

Operators

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 operator 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

Any person who provides a public passenger service with one or more taxis in NSW must:

- Be an accredited operator.
- Only use a taxi or taxis that are licensed.
- Be affiliated with a taxi network unless exempted by the NSW Department of Transport.
- Provide the services in accordance with the person's accreditation as an operator.
- Provide the services in accordance with any relevant terms and conditions of the taxi licence.

Accreditation

Application

To become an accredited operator, an application must be made to the Department of Transport. Before accrediting a person as an operator, the Department will require the applicant to satisfy certain requirements:

- The applicant must be of good repute. This can be provided in the form of references from 2 persons (of a class approved by the Department) who have known the applicant for at least 2 years.

If the applicant is a corporation, the designated directors or managers of the corporation must be of good repute. (For a director or a manager of a corporation to become "designated", a corporation can nominate any of its directors and managers to the Department to become "designated". They become "designated" once the Department certifies acceptance of the nomination(s).)

- The applicant must be a fit and proper person to provide a taxi service. Applicants will be required to declare in writing that they are aware that accreditation may be refused (in some cases, will be refused) by the Department if the applicant has been disqualified or been the subject of certain proceedings under the Commonwealth *Corporations Act 2001*. Applicants will also be required to declare 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.
- The applicant must demonstrate the knowledge and competence to provide a taxi service. This includes satisfying the Department of knowledge about:
 - Relevant provisions of the *Passenger Transport Act 1990* and *Passenger Transport (Taxi-cab Services) Regulation 2001*.
 - Other traffic laws.

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- Laws about the bailment of vehicles.
- Relevant provisions of the *Occupational Health and Safety Act 2000*.

A Department approved operator's training course must also be successfully completed.

- The applicant must be financially capable of providing a taxi service. This can be proved by providing the Department with a signed statement from a qualified accountant, on the accountant's business letterhead, containing:
 - A report on the applicant's financial capacity to carry on taxi services with specific reference to the applicant's financial ability to meet the legal requirements as to vehicle maintenance and roadworthiness; the safety of drivers, passengers and the public; and the operation of a business.
 - A statement as to the number of taxis that can be accommodated by the proposed taxi service.
 - A statement of the accountant's opinion as to the solvency and financial standing of the corporation (where the applicant is a corporation).
- The applicant must have access to adequate maintenance facilities for the taxis. The Department must be provided with full details of:
 - The location where the taxis will be kept when not available for hire.
 - Where the taxis will be maintained and repaired.
 - The repairer's licence of the person who will be carrying out the repairs and for the premises where the repairs will be carried out.
 - The name, address and telephone numbers of the repairer if that person is not the applicant.
- The applicant must pay an application fee of \$100.

Grant or Refusal of Application

The Department may grant or refuse operator accreditation. Accreditation may be given generally or limited to certain types of taxi operation specified in the accreditation document. The standard term for accreditation is currently 12 months.

Renewal

Unless suspended or cancelled, accreditation can be renewed on payment of a fee. This fee must be paid before the current accreditation period has expired. The fee paid by each operator will vary depending on the number of taxis managed as at an "assessment date" determined by the Department. In summary the cost of accreditation renewal is:

- **Where an operator manages taxis:** \$5 for each week that the accreditation has been in force, multiplied by the number of taxis managed by the operator on the "assessment date". If the accreditation has been in force for a full year, this equates to \$260 per taxi.
- **Where an operator manages no taxis as at the "assessment date":** \$260.

The Department may require an operator to satisfactorily complete a taxi operator's refresher course prior to renewal of accreditation.

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Conditions of Accreditation

Operator accreditation 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 accreditation itself.

In summary, the conditions prescribed in the legislation require operators to:

- Comply with any operator service standards that the Department may determine.
- Ensure that vehicles used as taxis at all times comply with the legal requirements relating to registration, and vehicle safety and roadworthiness.
- Ensure that persons who drive the taxis are authorised taxi drivers and have an appropriate driver licence.
- Take part in any driver monitoring program run by the taxi network to which the operator is affiliated.
- Make and keep, for at least 2 years, records about the roadworthiness of the taxis. These records must be in the form of a detailed roadworthiness assurance plan or system. Such a plan or system must be consistent with the taxi manufacturer's maintenance standards and with the Roadworthiness Assurance Guidelines published by the Department. It must also specify the steps taken to ensure that the taxis are roadworthy, specify the way that the taxis are maintained, and be capable of being audited.
- Maintain a cleaning program to ensure that the interior, exterior and fittings of each taxi are clean, undamaged and in good condition.
- Inform the Department in writing of the registration number of each taxi.
- Inform the Department in writing of:
 - Any change in registration number of a taxi – within 48 hours of the change.
 - A change of address of the premises from where the taxi service is being carried out – within 7 days of the change.
 - A change of address of the premises where the taxis are kept – within 7 days of the change.
 - Any change of residential address or name of the operator – within 7 days of the change. (Note: this is not a prescribed condition of being an operator but a regulatory requirement. It is included in this section for ease of reference.)
- In a case where the operator is a corporation, ensure that only a designated director or manager manages the day-to-day operations of the taxi service provided by the corporation. An exception is allowed for a person appointed, under any other law, to manage the affairs of the corporation.

Variation, Suspension or Cancellation of Accreditation

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The Department may vary, suspend or cancel a person's accreditation as an operator. The accreditation of a corporation is automatically cancelled where there is no designated director or manager. When suspended or cancelled, the accreditation must be returned to the Department.

Accreditation may also be suspended by the Department pending satisfactory completion of a taxi operator's refresher course.

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 operator accreditation.
- Variation of the conditions imposed by the Department on an operator accreditation.
- Suspension or cancellation of operator accreditation.

Operator Training

An operator must satisfactorily complete an operator's refresher training course if reasonably required to do so by the Department.

Operator and Licence Holder

If an operator is leasing or sub-leasing a taxi licence, the requirements of the *Passenger Transport Act 1990* and the *Passenger Transport (Taxi-cab Services) Regulation 2001* that apply to the licence holder also apply to the operator. The summary of requirements that apply to a licence holder should therefore be read in addition to these requirements.

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Operator Responsibilities for Taxis and Drivers

Affiliation with a Network

Operators must ensure that arrangements are in place with a taxi network for the provision of a taxi booking service to their taxis. The taxis must also be fitted with a receiver, in good working order, to receive messages from the network.

The Department may exempt operators from these requirements.

If affiliated with a network, an operator must ensure that all taxis are fitted with the decals of the network and painted in the colours of the network. The operator must also provide approved network uniforms for drivers.

Accommodation Standard

Operators must ensure that their taxis comply with the following summary of accommodation requirements:

- With the exception of a maxi-cab and a wheel chair accessible taxi (WAT), taxis must be able to seat the driver and at least 4 and no more than 11 other adults.
 - Maxi-cabs must be able to seat the driver and at least 6 and no more than 11 other adults.
 - With the exception of a WAT, taxis must have at least 4 side doors.
 - The distance between the back of one seat and the front of the seat behind it must be at least 180 mm when the rear seat is unoccupied. Any driver screen in the taxi can be ignored for the purpose of measuring this distance.
 - Each seat must be adequate when assessed in accordance with section 7.2 of the *Single Uniform Type Inspection (SUTI) Manual for Third Edition Australian Design Rules* as published in January 1988 by the Australian Motor Vehicle Certification Board.
 - A station wagon must not have a seat installed in the part of the vehicle designed or intended for the carriage of goods. The exceptions to this rule are if:
 - The seat was installed when the vehicle was manufactured.
- Or
- The station wagon had the seat installed **and** it was being used as a taxi prior to 1 September 2001.

Age of Taxis

Operators must ensure that their taxis comply with the maximum age requirements in table 1.

Table 1 – Maximum age requirements for taxis

	Maximum age - all taxis (other than WATs (Note	Maximum age – WATs (Note 1)
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Metropolitan transport district	6 years old (Note 2)	10 years old (Note 2)
All areas of NSW other than the Metropolitan transport district	8 years old (Note 2)	10 years old (Note 2)

Notes:

1. **WAT** = Wheel chair accessible taxi.
2. **The age of a vehicle** is measured from 6 months after the date on which the **first** of the following occurs: an identification plate is fitted to the vehicle **or** an operations plate is installed in the vehicle **or** a certificate of approved operations is issued for the vehicle.

The Department may approve an extension to the above maximum age requirements.

Taxi Meters

Operators must ensure that each taxi is fitted with a taxi meter that complies with the Department's taxi meter standards. The Department can exempt a taxi from this requirement.

All fares and other figures displayed on the meter must be clearly visible at all times to all persons in the taxi. This applies to both the meter and any auxiliary display unit attached to the meter.

It is an offence for any person to interfere with, or allow any interference with, a taxi meter fitted to a taxi, any seal attached to the meter, or any part of the mechanism controlling the meter so that the meter does not work properly.

Signs and Lights

Operators must ensure that their taxis are fitted with signs and lights as follows:

- **All taxis**
 - A roof sign made of opaque plastic enclosing a white lamp and displaying the word "TAXI" on the front and back of the sign in black capital letters at least 70 mm high.
 - An amber lamp on the top of the roof sign. The light from the lamp must be capable of being clearly seen in daylight at a distance of 40 metres.
- **Taxis in urban areas** (urban areas are specified by the Department)
 - A red lamp on the rear face of the roof sign (the Department may approve other positions). The light from the lamp must not be visible from the front of the taxi. It must be capable of being clearly seen in daylight from the rear of the taxi at a distance of 40 metres at any point within an arc of 90 degrees (45 degrees on either side of the taxi) extending from the middle of the roof of the taxi.
 - This requirement does not apply to a taxi that has been exempted by the Department from having a taxi meter fitted.
- **Taxis fitted with taxi meters**

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The roof sign lamp, the red lamp and the amber lamp must all be wired to the taxi meter so that they are on or off as follows:

- *Taxi not for hire* – all lamps off.
- *Taxi available for hire* – roof sign lamp and amber lamp on; red lamp off.
- *Taxi hired* – roof sign and amber lamp off. The red lamp is to be on if the meter is calculating the fare at the night time surcharge rate.

- **Taxis exempted from being fitted with a taxi meter**

The roof sign lamp and the amber lamp must both be wired to the taxi meter so that they are on or off as follows:

- *Taxi not for hire* – both lamps off.
- *Taxi available for hire* – both lamps on.
- *Taxi hired* – both lamps off.

It is an offence for a person to deliberately interfere (or cause or allow any interference) with any of the equipment needed by a taxi to comply with these sign and light requirements.

Security, Vehicle Tracking and Driver Protection Devices

Operators must ensure that their taxis comply with the security, vehicle tracking and driver protection device requirements in table 2.

Table 2 – Taxi security, vehicle tracking, and driver protection device requirements

Column 1	Column 2		Column 3	
	Taxis operating in the Metropolitan, Newcastle or Wollongong transport districts, or in the Gosford or Wyong LGA (Note 1)		Taxis operating in areas other than those listed in Column 2	
	<i>Taxi connected to network</i>	<i>Taxi exempt from connection to network</i>	<i>Taxi connected to network</i>	<i>Taxi exempt from connection to network</i>
Security device (Note 2)	✓		✓	
Lock release device (Note 3)	✓ -only taxis with a fully enclosed boot compartment			
Vehicle tracking device (Note 4)	✓			
Driver protection screen (Note 5) or security camera system (Note 6)	✓			
Driver protection screen (Note 5)		✓		

Notes:

✓ means that the taxi must be fitted with the device listed in Column 1

1. **LGA** means local government area
2. **Security device** is an alarm that the driver can use in a discreet manner to notify the network where the driver is. The device must be of a kind declared to be a security device by the Department.
3. **The lock release device** must enable the boot compartment to be opened from the inside of the compartment. It must also have a distinctive coloured and easily accessible handle and must not be able to be made inoperable from outside the compartment when the boot is closed.
4. **Vehicle tracking device** is a device that can be used by a network to follow the location of a taxi. Devices must comply with the Department's requirements.
5. **Driver protection screen** is a screen designed to protect the driver from attack from behind. Screens must comply with the Department's requirements.
6. **Security camera system** is a system that records images of persons in and around a taxi. Systems must comply with the Department's requirements.

It is an offence for any person to deliberately interfere (or cause or allow interference) with any vehicle tracking device, driver protection screen, or security camera system so that it does not work properly.

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Insurance

Operators must comply with the following insurance requirements:

- One or more insurance policies must be maintained that:
 - Provide cover of at least \$5,000,000 against liability for damage to property caused by or arising out of the use of the taxi.
- And**
- Indemnify the driver of a taxi in relation to any damage (including any excess payable on a claim) arising out of the use of the taxi.
- Evidence that the policy or policies is current must be carried in the taxi(s) at all times.

Records

Operators must comply with the following record requirements:

- **In relation to drivers**
 - Keep a record in written or electronic form of the following details for each person who drives a taxi for hire: the person's full name and residential address, the dates and times the taxi was driven by the person, and the person's driver authority number.
 - Provide each person who drives a taxi for hire with blank drivers' worksheets of a kind approved by the Department.
- **In relation to taxis**
 - Keep in English any record that is required to be kept by the operator by the *Passenger Transport Act 1990* or the *Passenger Transport (taxi-cab) Services Regulation 2001*. This includes driver worksheets handed to the operator.
 - The records must be kept for at least 2 years after the date of the last entry.
 - Provide the records for inspection to an authorised officer or the Department if required to do so.

Stand-by Taxis

A stand-by taxi is a motor vehicle that is being operated in place of a taxi that is out of operation while being repaired or serviced. Operators must comply with the following requirements in relation to stand-by taxis:

- The stand-by taxi must:
 - Display the number plates allocated to the taxi being replaced.
 - Be registered and, in addition to the taxi number plates, display its usual number plates (ie. those that have been allocated to the vehicle as a result of its registration).
 - Display a sign with the words "STAND-BY TAXI" so that it is clearly visible from the front of the stand-by taxi.

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- Have complied, at the time of its last registration, with any RTA standards for taxis.
- If the stand-by taxi replaces a taxi connected to a network:
 - The network must be informed of the intention to operate the stand-by taxi before doing so.
 - The stand-by taxi must be fitted with the decals of the network and painted in the colours of the network, and be driven by a driver wearing the approved network uniform.
 - The stand-by taxi must be fitted with a network receiver, vehicle tracking device and security device. This only applies to the extent that the replaced taxi was required to be fitted with such devices.
- All other legal provisions relating to the operation of a taxi and which are summarised in this document.

General Requirements

Other requirements that operators must ensure their taxis comply with are:

- **Air-conditioning** – taxis must be fitted with an air-conditioning system that is fully working and in good repair.
- **Taxi condition** – the interior, exterior and fittings of a taxi driven for hire must be clean, undamaged, securely fitted, in good condition and fully working.
- **Information in taxis** – the following information must be displayed in taxis which are in use:
 - A summary of the rights and obligations of the hirer.
 - Brief details (including phone number) on how to make a complaint about taxi services.
 - The maximum fares and charges.
 - The maximum number of passengers that can be carried.
 - A summary of the obligations of the driver.
 - The registration number of the taxi. (In the case of a stand-by taxi, this would be the normal registration number of the vehicle).

The information must be displayed where it can be easily read by any passenger, and must be in a form approved by the Department.

- **RTA certificate of inspection** – the current certificate of inspection must be prominently affixed next to the taxi's registration label.
- **Child restraint anchorage bolts** – the taxi must be fitted with a child restraint anchorage bolt or bolts that can secure any child restraint.
- **Taxi registration details** – with effect from 1 January 2002, a taxi in the Metropolitan transport district must display the taxi's registration number (as shown on the taxi's number plates) on both the front nearside and offside panels of the taxi. The numbers must be as far back as possible, be in numbers at least 50 mm high, and be clearly readable at a distance of 5 metres.

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This requirement does not apply to a stand-by taxi.

- **Advertisements** – advertisements cannot be displayed on or in a taxi unless the Department has approved the advertisement and its location.
- **Advertising** – a commercial service involving the operation of a vehicle as a taxi must not be advertised if the operator is not accredited or the vehicle is not licensed as a taxi.
- **Alteration of a taxi** – if a taxi is altered in respect of any particulars contained in the licence for the taxi, the Department must be informed in writing of the alterations within 7 days.
- **Non-compliance notices** – a taxi must not be allowed to be driven if the expiry date or expiry time of a non-compliance notice affixed to a taxi has passed, or a non-compliance notice has been illegally removed from the taxi.
- **Driver's authority card holders** – a driver's authority card holder must be fitted inside a taxi so that any passenger in the taxi can easily see the face on a driver's authority card.
- **Taxi number plates** – if a taxi licence is cancelled, or suspended for more than 28 days, or ceases to be in force, the taxi number plates must be returned to the RTA or the NSW Police Service within 7 days of the cancellation, suspension or discontinuation taking effect. The Department may direct in writing that other action is to occur.

Wheelchair Accessible Taxi (WAT) Operator Responsibilities

In addition to the above summary of operator responsibilities, an operator of a WAT must comply with the following summary of requirements and ensure that the WAT:

- Is capable of being fitted with a child restraint.
- Carries a child restraint at all times when it is available for hire.
- Is driven by only 1 person between the hours of 12 midday and 5 pm on any day.
- Is driven only by a driver who has successfully completed a training course in respect of the care and transport of persons with physical disabilities.
- Is no more than 10 years old. The age of a vehicle is measured from 6 months after the date on which the **first** of the following occurs: an identification plate is fitted to the vehicle **or** an operations plate is installed in the vehicle **or** a certificate of approved operations is issued for the vehicle. The Department may approve an extension to the maximum age requirement.

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, include administrative

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action such as cancellation or suspension of accreditation, court action or issue of a penalty notice. The maximum fines that can be awarded by a court to an operator range from \$110,000 down to \$550 depending on the offence.

The maximum penalties that can be issued to an operator with a penalty notice range from \$1,000 down to \$150 depending on the offence.

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