

Taxi Passengers

The following is a summary of the requirements and rights under the *Passenger Transport (Taxi-cab Services) Regulation 2001* that apply to taxi hirers and passengers 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.

Passenger Requirements

Offensive Behaviour

A passenger must not behave in an offensive manner or use offensive language in a taxi.

Smoking, Eating and Drinking

A passenger must not:

- Smoke tobacco or any other substance in a taxi. Smoke includes being in possession of a lighted cigarette, cigar, pipe or similar item.
- Eat or drink in a taxi. Eating and drinking in a taxi is allowed for medical reasons.

Animals

A passenger must not take into a taxi 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.

Luggage and Soiled Clothing

If, in the opinion of the taxi driver or an authorised officer such as a police officer or officer of the NSW Department of Transport, a person's:

- body, clothing or luggage is likely to soil or damage the taxi, or the clothing or luggage of other passengers; or
- body, clothing or luggage is of such a size that it cannot be carried in the taxi without inconveniencing other passengers,

the driver or authorised officer can direct the person not to enter or to leave the taxi. A person must comply with such a direction.

Passengers Causing a Nuisance

If, in the opinion of the taxi driver or an authorised officer such as a police officer or officer of the Department of Transport, a passenger or intending passenger is causing, or likely to cause, a nuisance or annoyance to the driver or other passengers, the driver or authorised officer can direct the person not to enter or to leave the taxi. A person must comply with such a direction.

Directed to Leave Taxi

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A taxi driver or an authorised officer such as a police officer or officer of the Department of Transport, may direct a passenger to leave a taxi if the driver or authorised officer believes that the person has committed one of the above offences. A person must comply with such a direction.

Lost Property

A passenger who finds any article in or on a taxi must return it to its owner or give it to the taxi driver.

Offences

Under the *Passenger Transport (Taxi-cab Services) Regulation 2001*, there are offences for passengers failing to comply with the above requirements. Action that may be taken, depending on the offence, includes court action or issue of a penalty notice.

Rights as a Hirer

Taxi drivers are required to comply with the following summary of requirements in relation to hirings and passengers:

- **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.

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- 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.
- **Priority to Person using a Wheelchair** – a driver of a wheelchair accessible taxi 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 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 wheelchair accessible taxi carrying a person using a wheelchair must ensure that the wheelchair is safely and securely attached to the taxi throughout the hiring.
 - **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.
 - **Stopping a Taxi** – a driver cannot stop a taxi in any place that a hirer requests. Hirers of taxis should note that a driver must:
 - 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.

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- **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.
- **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.

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- **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:
 - 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.

The hiring of a wheelchair accessible taxi 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.

- **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.

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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.

- **Receipts** – a driver of a wheelchair accessible taxi 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 drivers 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.

There are also some offences for hirers failing to comply with the above requirements that apply to hirers. Action that may be taken, depending on the offence, includes court action or issue of a penalty notice.

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