disqualify the person from applying for a service authority of that kind for a period of not longer than 1 year;
 - (c) if the service authority is already suspended—do either of the following:
 - (i) cancel the service authority and disqualify the person from applying for a service authority of that kind for a period of not longer than 2 years;
 - (ii) suspend the service authority for an additional period of not longer than 1 year and, if the authority considers appropriate, disqualify the person from applying for a service authority of that kind for a period, or an additional period, of not longer than 1 year;
 - (d) direct the person to undertake particular training;
 - (e) impose a condition on, or amend a condition of, the service authority;

- (f) order the person to pay to the Territory an amount of not more than—
 - (i) for an individual—\$5 000; or
 - (ii) for a corporation—\$25 000;
 - (g) reprimand the person.
- (2) If the person holds more than 1 kind of service authority, the road transport authority may take action in relation to 1 or more of the service authorities.

166 Procedure for authority taking disciplinary action

- (1) If the road transport authority proposes to take action under this regulation in relation to a person's service authority, the authority must give the person a notice (a *disciplinary notice*) that—
- (a) states the proposed action (including any proposed period of suspension or disqualification from applying for a service authority of a particular kind); and
 - (b) if the person holds more than 1 kind of service authority—states the service authority or service authorities to which the proposed action relates; and
 - (c) states the grounds for the proposed action; and
 - (d) invites the person to make written representations within a stated period why the proposed action should not be taken.
- (2) For subregulation (1) (d), the period stated in the disciplinary notice must be—
- (a) if the disciplinary notice includes an immediate suspension notice under regulation 167 (Immediate suspension of accreditation or taxi licence)—a period of at least 14 days after the person is given the notice; or

- (b) in any other case—a period of at least 28 days after the person is given the notice.
- (3) In deciding whether to take action under this regulation, the road transport authority must consider any response given to the authority in accordance with subregulation (1) (d).
- (4) If the road transport authority is satisfied that grounds for taking action under this regulation have been established, the authority may take any of the following actions:
 - (a) if the proposed action included cancelling the service authority—cancel the service authority, suspend the service authority for a period of not longer than 1 year or impose a condition on, or amend a condition of, the service authority;
 - (b) if the proposed action included suspending the service authority for a stated period or a stated additional period—either suspend the service authority for a period of not longer than that period or impose a condition on, or amend a condition of, the service authority;
 - (c) if the proposed action included disqualifying the person from applying for a service authority of that kind for a stated period or stated additional period—either disqualify the person from applying for a service authority of that kind for not longer than that period or impose a condition on, or amend a condition of, the service authority;
 - (d) if the proposed action included imposing a condition on, or amending a condition of, the service authority—impose a condition on, or amend a condition of, the service authority that is no more onerous than the proposed condition or a condition as proposed to be amended;
 - (e) if the proposed action included ordering the person to pay an amount of money to the Territory—order the person to pay to the Territory an amount of not more than that amount;

- (f) in any case—direct the person to undertake particular training or reprimand the person.
- (5) The road transport authority must tell the person in writing of the decision.

Note The notice must be in accordance with the code of practice for notification of reviewable decisions and review rights (see *Road Transport (General) Act 1999*, s 91 and *Road Transport (General) Regulations 2000*, sch 1).

- (6) If the road transport authority decides to cancel or suspend the service authority, disqualify the person from applying for a service authority or impose or amend a condition on the service authority, the authority must also tell the person in writing when the cancellation, suspension, disqualification, condition or condition as amended takes effect.
- (7) A suspension, cancellation or condition must not take effect earlier than 7 days after the person is told about the decision.
- (8) An amount ordered to be paid under subregulation (4) (e) is a debt owing to the Territory.
- (9) If the debt is owed by 2 or more people, their liability for the debt is joint and several.

167 Immediate suspension of accreditation or taxi licence

- (1) This regulation applies if the road transport authority—
- (a) has decided to give, or has given, a disciplinary notice to a person; and
- (b) believes, on reasonable grounds, that it is in the public interest that the person's service authority be suspended as soon as practicable before a decision is made to take action under regulation 166 (4) (Procedure for authority taking disciplinary action).

Regulation 168

- (2) In forming the belief, the road transport authority must consider—
 - (a) the circumstances leading to the decision to issue the disciplinary notice; and
 - (b) the grounds stated, or proposed to be stated, in the disciplinary notice.
- (3) If this regulation applies, the road transport authority may give the person a notice (an *immediate suspension notice*) suspending the person's service authority (or a service authority of a particular kind).
- (4) If an immediate suspension notice is given to the person, the person's service authority (or service authority of a stated kind) is suspended on the receipt of the notice by the person.
- (5) The immediate suspension notice expires when the person is told under regulation 166 (5) of the decision made on the disciplinary notice.

168 Effect of suspension of accreditation or taxi licence

If the road transport authority suspends a person's service authority (or a service authority of a particular kind), the person is, during the period of the suspension—

- (a) taken not to hold a service authority (or a service authority of that kind) under these regulations; and
- (b) disqualified from applying for a service authority under these regulations (or a service authority of that kind).

169 Return of certificate of accreditation or taxi licence

- (1) If a service authority is suspended or cancelled, the holder of the service authority must, as soon as practicable (but within 7 days) after the suspension or cancellation takes effect—
 - (a) return the certificate of accreditation or the taxi licence to the road transport authority; or
 - (b) if the certificate or licence has been lost, stolen or destroyed—give the authority a statement, verified by a statutory declaration signed by the person, that the certificate or licence has been lost, stolen or destroyed.

Maximum penalty: 5 penalty units.

Note The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

- (2) If a person's service authority is suspended and it has not expired when the suspension ends, the road transport authority must return the certificate of accreditation or taxi licence (as appropriate) to the person.

Chapter 6 Enforcement

170 Purpose of powers under ch 6 (NSW Act s 55A (1))

The powers under this chapter may be exercised by the road transport authority, a police officer or authorised person to decide whether—

- (a) there has been compliance with, or a contravention of, the Act (including the conditions of an accreditation, a taxi licence or an accepted service standard); or
- (b) a public passenger vehicle complies with the vehicle standards.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and service standards (see *Legislation Act 2001*, s 104).

171 Power to require records or information (NSW Act s 55A (2), sch 1 cl 1)

- (1) The road transport authority, a police officer or an authorised person may, by written notice, require a person to provide records or information within the reasonable time stated in the notice.
- (2) The notice may only require a person to provide records that are in the person's possession or control.
- (3) The road transport authority, police officer or authorised person may take copies of any record provided in response to the notice.
- (4) A record required by a notice must be provided in written form unless the notice states otherwise.
- (5) A person must not, without reasonable excuse, fail to comply with a notice given to the person under this regulation.

Maximum penalty (subregulation (5)): 20 penalty units.

172 Power to inspect maintenance facilities

(NSW Act s 55A (5) (a), sch 1 cl 3)

- (1) For the purposes of this chapter, a police officer or authorised person may, at any reasonable time, enter any premises used for or in relation to the maintenance of a public passenger vehicle (other than any part of premises being used solely for residential purposes).
- (2) The police officer or authorised person may—
 - (a) inspect records in the premises relating to the maintenance of public passenger vehicles carried out at the premises; and
 - (b) inspect the premises; and
 - (c) inspect or test any equipment in the premises used or proposed to be used for or in relation to the maintenance of a public passenger vehicle.

Note The dictionary definition of *inspect* a vehicle includes observe the performance of the vehicle or any of its equipment, with or without the use of instruments.

- (3) For subregulation (2) (a), the police officer or authorised person may—
 - (a) require the person apparently in charge of the premises, or anyone else who has the custody or control of the records, to produce them to the police officer or authorised person for inspection; and
 - (b) make copies of, or take extracts from, a record and, for that purpose, may take possession of the record and, if necessary, keep it for not longer than 7 days.

- (4) For subregulation (2) (c), the police officer or authorised person may do any 1 or more of the following:
- (a) operate any equipment in the premises;
 - (b) request the person apparently in charge of the premises to give the police officer or authorised person any information the police officer or authorised person reasonably requires to inspect or test any equipment in the premises;
 - (c) request the person apparently in charge of the premises to do anything else the police officer or authorised person reasonably requires to inspect or test any equipment in the premises.

- (5) A person must not, without reasonable excuse, fail to comply with a request made by a police officer or authorised person under this regulation.

Maximum penalty: 20 penalty units.

- (6) An authorised person who enters premises under this regulation is not authorised to remain in the premises if, when asked by the person in charge of the premises, the authorised person does not produce his or her identity card.

173 Power to inspect and test vehicles

(NSW Act s 55A (5) (a), sch 1 cl 4, cl 5)

- (1) A police officer or authorised person may inspect a public passenger vehicle, or any other vehicle that the police officer or authorised person believes, on reasonable grounds, is operating, or has operated, as a public passenger vehicle, and may inspect and test its equipment and fittings.

Note The dictionary definition of *inspect* a vehicle includes observe the performance of the vehicle or any of its equipment, with or without the use of instruments.

- (2) Without limiting subregulation (1), the police officer or authorised person may, for that subregulation, do any 1 or more of the following:
- (a) if the vehicle is being driven—request or signal the driver of the vehicle to stop the vehicle;
 - (b) get into and remain in the vehicle;
 - (c) operate the vehicle and any of its equipment;
 - (d) request the driver or anyone else apparently in charge of the vehicle to—
 - (i) give the police officer or authorised person any information the police officer or authorised person reasonably requires to inspect or test the vehicle; or
 - (ii) do anything else the police officer or authorised person reasonably requires to inspect or test the vehicle.
- (3) If a vehicle is stopped because of a request or signal under subregulation (2) (a), any inspection or testing of the vehicle must be carried out—
- (a) at, or as near as practicable to, the place where the request or signal is made or given; and
 - (b) as soon as practicable, and in any case within 1 hour after the vehicle is stopped.
- (4) A person must not, without reasonable excuse, fail to comply with a request or signal made or given by a police officer or authorised person under this regulation.

Maximum penalty (subregulation (4)): 20 penalty units.

174 Power to require vehicles or equipment to be inspected and tested (NSW Act s 55A (5) (b), sch 1 cl 6)

- (1) A police officer or authorised person may, by written notice given to the operator of a public passenger vehicle, or any other vehicle that the police officer or authorised person believes, on reasonable grounds, is operating, or has operated, as a public passenger vehicle, require the person to have the vehicle and its equipment and fittings (or stated equipment) inspected or tested.
- (2) The notice may require any of the following:
 - (a) the inspection and testing to be carried out within or at a stated reasonable time;
 - (b) the inspection and testing to be carried out by or in the presence of a police officer, an authorised person or anyone else;
 - (c) the inspection and testing to be carried out at a stated reasonable place;
 - (d) a report of the inspection and testing to be given to a police officer, an authorised person or the road transport authority within a stated reasonable time;
 - (e) anything else reasonably necessary or convenient for the inspection and testing.
- (3) A person must not, without reasonable excuse, fail to comply with a notice given to the person under subregulation (1).

Maximum penalty: 20 penalty units.

- (4) For subregulation (1):

operator, of a vehicle, includes the responsible person for the vehicle within the meaning of the *Road Transport (General) Act 1999*, sections 10 and 11.

175 Attachment and removal of noncompliance notices

- (1) A police officer or authorised person, or a person inspecting a vehicle under this chapter, may attach a notice (a *noncompliance notice*) to the vehicle if the officer or person suspects, on reasonable grounds, that—
 - (a) the vehicle or its equipment or fittings, or its servicing or maintenance, do not comply with these regulations; or
 - (b) the vehicle (including its equipment and fittings) does not comply with the vehicle standards.
- (2) The notice must state—
 - (a) the action necessary for the vehicle, equipment or fittings, or its servicing or maintenance, to comply with these regulations or the vehicle standards; and
 - (b) a date and time (the time of effect) after which the vehicle must not be operated as a public passenger vehicle unless the notice has been removed by a police officer or authorised person.
- (3) A police officer or authorised person may remove the noncompliance notice from the vehicle, or direct in writing that it be taken to have been removed, if satisfied on inspection or testing of the vehicle or its equipment or fittings that the necessary action mentioned in the notice has been taken.
- (4) A person, other than a police officer or authorised person, must not remove a noncompliance notice from a public passenger vehicle.

Maximum penalty (subregulation (4)): 20 penalty units.

- (5) A police officer's or authorised person's power to issue a noncompliance notice for a public passenger vehicle under this regulation is additional to the power of the police officer or authorised person to issue a defect notice under the *Road Transport (Vehicle Registration) Regulations 2000* for a public passenger vehicle.

176 Police officer or authorised person may require name and address (NSW Act s 55 (1), (2))

- (1) If a police officer or authorised person suspects on reasonable grounds that a person has contravened these regulations, the police officer or authorised person may require the person to state the person's name and home address.
- (2) A person must not—
- (a) without reasonable excuse, fail to state his or her name and home address when required to do so under subregulation (1); or
 - (b) state a false name or home address in purported compliance with a requirement under that subregulation.

Maximum penalty: 10 penalty units.

Note An authorised person must first show his or her identity card to a person before exercising a power under the road transport legislation (see *Road Transport (General) Act 1999*, s 21).

Chapter 7 Miscellaneous

177 Exemption of certain taxis—Act, s 65 (1) (a)

- (1) This regulation applies to a motor vehicle if—
 - (a) the vehicle is built mainly to carry over 9, but less than 16, adults (including the driver); and
 - (b) the road transport authority has approved, in writing, the operation of the vehicle as a taxi (other than a restricted taxi).
- (2) The vehicle is exempt from that part of the Act, section 45 (Meaning of *taxi*) that prevents a bus being a taxi.

178 Exemption of certain wheelchair accessible taxis—Act, s 65 (1) (a)

- (1) This regulation applies to a motor vehicle if—
 - (a) the vehicle is built mainly to carry over 9, but less than 16, adults (including the driver); and
 - (b) the vehicle is operated as a wheelchair accessible taxi by the holder of a restricted taxi licence.
- (2) The vehicle is exempt from that part of the Act, section 46 (Meaning of *restricted taxi*) that prevents a bus being a restricted taxi.

Chapter 8 Transitional provisions

179 Definitions for ch 8

In this chapter:

commencement means the commencement of this chapter.

General Act means the *Road Transport (General) Act 1999*.

180 Pending applications for restricted taxi licences

An application under the General Act, section 108 (1) that had not been finally dealt with before the commencement is taken, after the commencement, to be an application for a restricted taxi licence under regulation 83 (Application procedure for taxi licences).

181 Application for variation of restricted taxi licence

An application under the General Act, section 110 (1) that had not been finally dealt with before the commencement is taken, after the commencement, to be an application made under regulation 85 (Issue or amendment of taxi licence subject to conditions).

182 Variation of restricted taxi licence by authority

A notice under the General Act, section 111 (1) that had not been finally dealt with before the commencement is taken, after the commencement, to be a notice under regulation 86 (2) (Taxi licences—procedure for imposition etc of conditions on authority's initiative).

183 Review of decisions of authority

- (1) The regulation applies to a decision made by the road transport authority under the General Act, part 9 (Public vehicles) in relation to the licensing or operation of a taxi (including a restricted taxi).
- (2) The General Act, part 7 (Review of decisions under road transport legislation) applies to the decision as if it had been made under the corresponding provision of these regulations.

184 Noncompliance notices

- (1) A noncompliance notice issued under the *Road Transport (Taxi Services) Regulations 2000* that was in force immediately before the commencement is taken, after the commencement, to be a noncompliance notice under the corresponding provision of these regulations.
- (2) To remove any doubt, the operation (including duration) of the noncompliance notice is not affected by this regulation.

185 Suspended taxi licences

- (1) This regulation applies to a suspension of a taxi licence (including a restricted taxi licence) in force under the General Act, section 112, section 152 or section 156 immediately before the commencement.
- (2) The suspension is taken, after the commencement, to be a suspension in force under regulation 166 (Procedure for authority taking disciplinary action).
- (3) To remove any doubt, the date when the suspension began, and the duration of the suspension, are not affected by this regulation.

186 Expiry of ch 8

This chapter expires 1 year after it commences.

Note For other transitional provisions, see the Act, div 7.7.

Schedule 1 Service standards

(see reg 12 (1) and reg 13)

Part 1.1 Bus service standards

The service standards for accreditation to operate a bus service are standards about the following matters:

- (a) the location and operation of bus depots;
- (b) the inspection and servicing of buses for compliance with regulation 21 (Maintenance of buses);
- (c) the parking, cleaning, servicing, maintenance and repair of buses;
- (d) for cleaning, servicing, maintenance or repairs to buses carried out by the accredited person—the operation of the facilities for those activities carried out by the accredited person and the training of people to carry out those activities;
- (e) the auditing (including financial and performance audits) of records and systems;
- (f) for the operation of the bus service—
 - (i) the training of bus drivers; and
 - (ii) the driving hours of, and rest periods for, bus drivers; and
 - (iii) the monitoring of the safety of bus drivers; and
 - (iv) how contraventions of the road transport legislation by bus drivers will be handled; and
 - (v) how customer inquiries (including for lost property) and complaints will be handled; and
 - (vi) the recording and resolution of customer complaints; and
 - (vii) the handling and disposal of lost property; and

- (viii) the making available to the public of fares, timetables, route maps and tour information (as appropriate); and
- (ix) ensuring that an adequate number of buses are available to operate the bus service; and
- (x) the training of people to manage, and the management of, any incident causing the death of, or bodily injury to, anyone caused by, or arises out of the use of, a bus used to operate the bus service; and
- (xi) the making and management of records and information required to be kept under the regulations or a service contract under the Act, section 17 (Service contracts).

Part 1.2 **Taxi network service standards**

The service standards for accreditation to operate a taxi network are standards about the following matters:

- (a) the auditing (including financial and performance audits) of records and systems;
- (b) for the operation of the taxi network—
 - (i) how the approved taxi network performance standards will be met; and
 - (ii) the affiliation of accredited taxi service operators with the network; and
 - (iii) the training of taxi drivers; and
 - (iv) the monitoring of the safety of taxi drivers, including the driving hours of, and rest periods for, taxi drivers; and
 - (v) the operation of, and service standards for, taxi booking services operated by or for the network; and

- (vi) if the network provides services for wheelchair accessible taxis—
 - (A) the management and operation of the taxis, including ensuring that preference for hirings is given to people who are dependent on a wheelchair for mobility outdoors; and
 - (B) how a failure of a driver to comply regulation 114 (Special responsibilities of wheelchair accessible taxi drivers) will be handled; and
- (vii) how other contraventions of the road transport legislation by taxi drivers will be handled; and
- (viii) the operation of the scheme known as the Taxi Subsidy Scheme or any scheme with similar objects; and
- (ix) how customer inquiries (including for lost property) and complaints will be handled; and
- (x) the recording and resolution of customer complaints; and
- (xi) the handling and disposal of lost property; and
- (xii) ensuring that an adequate number of taxis (including taxis equipped with baby capsules) are available to operate the taxi service; and
- (xiii) the making and management of records and information required to be kept under the regulations.

Part 1.3 **Taxi operator service standards**

The service standards for accreditation to operate a taxi service are standards about the following matters:

- (a) the inspection and servicing of taxis for compliance with regulation 93 (Maintenance of taxis);

- (b) if the taxi service has 2 or more taxis—the parking arrangements for the taxis;
- (c) the cleaning, servicing, maintenance and repair of taxis;
- (d) for cleaning, servicing, maintenance or repairs to taxis carried out by the accredited operator—the operation of the facilities for those activities carried out by the accredited operator and the training of people to carry out those activities;
- (e) the auditing (including financial and performance audits) of records and systems;
- (f) for the operation of the taxi service—
 - (i) the terms under which the accredited operator of the taxi will make the taxi available to another person for use as a taxi; and
 - (ii) the training of taxi drivers; and
 - (iii) the monitoring of the safety of taxi drivers, including the driving hours of, and rest periods for, taxi drivers; and
 - (iv) if the taxi service includes wheelchair accessible taxis—how a failure of a driver to comply with regulation 114 (Special responsibilities of wheelchair accessible taxi drivers) will be handled; and
 - (v) how other contraventions of the road transport legislation by taxi drivers will be handled; and
 - (vi) arrangements for stand-by taxis; and
 - (vii) the handling and disposal of lost property; and
 - (viii) how customer complaints referred to the operator by the affiliated taxi network will be handled; and
 - (ix) the making and management of records and information required to be kept under the regulations.

Dictionary

(see reg 3)

accepted service standard means—

- (a) a service standard mentioned in regulation 12 (1) (b) (Accreditation and certificates of accreditation); or
- (b) if the service standard is amended under regulation 13 (Amendment of accepted service standards)—the service standard as amended.

accredited—see the Act, dictionary.

accredited operator means—

- (a) for a public passenger service—an accredited person who is entitled to operate the service; or
- (b) for a public passenger service vehicle—an accredited person who is entitled to operate the public passenger service for which the vehicle is operated.

accredited taxi network provider—see the Act, dictionary.

ACT taxi region means the area declared under regulation 155 (1).

affiliated—see the Act, dictionary.

another jurisdiction—see the Act, dictionary.

applicant, for part 2.2 (Accreditation procedure)—see regulation 7 (1) (Application procedure for accreditation).

approved educational qualifications, for a kind of accreditation, means educational qualifications approved by the road transport authority under regulation 19 for that kind of accreditation.

approved taxi network performance standard means a standard approved under regulation 81.

approved wheelchair accessible taxi driver training course means a course approved under regulation 162.

Australian Design Rule—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

Australian Road Rules—see the *Road Transport (Safety and Traffic Management) Regulations 2000*, regulation 5.

authorised person—see the *Road Transport (General) Act 1999*, dictionary.

beginning, of a taxi hiring—see regulation 127.

booking fee, for a taxi, means a charge for booking the taxi through a taxi booking service.

bus means a bus within the meaning of the Act used to operate a public passenger service.

bus driver means the driver of a bus used to operate a public passenger service.

bus service—see the Act, section 11.

bus stop means a bus stop appointed under regulation 70.

bus ticket, in relation to a bus, means anything issued by or on behalf of the accredited operator of a bus service for the purpose of authorising a person to travel in a bus operated for the service.

disciplinary notice—see regulation 166 (1) (Procedure for authority taking disciplinary action).

drive a public passenger vehicle includes stop or park the vehicle.

driver, of a public passenger vehicle, means the person driving the vehicle.

ending, of a taxi hiring—see regulation 127.

fare, for the hiring of a taxi, means—

- (a) if the hiring is not a multiple hiring—the amount chargeable for the hiring in accordance the determination under the Act, section 60; or
- (b) if the hiring is a multiple hiring—75% of the amount mentioned in paragraph (a).

fare deposit, for the hiring of a taxi, means the amount of money paid by the hirer under regulation 143.

fittings, of a vehicle, includes the seats, seat covers and floor coverings of the vehicle.

goods includes luggage.

hirer, of a taxi, means the person by whom the taxi is hired.

home address—see the *Road Transport (General) Act 1999*, dictionary.

immediate suspension notice—see regulation 167 (3).

in a vehicle includes on the vehicle.

inspect a vehicle includes observe the performance of the vehicle or any of its equipment, with or without the use of instruments.

licence, for a taxi—see the Act, dictionary.

liquor—see the *Liquor Act 1975*, section 4.

mandatory disqualifying offence means—

- (a) an offence against a law of any jurisdiction, an external Territory or foreign country—
 - (i) involving dishonesty, bribery, misrepresentation, blackmail, or actual or threatened violence; or
 - (ii) of a sexual nature; or

- (iii) involving the use or possession, or the supply to someone else, of a drug; or
- (b) an offence against a law of any jurisdiction, an external Territory or foreign country for which a person is sentenced to imprisonment.

motor vehicle—see the Act, dictionary.

multiple hiring, of a taxi, means a hiring under regulation 141.

noncompliance notice—see regulation 175 (1).

operate a public passenger vehicle includes drive a public passenger vehicle.

public passenger service—see the Act, section 10.

public passenger vehicle—see the Act, dictionary.

public vehicle licence—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

public vehicle policy—see the *Road Transport (General) Act 1999*, section 218.

recording, for a security camera, includes the storage of digital information from which an image can be produced.

registration number, for a vehicle—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

regular route service—see the Act, section 12.

regulated service—see regulation 6.

relevant person—see regulation 6.

restricted taxi—see the Act, section 46.

restricted taxi licence—see the Act, section 38.

restricted taxi service—see the Act, section 48.

road—see the Act, dictionary.

road transport authority—see the Act, dictionary.

road transport legislation—see the *Road Transport (General) Act 1999*, section 6.

security camera includes any device that records images.

service authority, for chapter 5 (Disciplinary action in relation to accreditations and taxi licences)—see regulation 163.

service standard—see schedule 1.

stand-by taxi—see regulation 109.

taxi means—

- (a) see the Act, section 45; and
- (b) includes a restricted taxi and a stand-by taxi.

taxi booking service—see the Act, section 29.

taxi licence—see the Act, section 37.

taxi network—see the Act, section 28.

taxi service—see section 47.

taxi zone—

- (a) see the Australian Road Rules, rule 182; and
- (b) includes a temporary taxi zone appointed under regulation 123.

time of effect, for a noncompliance notice—see regulation 175 (2) (b).

tour and charter service—see the Act, section 13.

vehicle standards—see the *Road Transport (Vehicle Registration) Regulations 2000*, schedule 1.

wheelchair—see the Australian Road Rules, dictionary.

wheelchair accessible taxi means a taxi with wheelchair access.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnotes.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
num = numbered	sdiv = subdivision
No = number	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced

Endnotes

3 Legislation history

3 Legislation history

Road Transport (Public Passenger Services) Regulations 2002 SL No 3

notified LR 27 February 2002

reg 1, reg 2 commenced 27 February 2002 (LA s 75)

reg 132 (4) commences 1 March 2003 (reg 2 (2))

remainder commenced 1 March 2002 (reg 2 (1) and see CN 2002 No 2)

4 Amendment history

Notes

reg 4 reg 4 (2), bracketed notes in reg 4 (2) and reg 4 (3) exp 31 December 2002 (reg 4 (3))

Drivers of wheelchair accessible taxis to be trained

reg 98 reg (2), reg (3) exp 1 March 2003 (reg 98 (3))

Taxi drivers

div 4.3.2 hdg (prev div 1.1.2 hdg) renum R1 LA

Taxi hirings

div 4.3.3 hdg (prev div 1.1.3 hdg) renum R1 LA

Conduct of taxi passengers

div 4.3.4 hdg (prev div 1.1.4 hdg) renum R1 LA

Other matters relating to taxi services

div 4.3.5 hdg (prev div 1.1.5 hdg) renum R1 LA

Transitional provisions

ch 8 exp 1 March 2003 (reg 186)

5 Uncommenced provision

The following provision has not been included in this republication because it was uncommenced at the republication date:

Road Transport (Public Passenger Services) Regulations 2002 SL No 3 reg 132 (4)
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- (4) Despite subregulation (2) (a), the driver of a wheelchair accessible taxi must not carry a person in the taxi while the person is seated in a motorised wheelchair of a kind known as, or that is similar to, a scooter or tricycle.

Maximum penalty: 10 penalty units.

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