

1991—No. 637

PASSENGER TRANSPORT ACT 1990—REGULATION

(Relating to quality standards for taxi-cabs and other matters)

NEW SOUTH WALES



[Published in Gazette No. 174 of 13 December 1991]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Passenger Transport Act 1990, has been pleased to make the Regulation set forth hereunder.

BRUCE BAIRD
Minister for Transport.

Commencement

1. This Regulation commences on 13 December 1991.

Amendments

2. The Passenger Transport Regulation 1990 is amended:
 - (a) by omitting clause 7 (1) (g):
 - (b) by inserting after clause 7 the following clause:

Driving training schools

7A. (1) After commencement of this clause, an authority under Division 2 of Part 2 of the Act to drive a taxi-cab cannot be granted to a person who has not successfully completed a taxi-cab driving course approved by the Director-General and conducted by a person or body approved by the Director-General.

(2) This clause does not apply to a person who satisfies the Director-General that he or she has experience as a driver of a taxi-cab to an extent sufficient to warrant the Director-General's dispensing with the requirements of this clause in so far as the person is concerned.

* Incorporates alterations published in correction notice in Gazette No. 180 of 20.12.91, p. 10576.

- (c) by omitting from clause 9 (2) (a) the words “approved by the Director-General and”;
- (d) by inserting after clause 9 the following clause:

Return of authorities

9A. The holder of an authority to drive a public passenger vehicle who has received notice of the variation, cancellation or suspension of the authority must immediately deliver the authority to the Director-General at an address specified in the notice.

Maximum penalty: 5 penalty units.

- (e) by inserting after clause 15 (1) the following subclause:

(1A) The accredited service operator must ensure that, at all times when a taxi-cab is being used to provide a public passenger service, the interior, exterior and fittings of the vehicle (including seats, seat covers and floor coverings and any device required by this Regulation to be fitted to the vehicle) are clean, undamaged and in good repair.

- (f) by omitting clause 50 and by inserting instead the following clause:

Information in taxi-cabs

50. The accredited service operator must ensure that, at all times when a taxi-cab is being used to provide a public passenger service, the following information is displayed inside the taxi-cab in a form approved by the Director-General and in a position where it is easily legible by a passenger:

- (a) a summary of the rights and obligations of the hirer;
- (b) the fares and charges on which the authorised fare for a hiring is calculated;
- (c) the maximum number of passengers that may be carried in the taxi-cab;
- (d) the registration number of the taxi-cab.

Maximum penalty: 2 penalty units.

- (g) by omitting from clause 51 (5) the words “Maximum penalty: 2 penalty units.” and by inserting instead the following matter:

(6) A taxi-cab that is connected to a radio communication network must be fitted with a network decal signal securely mounted on the doors of the vehicle.

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(7) The accredited service operator must ensure that a taxi-cab is fitted with all the equipment necessary for compliance with this clause and that the equipment is properly connected, wired and adjusted.

Maximum penalty: 2 penalty units.

(h) by omitting clause 52 (4) and by inserting instead the following subclause:

(4) Subclause (2) does not apply to a vehicle licensed as a taxi-cab on or before 13 July 1990, until:

(a) 1 June 1992; or

(b) the date on which the licence for the taxi-cab is next transferred after 12 December 1991,

whichever is the earlier.

(i) by inserting after clause 52 the following clause:

Dimensions of taxi-cab

52A. (1) The doors of a vehicle that is used as a taxi-cab must be so constructed that they provide easy means of entrance and exit.

(2) The vehicle must have seating accommodation for at least 4 persons in addition to the driver, and not less than 410 mm space (measured transversely at seat level) for each person. The depth of the seat must not be less than 380 mm.

(3) The accredited service operator must ensure that a taxi-cab complies with this clause.

Maximum penalty: 2 penalty units.

(j) by omitting from clause 53 (1) the word “guidelines” and by inserting instead the word “standards”;

(k) by omitting clause 66 (3);

(l) by inserting in clause 66 (4) after the word “network” where firstly occurring the words “(if any)”;

(m) by inserting after clause 66 the following clauses:

Vehicles to comply with on-road standards when inspected

66A. The accredited service operator must ensure that, at the time any inspection of a taxi-cab is carried out under section 42 of the Act:

(a) the interior, exterior and fittings of the taxi-cab comply in all respects with the requirements of clause 15 (1A); and

(b) the information referred to in clause 50 is displayed in the taxi-cab; and

- (c) the taxi-cab is fitted with a roof sign and lamp of the kind described in clause 51 that are positioned, wired and capable of operation as required by that clause; and
- (d) the taxi-cab is fitted with a taxi-meter of the kind referred clause 53 (1) (unless the taxi-cab is exempted under clause 53 (2)); and
- (e) the taxi-cab is fitted with a network radio unit and with a radio decal sign mounted as referred to in clause 51 (6); and
- (f) the taxi-cab complies in all respects with the requirements of clause 52A; and
- (g) the taxi-cab is fitted with a security device referred to in clause 75 (1) and a lock release device referred to in clause 75 (3).

Maximum penalty: 2 penalty units.

Non-compliance notices

66B. (1) A person carrying out an inspection of a taxi-cab under section 42 of the Act may serve a notice (a “non-compliance notice”) on the accredited service operator if, at the time of inspection, the operator appears to have contravened clause 66A.

(2) A non-compliance notice may be served personally or by post.

(3) The notice is to specify the action necessary to be taken in order that the vehicle might comply with the relevant requirements, and is to specify a reasonable time within which the vehicle is to be presented for further inspection to ascertain whether that action has been taken.

(4) A vehicle that is the subject of a non-compliance notice must not be used to provide a public passenger service until an authorised officer, on further inspection of the vehicle, has certified that the vehicle may be so used.

Maximum penalty: 5 penalty units.

(5) A person must not knowingly drive a vehicle, or allow a vehicle to be driven, in contravention of subclause (4).

Maximum penalty: 5 penalty units.

(6) The issue of a non-compliance notice does not affect the liability of the accredited service operator for the contravention of clause 66A.

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- (n) by inserting after clause 68 (5) the following subclause:
 (6) Police officers are exempt from the provisions of section 57 (2) of the Act.
- (o) by omitting clause 75 (1) and by inserting instead the following subclause:
 (1) The accredited service operator must ensure that a taxi-cab that is connected to a radio communication network is fitted with a security device whereby the driver can in a discreet manner notify his or her whereabouts to the network from anywhere within the licensed area of operation.
- (p) by omitting from clause 75 the words “Maximum penalty: 2 penalty units.” and by inserting instead the following matter:
 (3) The accredited service operator must ensure that a taxi-cab which has a fully enclosed boot compartment is equipped with a lock release device that enables the boot compartment to be opened from within the compartment and that cannot be rendered inoperable from outside the compartment when the boot is closed.
 Maximum penalty: 2 penalty units.
- (q) by inserting in Part 2 of Schedule 1 in appropriate order under the headings Offence and Penalty, respectively, the following matter:
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| Clause 15 (1A) Interior, exterior or fittings of a taxi-cab damaged or not in good repair | 75 |
| Clause 66A Non-compliance on inspection | 75 |
| Clause 75 (1) Operate a taxi without radio alarm device | 200 |
| Clause 75 (3) Operate a taxi without emergency boot-lid release device | 200 |
- (r) by omitting from the matter relating to clause 53 (1) in Part 2 of Schedule 1 the word “guidelines” and by inserting instead the word “standards”.

EXPLANATORY NOTE

The principal object of this Regulation is to amend the Passenger Transport Regulation 1990 so as to make provision with respect to quality standards for taxi-cabs. In particular, the amendments:

- (a) vary the exemption, now applicable to all vehicles registered before 14 July 1990, from the requirement that vehicles must be less than 6 years old in order to be used as taxi-cabs, by providing that the exemption ceases to be available on 1 June 1992 (or sooner, if the licence for the vehicle is transferred); and

- (b) make the operator of a taxi service responsible for ensuring that information required by the Regulation to be displayed in a taxi-cab is displayed; and
- (c) prescribe quality standards for taxi-cabs, including standards relating to:
 - (i) the condition of the interior, exterior, fittings and equipment of taxi-cabs; and
 - (ii) dimensions of the seats of taxi-cabs; and
 - (iii) taxi meters and security devices for taxi-cabs; and
- (d) require a taxi-cab to comply with on-road requirements when the vehicle is produced for an official inspection, and allow a notice to be served on the operator of the taxi service requiring rectification of any matter in respect of which the vehicle does not comply with the requirements of the Regulation.

The Regulation also makes amendments for the following purposes:

- (a) to require new taxi drivers to complete an approved driver training course; and
 - (b) to require a person's authority to drive a public passenger vehicle to be returned to the Director-General of the Department of Transport if it is cancelled, suspended or varied; and
 - (c) to exempt police officers from the requirement to produce, on demand from citizens, proof of their status as authorised officers for the purposes of the Passenger Transport Act 1990.
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