

Drivers

The following is a summary of the requirements under the *Passenger Transport Act 1990*, as amended by the *Passenger Transport Amendment Act 2000*, and the *Passenger Transport (Taxi-cab Services) Regulation 2001* that must be met to become, and remain, a taxi driver in NSW. It must be noted that this information is a guide to the legislation only and attention should be paid to the important note at the foot of each page.

Requirement

A person who drives a taxi must be an authorised taxi driver.

Authorisation

Application

To become an authorised driver, an application must be made to the Department of Transport. Before the Department will authorise a person as a driver, the applicant must:

- Be at least 20 years of age.
- Hold an acceptable driver licence. Driver licences that are not acceptable are a learner licence, probationary licence, provisional licence, restricted licence and driver licence receipt. Conditional licences are also not acceptable unless the only condition is that the holder must wear corrective licences while driving.
- Have either successfully completed a taxi driver training course approved by the Department or have such competence as a taxi driver that the Department considers appropriate.
- Have passed an examination in:
 - Geographical knowledge of the areas in which taxis ply for hire.
 - Medical fitness.
 - Knowledge of the *Passenger Transport (Taxi-cab) Services Regulation 2001*.
 - Both written and oral communication in the English language.
- Be of good repute. It is not explained how this can be proven but it should be noted that applicants to be an operator can prove that they are of good repute by providing references from 2 persons (of a class approved by the Department) who have known the applicant for at least 2 years.
- Be a fit and proper person to drive a taxi. It is not explained how this can be proven but it should be noted that applicants to be an operator can prove that they are fit and proper by declaring in writing details of offences of which the applicant has been convicted in the previous 5 years, and details of alleged offences where proceedings are pending.
- Have sufficient responsibility to drive a taxi in accordance with law and custom.
- Pay an application fee of \$100.

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In addition to the above, if a person wishes to drive a wheelchair accessible taxi (WAT), a Department approved training course in respect of the care and transport of persons with physical disabilities must be successfully completed.

Grant or Refusal of Application

The Department may grant or refuse authorisation to drive a taxi. The standard term for authorisation is currently 3 years.

The authorisation may specify the category or grade of authorisation, and may specify the kind(s) of vehicles for which authorisation has been granted.

Renewal

Unless suspended or cancelled, driver authorisation can be renewed on payment of a fee of \$120.

The Department may require a driver to satisfactorily complete a taxi driver's refresher course prior to renewal of authorisation.

Conditions of Authorisation

Driver authorisation is subject to conditions prescribed in the *Passenger Transport Act 1990* and the *Passenger Transport (Taxi-cab Services) Regulation 2001*. It is also subject to conditions that the Department may impose on the authorisation itself.

The only condition prescribed in the legislation requires drivers to comply with directions given by the network to which the operator, of the taxi being driven, is connected. The directions must be of a kind that the Department's network standards allow to be given.

Variation, Suspension or Cancellation of Authorisation

The Department may vary, suspend or cancel a person's authorisation as a driver. When suspended or cancelled, the authorisation must be returned to the Department.

Authorisation may also be suspended by the Department pending satisfactory completion of a taxi driver's refresher training course.

An authorisation has no effect while a person's driver licence is cancelled or suspended.

Appeals to Administrative Decisions Tribunal

A person may apply to the Administrative Decisions Tribunal for a review of the following decisions by the Department:

- Refusal of an application for driver authorisation.
- Variation of the conditions imposed by the Department on a driver authorisation.
- Suspension or cancellation of driver authorisation.

Driver's Authority and Authorisation Cards – General Provisions

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The Department issues a driver's authority card to authorised taxi drivers. The information on the card includes a photograph of the authorised driver, the authority number, and a card expiry date. The card expires at midnight on the expiry date.

The authority card has no effect while a person's driver licence is cancelled or suspended.

A driver cannot drive a taxi unless the driver's authority card is placed in the authority card holder in the taxi. The authority card must be displayed so that its face can easily be seen by any passenger. It must also be produced by the driver if an authorised officer wishes to inspect it.

It is an offence for any person to:

- Alter or deface a driver's authority or authority card.
- Lend or give a driver's authority or authority card to another person.
- Fraudulently obtain a driver's authority card, or help another person to get an authority card fraudulently.

A driver's authority or authority card that has been altered or defaced is void and may be returned to the Department for replacement. On the return of an authority or authority card, or on proof that an authority or authorisation card has been destroyed, stolen or lost, the Department may issue a duplicate. In such circumstances, the original becomes void.

General Driver Requirements

Drivers must comply with the following summary of general requirements:

- **Change of Address or Name** - drivers must inform the Department in writing of any change of residential address or name of the driver within 7 days of the change. A copy of the written notice must also be given to the operator of each of the taxis that the driver drives.
- **Alleged Offences** - a driver must inform the Department in writing within 7 days of any alleged offence with which the driver is charged by a police officer, and of any penalty notice issued to the driver in respect of an alleged offence that relates to driving a motor vehicle. This does not apply to parking offences.
- **Medical Condition** - a driver must provide the Department with a certificate from a medical practitioner containing the practitioner's assessment of the driver's medical condition. The driver must pay all expenses necessary to obtain a medical certificate and must provide a certificate:
 - Every 36 months up until the driver reaches the age of 60 years.
 - Every 12 months on and after the driver reaching the age of 60 years.

Driver Training

A driver must satisfactorily complete a driver's refresher training course if reasonably required to do so by the Department.

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Drivers and Networks

Drivers must comply with the following summary of requirements in relation to networks:

- **Uniform** – a driver must, at all times when driving a taxi, wear the approved network uniform of the network to which the taxi is connected.
- **Lost Property** – a driver who is given lost property by a passenger or who finds lost property must, within 24 hours of being given or finding the property, give the property to the network with which the taxi is connected. If the taxi is not connected to a network, it must be given to the operator of the taxi or to a police officer at a police station.
- **Taxi Receiver** – a driver must use the taxi's receiver in accordance with the network procedures of the network to which the taxi is connected.
- **Network Rules and By-Laws** – a driver must observe the published rules and by-laws of the network to which the taxi is connected.
- **Network Requests** – a driver must comply with all reasonable requests of the network to which the taxi is connected in relation to providing a public passenger service.

Driver Responsibilities

Driving Taxis

Drivers must comply with the following summary of requirements when driving a taxi:

- **Worksheets** – a driver must enter the following information on a driver's worksheet provided by the taxi's operator:
 - **When beginning a driving shift** – the driver's name, driver licence number and driver's authority card number, and the date and time the shift began.
 - **When beginning a break of 30 minutes or more during a driving shift** – the time the break began.
 - **When ending a break of 30 minutes or more during a driving shift** – the time the break ended.
 - **When ending a driving shift** – a brief description of any faults in the taxi or its equipment that have come to the driver's attention during the shift, and the date and time the shift ended.

A driver must also produce his or her worksheet for the driving shift to an authorised officer if asked to do so. At the end of the shift, the driver must give the completed work sheet to the operator of the taxi.

- **Clean Taxi** – a driver must keep the taxi clean and tidy.
- **Non-compliance Notices** – a driver must not drive a taxi if the expiry date or expiry time of a non-compliance notice affixed to a taxi has passed, or if the driver is aware that a non-compliance notice has been illegally removed from the taxi.

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- **Advertising** – a driver must not display or allow advertisements to be displayed on or in a taxi unless the Department has approved the advertisement.
- **Smoking, Eating and Drinking** – a driver must not smoke tobacco or any other substance in a taxi **at any time** . It does not matter whether the taxi is or is not being driven for hire. A driver must not eat or drink in a taxi while the taxi is hired or available for hire unless he or she needs to do so for medical reasons.
- **Dress and Conduct**– a driver must:
 - Be clean and tidy, and wear clean and tidy clothes when driving a taxi for hire.
 - Behave in an orderly and polite manner towards any passenger, intending passenger, the driver of another taxi, or authorised officer.
 - Comply with all reasonable requirements of a passenger.
- **Remain with Taxi** – a driver must not move more than 3 metres from a taxi without a reasonable excuse.
- **Taxi Zones** – a driver must:
 - Not allow a taxi to stand in a taxi zone if the taxi is hired or not available for hire.
 - Place and keep a taxi in the first available vacant position in a taxi zone that has positions for 2 or more taxis. This does not apply if the driver is directed not to do so by an authorised officer or if the taxi zone has angle or parallel parking.
 - Use temporary taxi zones if directed to do so by a police officer. A police officer may create temporary taxi zones where ever taxi cabs are congregated.
 - Not allow a taxi to leave a taxi zone, or leave any other place where passengers are picked up or set down, in contravention of a direction from an authorised officer.

In addition to the above, if there is more than one taxi in a taxi zone, the first taxi has the right to a hiring unless the passenger selects a particular taxi.

A driver may also set down a passenger in a taxi zone but only if the taxi occupies the last available vacant position in the taxi zone.

- **Standing a Taxi in Places Other than a Taxi Zone** – a driver must not allow a taxi to stand in any place other than a taxi zone unless:
 - Loading or unloading luggage or goods.
 - Taking up or setting down passengers.
 - Hired or not available for hire.
 - With the permission of, or directed by, a police officer.
- **Destination Signs** – a taxi that is available for hire may display a Department approved destination sign showing the name of the place where the driver is going, **but**
 - the sign can only be displayed between 1.30 am and 4.30 am or between 12.30 pm and 4.30 pm;
and
 - the driver must be driving the taxi in the direction of the place shown on the sign for the purpose of finishing a driving shift.

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New South Wales Taxi Council
Summary of Taxi Driver Legislative Requirements

- Once a destination sign is displayed in a taxi, the driver of the taxi must drive in the direction of the destination shown on the sign. The sign must be removed when the taxi is hired, on arrival at the destination, or at 4.30 am or 4.30 pm whichever occurs first.

Hirings and Passengers

Drivers must comply with the following summary of requirements in relation to hirings and passengers:

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- **Touting** – a driver must not:
 - Tout or solicit for passengers, or for a hiring of a taxi.
 - Use another person (including an employee, agent or contractor) to tout or solicit for passengers, or for a hiring of a taxi.

- **Carriage of Goods and Animals** – a driver must, when requested by a hirer, carry any luggage or goods in or on a taxi. A driver must not, however, allow a person to carry in or on the taxi:
 - Any article that is of such size or has such dimensions that it would inconvenience or be dangerous to another person. In addition, any goods (except luggage) that are of an aggregate weight of more than 25 kg are not to be carried in any part of the taxi usually used to carry passengers.
 - Any animal or bird – **except for an assistance animal or an assistance animal in training** - unless it is suitably confined in a container.

A driver must not refuse to carry an assistance animal or an assistance animal in training.

Luggage or goods are only to be carried on the roof of a taxi with the hirer's agreement.

A driver must offer reasonable assistance in loading and removing luggage or goods from and to the entrance of the place (for example a house, station, wharf) where the hiring starts or finishes. Care must be taken with and of all luggage and goods. Luggage or goods that are removed by a driver must be promptly delivered in the condition that the driver received them.

- **Acceptance and Refusal of Hirings** – a driver of a taxi available for hire must immediately accept a hiring. A driver may refuse a hiring and may also end a hiring if:
 - The number of intending passengers in the taxi would be more than the number of passengers that can be carried.
 - It means that the driver would contravene the requirements in relation to the carriage of animals and birds (see above).
 - The taxi is displaying a destination sign and the intending passenger wishes to go to a location that is not on the way to the destination shown on the sign.
 - The intending passenger wishes to go to a location outside the taxi's area of operations.
 - The intending passenger is smoking, eating or drinking, and refuses to stop doing so. A passenger may eat and drink in a taxi for medical reasons.
 - In the opinion of the driver or an authorised officer, the intending passenger's body, clothing or luggage (or anything else carried by the intending passenger) may soil or damage the taxi or the clothing of other passenger, or it is of such a size that it cannot be carried in the taxi without inconveniencing other passengers.
 - In the opinion of the driver or an authorised officer, the intending passenger is causing or likely to cause a nuisance or annoyance to the driver or other passengers.
 - One of the intending passengers is under the age of 1 year and neither the driver nor any other intending passenger has a child restraint.
 - The intending passenger cannot satisfy the driver that he or she can pay the estimated fare.

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- **Police Officer Direction** – even though a driver can refuse a hiring for any of the reasons above, a police officer can still direct a taxi driver to accept a hiring in any of those circumstances. In such circumstances, a driver must carry out the hiring unless there is a reasonable excuse for not doing so. The police officer is also liable to pay the driver, in addition to the authorised fare, reasonable compensation for any damage, injury, and loss of time or anything else of detriment that occurs as a result of the hiring.

A police officer may not direct a driver to accept a hiring if it means that the driver commits an offence. The exception to this is if the direction results in the driver carrying out a hiring which he or she would normally be prohibited from doing under the *Passenger Transport (Taxi-cab Services) Regulation 2001*. In this case, the driver is exempt from the relevant provision.

- **Manner in Which a Hiring must be Carried Out** – a driver must:
 - Accept and punctually carry out any hiring that is accepted.
 - Drive the taxi by the shortest practicable route to the place requested by the hirer unless the place is not in the taxi's area of operations, or the hirer requests that another route be taken.
 - Comply with a request from the hirer of a taxi, at any time during the hiring, to go to any place within the taxi's area of operations even though the hirer did not originally specify that place. A driver may refuse the request if he or she has a reasonable excuse.
 - Stop a taxi close to and parallel with the side of a road when setting down and picking up passengers. The taxi must not be stopped in any other manner.
 - Refuse to stop a taxi at any place at which stopping the taxi would be unlawful. A driver may also refuse to stop a taxi at any place where he or she believes that stopping the taxi would be unsafe.
- **Air Conditioning** – a driver must put a taxi's air conditioning on if requested to do so by a hirer.
- **Journey to Pick-up Point** – if a taxi travels to a specified place to pick up a hirer or a hirer's luggage or goods, a driver must:
 - Personally advise the hirer when the taxi has arrived or arrange for the hirer to be advised by telephone.
 - Start the taxi meter only when the hiring starts.

Unless the hirer and the driver otherwise agree, the hiring is to start at the time that the taxi arrives at the specified place **and** the hirer has been advised of its arrival, **or** it is the time that the taxi was requested to be at that place, whichever of those times is later.

Whilst a taxi is travelling to a specified place to pick up a hirer or a hirer's luggage or goods, the taxi is to be considered to be hired and not available for hire.

- **Waiting** – if a hirer asks a driver to wait, the driver must wait for at least 15 minutes unless a shorter or longer period has been agreed, in which case the driver must wait for the agreed period. A driver may refuse to wait unless the hirer pays the fare to that point and the fare for the waiting time.

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- **Instruction to Return** – if, at the end of a hiring, a hirer requests that a driver return to the place at a later time to pick the hirer up, the driver does not have to accept the request.

- **Termination of Hiring**

A hirer may end a hiring at any time.

A driver may end a hiring as follows:

- On any of the grounds that a driver can refuse a hiring (see above).
- If a passenger behaves in an offensive manner or uses offensive language.
- If any passenger who is 16 years of age or younger is not wearing a seat belt or other restraint that is properly adjusted and securely fastened.

If a driver ends a hiring for any of these reasons, the hirer must, on demand, pay the fare to the place the hiring was ended.

- **Direction to a Person to Leave a Taxi** – a driver may direct a person to leave a taxi if, in the opinion of the driver, the person is in the taxi and:

- Behaving in an offensive manner or using offensive language.
- Smoking, eating or drinking (a person may eat or drink for medical reasons).
- Has any animal or bird (with the exception of an assistance animal that is trained or in training) that is not properly confined in a box or other suitable container.
- His or her body, clothing or luggage is likely to soil or damage the taxi, or the clothing or luggage of other passengers.
- His or her body, clothing or luggage is of such a size that it cannot be carried in the taxi without inconveniencing other passengers.
- Causing a nuisance or annoyance to the driver or other passengers.

- **Additional Passengers** - if a taxi is hired, a driver must:

- Not allow any person to ride in the taxi without the agreement of the hirer.
- Do anything or allow anything to be done that would result in a person riding in the taxi without the agreement of the hirer.

- **Sharing of Taxis** – a driver must comply with a request from a hirer to allow other persons to share the taxi, and drive the other person(s) to their destination(s) before going to the hirer's destination. In such circumstances, the driver must only demand payment from the hirer and not from any of the other passengers.

- **Multiple Hiring of Taxis** – a driver may accept separate hirings from 2 or more persons at the same time **but** only if all the hirers start the hiring at the same time **and** each hirer agrees to the other hirings **and** all the hirers are travelling to destinations in the same locality or are travelling in the same general direction.

- **Taxi Meter** – a driver must start the meter in a taxi as soon as the taxi is hired and not before. The meter must be kept going throughout the hiring except when:

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- a hirer in a multiple hire is paying the fare for his or her hire and getting out of the taxi; or
- the taxi is delayed because of a fuel shortage, an accident to the taxi, a mechanical or tyre problem, or anything else that the driver cannot prevent.

At the end of the hiring (except for a hiring that is not the last hiring of a multiple hire), the meter must be reset to zero.

Before receiving payment for a hiring, a driver must allow the hirer to read the amount on the meter, and must also state the amount of any extra charges for items such as booking fees, tolls and luggage.

- **Fares** – a driver must:

- Not demand more than the authorised fare for any hiring unless the taxi is hired to take a passenger to a place outside the taxi's area of operations, or the taxi is a maxi-cab hired to carry more than 5 passengers. In these cases, the fare is to be negotiated and agreed with the hirer before the start of the journey.
- Not cause or allow the taxi-meter to display the night-time surcharge rate at a time when that rate does not apply.
- Offer the correct change if given money of greater value than the fare for the journey.
- Not demand the amount of any fare charged when the taxi is delayed because of a fuel shortage, an accident to the taxi, a mechanical or tyre problem, or anything else that the driver cannot prevent.

If a passenger soils a taxi so that it is no longer clean and tidy, a driver may charge a cleaning fee equivalent to one hour of the waiting time fee. The hirer must pay the fee.

Wheelchair Accessible Taxi (WAT) Driver Responsibilities

In addition to the above summary of driver responsibilities, drivers of WATs must comply with the following summary of requirements:

- **Training** - if a person wishes to drive a WAT, a Department approved training course in respect of the care and transport of persons with physical disabilities must be successfully completed. The Department's requirements for refresher training that may apply on renewal or suspension of a driver authority, or when ever the Department thinks is reasonable, also apply to training courses that must be successfully completed in order to drive a WAT.

On successful completion of an approved training course, a person must ensure that the Department is notified of the successful completion within 7 days.

- **Driver's Authority Card** – when driving a WAT, a driver must display a WAT driver's authority card.
- **Priority to Person using a Wheelchair** – a driver of a WAT 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. This applies even though the driver may have already

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accepted a hiring from a passenger not using a wheelchair, but only as long as none of the intending passengers are seated in the taxi.

- **Attachment of Wheelchair** – a driver of a WAT carrying a person using a wheelchair must ensure that the wheelchair is safely and securely attached to the taxi through out the hiring.
- **Taxi Meter** – the hiring of a WAT by a person using a wheelchair ends (unless terminated sooner) when the taxi stops at the hirer's destination, and a driver must stop the taxi meter at this point. The driver must not demand payment for any period during which the wheelchair is released from its attachments in the taxi, nor for any period that the driver may assist the hirer from the taxi to a place at the hirer's destination.
- **Receipts** – a driver of a WAT must provide a receipt on receiving payment of the fare for the hiring of the taxi by a person using a wheelchair.

Offences

Under both the *Passenger Transport Act 1990* and the *Passenger Transport (Taxi-cab Services) Regulation 2001*, there are offences for failing to comply with most of the above requirements. Action that may be taken by the Department, depending on the offence, includes administrative action such as cancellation or suspension of authorisation, court action or issue of a penalty notice. The maximum fines that can be awarded by a court to a person driving a taxi range from \$11,000 down to \$550 depending on the offence.

The maximum penalties that can be issued with a penalty notice to a person driving a taxi range from \$500 down to \$75 depending on the offence.

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