



Australian Capital Territory

# Road Transport (Taxi Services) Regulations 2000

Subordinate Law 2000 No 5

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The Australian Capital Territory Executive makes the following regulations  
under the *Road Transport (General) Act 1999*.

Dated 25 February 2000.

BRENDAN SMYTH  
Minister

GARY HUMPHRIES  
Minister

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# Road Transport (Taxi Services) Regulations 2000

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## CONTENTS

Regulation

### PART 1—PRELIMINARY

- 1 Name of regulations
- 2 Commencement
- 3 Dictionary
- 4 Notes

*Road Transport (Taxi Services) No 5, 2000*

**CONTENTS**—continued

Regulation

**PART 2—OPERATION OF TAXI SERVICES**

*Division 2.1—Taxi operators*

- 5 Taximeters (NSW Reg cl 6 (1)-(5))
- 6 Standards for taximeters (NSW Reg cl 6 (6))
- 7 Airconditioning (NSW Reg cl 7C)
- 8 Condition of taxis (NSW Reg cl 8)
- 9 Information in taxis (NSW Reg cl 9)
- 10 Child restraint anchorages in taxis (NSW Reg cl 10)
- 11 Signs on taxis (NSW Reg cl 11)
- 12 Network decals and livery (NSW Reg cl 11A)
- 13 Stand-by taxis (NSW s 40, NSW Reg cl 12 (3), (3A))
- 14 Operator's obligations for stand-by taxis (NSW Reg cl 12)
- 15 Notification of change in licence particulars (NSW Reg cl 14)
- 16 Noncompliance notices (NSW Reg cl 15)
- 17 Driver to hold appropriate driver licence (NSW Reg cl 8 (1))
- 18 Records of drivers to be made (NSW Reg cl 8 (2))
- 19 Records about operation of taxi to be kept etc (NSW Reg cl 9)
- 20 Arrangements with taxi network etc (NSW s 41 (2)-(3))

*Division 2.2—Taxi drivers*

- 21 Condition of taxis (NSW Reg cl 20)
- 22 Noncompliance notices (NSW Reg cl 21)
- 23 Transport of goods and animals (NSW Reg cl 22)
- 24 Behaviour of drivers (NSW Reg cl 23)
- 25 Dress and conduct of drivers (NSW Reg cl 24)
- 26 Driver to remain in taxi (NSW Reg cl 25)
- 27 Taxi zones (NSW Reg cl 26)
- 28 Use of approved taxi network (NSW Reg cl 28)

**PART 3—TAXI HIRINGS**

- 29 Taxi driver to accept hiring (NSW Reg cl 30)
- 30 Police officer or authorised person may direct driver to accept hiring (NSW Reg cl 31)
- 31 Way in which hiring to be carried out (NSW Reg cl 32 (1)-(2), (4))
- 32 Where taxi driver must stop on a road (NSW Reg cl 32 (3))
- 33 Operation of taxi's airconditioning (NSW Reg cl 32A)
- 34 Journey by taxi to pick-up point (NSW Reg cl 33)
- 35 Transport of luggage and goods (NSW Reg cl 34)
- 36 Driver waiting or instructed to return (NSW Reg cl 35)
- 37 Ending of hiring by hirer (NSW Reg cl 36)
- 38 Ending of hiring by driver (NSW Reg cl 37)
- 39 Fare deposits
- 40 Extra passengers (NSW Reg cl 38)

*Road Transport (Taxi Services) No 5, 2000*

**CONTENTS—continued**

Regulation

- 41 Sharing taxis (NSW Reg cl 38A)
- 42 Multiple hiring of taxis (TPHC reg 37 (1))
- 43 Operation of taximeter by driver (NSW Reg cl 39)
- 44 Taxi fares (NSW Reg cl 40)
- 45 Fares not to be charged for avoidable delays (NSW Reg cl 40 (5))

**PART 4—CONDUCT OF PASSENGERS**

- 46 Offensive behaviour or language (NSW Reg cl 41)
- 47 Animals (NSW Reg cl 43)
- 48 Soiled clothing etc (NSW Reg cl 44)
- 49 Intoxicated passengers (NSW Reg cl 45)
- 50 Offender to get out of taxi when directed (NSW Reg cl 46)
- 51 Removal of people from taxis (NSW Reg cl 47)
- 52 Lost property (NSW Reg cl 48)

**PART 5—ENFORCEMENT**

- 53 Purpose of powers under pt 5 (NSW s 42 (1))
- 54 Power to require records or information (NSW s 42 (1), sch 1 cl 1)
- 55 Power to inspect and test vehicles (NSW s 42 (5) (a), sch 1 cl 4, 5)
- 56 Power to require vehicles or equipment to be inspected and tested (NSW s 42 (5) (b), sch 1 cl 6)

**PART 6—MISCELLANEOUS**

- 57 Taxi network authorities (NSW s 41 (4)-(8))
- 58 Noncompliance notices (NSW Reg cl 52)
- 59 Police officer or authorised person may require name and address (NSW Reg cl 60)

**DICTIONARY**

## PART 1—PRELIMINARY

### 1 Name of regulations

These regulations are the *Road Transport (Taxi Services) Regulations 2000*.

### 2 Commencement

These regulations commence on the commencement of the *Road Transport (General) Act 1999*.

### 3 Dictionary

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

*Note 1* The dictionary at the end of these regulations defines certain words and expressions used in these regulations, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in these regulations or elsewhere in the road transport legislation.

For example, the signpost definition '*public vehicle licence*—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.' means that the expression 'public vehicle licence' is defined in the dictionary to 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 *Interpretation Act 1967*, s 11F and s 11G as applied by the *Subordinate Laws Act 1989*, s 9).

### 4 Notes

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

*Note* See *Interpretation Act 1967*, s 12 (1) and (4)-(5) (as applied by the *Subordinate Laws Act 1989*, s 9) for the legal status of notes.

(2) In this regulation—

*note* includes material enclosed in brackets in regulation headings.

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

- TPHC: *Taxi and Private Hire Car Regulations*
- NSW: *Passenger Transport Act 1990* (NSW)
- NSW Reg: *Passenger Transport (Taxi Services) Regulation 1995* (NSW).

## **PART 2—OPERATION OF TAXI SERVICES**

### ***Division 2.1—Taxi operators***

#### **5 Taximeters** (NSW Reg cl 6 (1)-(5))

(1) The operator of a taxi must ensure the taxi is fitted with a taximeter complying with the standards for taximeters published by the road transport authority.

Maximum penalty: 20 penalty units.

(2) The road transport authority may exempt a vehicle from subregulation (1).

(3) If the road transport authority gives an exemption, the authority must endorse the operator's licence accordingly.

(4) A person must not, without lawful authority or excuse, interfere with a taximeter fitted to a taxi, a seal attached to the taximeter or a part of the mechanism controlling the taximeter.

Maximum penalty: 20 penalty units.

#### **6 Standards for taximeters** (NSW Reg cl 6 (6))

(1) The road transport authority may publish standards for taximeters.

(2) Without limiting the standards that the road transport authority may publish, the standards may include standards relating specifically to taximeters to be fitted to wheelchair accessible taxis.

(3) A standard is a disallowable instrument.

#### **7 Airconditioning** (NSW Reg cl 7C)

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

Maximum penalty: 10 penalty units.

#### **8 Condition of taxis** (NSW Reg cl 8)

(1) The operator of a taxi must ensure that, while the taxi is operating as a taxi, 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 the taxi, includes the body, door panels, bumper bars, trim and wheels of the taxi.
- interior*, of the taxi, includes the interior of the boot of the taxi.

**9 Information in taxis** (NSW Reg cl 9)

- (1) The operator of a taxi must ensure that the following information is displayed inside the taxi, 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.

Maximum penalty: 5 penalty units.

- (2) The information must be displayed in a form approved by the road transport authority and in a position where it can readily be read by any passenger.

**10 Child restraint anchorages in taxis** (NSW Reg cl 10)

The 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.

**11 Signs on taxis** (NSW Reg cl 11)

- (1) The operator of a taxi must ensure that the taxi is fitted with the equipment required by this regulation and that the light required by this regulation is working properly.

Maximum penalty: 10 penalty units.

- (2) The taxi must be fitted with a roof sign—
- (a) made of opaque plastic or another substance approved by the road transport authority; and
  - (b) enclosing a light that can show white 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 light enclosed by the roof sign must be wired to the taximeter or, if there is no taximeter, must be operated, so that—

- (a) while the taxi is hired or not for hire, the light will not be operating; and
- (b) while the taxi is available for hire, the light will be operating.

(4) The 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.

## **12 Network decals and livery** (NSW Reg cl 11A)

The operator of a taxi that belongs to an approved taxi network must ensure that—

- (a) the taxi is fitted with a network decal sign or signs approved by the road transport authority for the network in a way approved by the authority; and
- (b) the taxi is painted in colours approved by the authority for the network.

Maximum penalty: 10 penalty units.

## **13 Stand-by taxis** (NSW s 40, NSW Reg cl 12 (3), (3A))

(1) A taxi operator may operate another motor vehicle (a *stand-by taxi*) instead of the taxi mentioned in the licence (the *usual taxi*) if—

- (a) the usual taxi is out of operation because it is being repaired or serviced; and
- (b) the stand-by taxi complies with this regulation.

(2) A taxi operator must not operate another motor vehicle as a stand-by taxi unless—

- (a) the numberplates issued for the usual taxi are attached to the other vehicle instead of its usual numberplates; and
- (b) the other vehicle—
  - (i) complies with the conditions of the licence that apply to the usual taxi (unless otherwise authorised in writing by the road transport authority); and
  - (ii) would have been registrable as a taxi when it was last registered under the *Road Transport (Vehicle Registration) Act 1999*; and



- (iii) is covered by a public vehicle policy to the extent that the usual taxi would be.

Maximum penalty: 10 penalty units.

(3) If a stand-by taxi complies with this regulation, the stand-by taxi is taken, for these regulations, to be a taxi mentioned in the operator's licence.

(4) In this regulation—

*public vehicle policy*—see the Act, section 158.

**14 Operator's obligations for stand-by taxis** (NSW Reg cl 12)

The operator of a stand-by taxi that belongs to a taxi network must not operate the taxi unless the operator has told the network of the operator's intention to do so.

Maximum penalty: 10 penalty units.

**15 Notification of change in licence particulars** (NSW Reg cl 14)

If a change happens in a particular mentioned in a taxi operator's licence, the holder of the licence must give written notice of the change to the road transport authority as soon as practicable (but within 14 days).

Maximum penalty: 10 penalty units.

**16 Noncompliance notices** (NSW Reg cl 15)

(1) If a noncompliance notice has been attached to a taxi and has not been removed in accordance with these regulations, the operator of the taxi must not allow the taxi to operate as a taxi—

- (a) after the expiry time of the notice; or
- (b) if the operator knows the notice has been removed otherwise than in accordance with these regulations.

Maximum penalty: 20 penalty units.

*Note* Regulation 58 deals with the attachment and removal of noncompliance notices.

(2) Paragraph (1) (b) ceases to apply to the taxi in relation to the noncompliance notice if a police officer or authorised person directs in writing that the notice be taken to have been removed under subregulation 58 (3).

**17 Driver to hold appropriate driver licence** (NSW Reg cl 8 (1))

The operator of a taxi must not allow someone to drive the taxi while it is operating as a taxi unless satisfied that the person is the holder of

a public vehicle licence authorising the person to drive the taxi for hire or reward.

Maximum penalty: 20 penalty units.

**18 Records of drivers to be made** (NSW Reg cl 8 (2))

The 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 dates and times when the taxi was driven by the person.

Maximum penalty: 10 penalty units.

**19 Records about operation of taxi to be kept etc** (NSW Reg cl 9)

A person who is or has been the operator of a taxi—

- (a) must keep any record required to be made by the person under the Act for at least 2 years after the making of the last entry in it; and
- (b) must produce it for inspection when required by a police officer or authorised person; and
- (c) must produce it to the road transport authority for inspection when required, in writing, by the authority.

Maximum penalty: 10 penalty units.

**20 Arrangements with taxi network etc** (NSW s 41 (2)-(3))

(1) The operator of a taxi must ensure that, at all times while the taxi is operating as a taxi—

- (a) arrangements are in force with an approved taxi network for the provision of a booking service for the taxi; and
- (b) the taxi is fitted with a radio unit that is working properly.

Maximum penalty: 10 penalty units.

(2) The road transport authority may exempt a vehicle or operator from paragraph (1) (a) or (b).

(3) For these regulations, a taxi *belongs* to a taxi network if it has an arrangement under paragraph (1) (a) with the network.

**Division 2.2—Taxi drivers**

**21 Condition of taxis** (NSW Reg cl 20)

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

Maximum penalty: 5 penalty units.

**22 Noncompliance notices** (NSW Reg cl 21)

(1) If a noncompliance notice has been attached to a taxi and has not been removed in accordance with these regulations, a person must not operate the taxi as a taxi—

- (a) after the expiry time of the notice; or
- (b) if the person knows the notice has been removed from the vehicle otherwise than in accordance with these regulations.

Maximum penalty: 20 penalty units.

*Note* Regulation 58 deals with the attachment and removal of noncompliance notices.

(2) Paragraph (1) (b) ceases to apply to the taxi in relation to the noncompliance notice if a police officer or authorised person directs in writing that the notice be taken to have been removed under subregulation 58 (3).

**23 Transport of goods and animals** (NSW Reg cl 22)

(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 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.

(3) 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.

(4) Subregulation (3) 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.

**24 Behaviour of drivers** (NSW Reg cl 23)

A taxi driver must not do the following:

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

Maximum penalty: 10 penalty units.

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

**25 Dress and conduct of drivers** (NSW Reg cl 24)

A taxi driver must—

- (a) be clean and tidy; and
- (b) if the taxi belongs to an approved network—wear a clean uniform approved by the road transport authority for the network; and
- (c) behave in an orderly way and with politeness and propriety towards every passenger, intending passenger, police officer or authorised person; and
- (d) comply with every reasonable request of a passenger.

Maximum penalty: 5 penalty units.

**26 Driver to remain in taxi** (NSW Reg cl 25)

A person who is driving a taxi 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 35 (4)).

**27 Taxi zones** (NSW Reg cl 26)

- (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) On arriving at a taxi zone with positions for 2 or more taxis, a taxi driver must place and keep the taxi in the first available vacant position in

the taxi zone unless otherwise directed by a police officer or authorised person.

Maximum penalty: 5 penalty units.

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

(4) The driver of a taxi (other than the first taxi) must not do anything in contravention of the first taxi's right to the next hiring under subregulation (3).

Maximum penalty: 10 penalty units.

(5) At a place where taxis are congregated, a police officer or authorised person may appoint a temporary taxi zone and each driver present must use the taxi zone as directed by the police officer or authorised person.

Maximum penalty: 10 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.

**28 Use of approved taxi network (NSW Reg cl 28)**

The driver of a taxi that belongs to an approved taxi network must—

- (a) use the taxi's radio unit in accordance with any procedures for the network; and
- (b) follow the published rules of the network; and
- (c) comply with all reasonable requests of the network in relation to providing taxi services.

Maximum penalty: 5 penalty units.

### PART 3—TAXI HIRINGS

#### **29 Taxi driver to accept hiring** (NSW Reg cl 30)

(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, a taxi driver may refuse to accept a hiring if—

- (a) the driver would contravene section 113 of the Act (which is about carrying more than the licensed number of passengers) if the driver accepted the hiring; or
- (b) the driver would contravene regulation 23 (Transport of goods and animals) if the driver accepted the hiring; or
- (c) the intending passenger says that he or she wishes to be taken to a place that is outside the taxi's area of operations; or
- (d) the intending passenger is a person mentioned in regulation 48 (Soiled clothing etc) or 49 (Intoxicated passengers); or
- (e) the intending passenger cannot, when asked, satisfy the driver that the person can pay the estimated fare.

(3) 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.

(4) 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 1 or more intending passengers are already seated in the taxi when the person using a wheelchair offers to hire the taxi.

Maximum penalty: 5 penalty units.

(5) In this regulation—

*hiring* includes a hiring made using a booking service.

#### **30 Police officer or authorised person may direct driver to accept hiring** (NSW Reg cl 31)

(1) A police officer or authorised person may direct a taxi driver to accept a hiring, even though subregulation 29 (2) would otherwise allow the driver to refuse the hiring.

(2) However, the police officer or authorised person may not direct the taxi driver to accept the hiring if the carrying out of the hiring would involve the driver in committing an offence (other than an offence against these regulations).

(3) A taxi driver who is directed to accept a hiring must not, without reasonable excuse, fail to carry out the hiring in accordance with the direction.

Maximum penalty: 5 penalty units.

(4) If a taxi driver carries out a hiring in accordance with a direction under this regulation—

- (a) the driver is exempt from any of these regulations that would otherwise prohibit the driver from carrying out the hiring; and
- (b) the police officer or authorised person giving the direction is liable to pay the driver, in addition to the fare, reasonable compensation for any damage, injury, loss of time or other harm because of the hiring.

**31 Way in which hiring to be carried out (NSW Reg cl 32 (1)-(2), (4))**

(1) A taxi driver—

- (a) must not fail to carry out promptly any hiring accepted; and
- (b) must drive the taxi by the shortest practicable route to any place stated by the hirer that is within the taxi's area of operations, unless the hirer asks that the taxi be driven to the place by another route.

Maximum penalty: 5 penalty units.

(2) The hirer of a taxi may, at any time during the hiring, direct the driver to carry the hirer to a place within the taxi's area of operations (the *new destination*), even if that place was not originally stated.

(3) A taxi driver must not, without reasonable excuse, fail to comply with a direction under subregulation (2).

Maximum penalty: 5 penalty units.

(4) However, a taxi driver is not required to comply with a direction made under subregulation (2) if, when asked, the hirer does not pay the fare deposit for the journey to the new destination.

(5) 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.

**32 Where taxi driver must stop on a road** (NSW Reg cl 32 (3))

If a taxi 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.

**33 Operation of taxi's airconditioning** (NSW Reg cl 32A)

(1) A taxi driver must operate the taxi's airconditioning system when asked by the hirer.

Maximum penalty: 5 penalty units.

**34 Journey by taxi to pick-up point** (NSW Reg cl 33)

(1) If a taxi travels to a place (the *pick-up point*) to carry a hirer or the hirer's goods from the place, the following provisions apply:

- (a) unless the hirer and the driver otherwise agree, the hiring begins at the later of—
  - (i) the time the taxi arrives at the pick-up point; or
  - (ii) the time appointed for the arrival of the taxi at the pick-up point;
- (b) if the fares for the taxi include a booking fee—the booking fee is payable.

(2) While a taxi is travelling to the pick-up point, the taxi is taken for regulation 11 (*Signs on taxis*) not to be available for hire.

*Note* Under regulation 11 the light in the sign on the roof of the taxi will not operate while the taxi is travelling to the pick-up point.

**35 Transport of luggage and goods** (NSW Reg cl 34)

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

Maximum penalty: 5 penalty units.

(2) However, a taxi driver may refuse to carry goods in the taxi if the driver would contravene regulation 23 (Transport of goods and animals) by doing so.



- (3) A taxi driver must not—
- (a) except with the hirer's agreement, carry goods on the roof of the taxi; or
  - (b) carry goods (except luggage) with a total weight over 25kg in a part of the taxi that is designed to carry passengers.

Maximum penalty: 5 penalty units.

- (4) A taxi driver must—
- (a) provide reasonable assistance—
    - (i) in loading goods into, and unloading goods from, the taxi; and
    - (ii) carrying goods from or to a door or entrance of a house, station or other place where the hiring of the taxi begins or ends; and
  - (b) take reasonable care with the goods.

Maximum penalty: 5 penalty units.

- (5) 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.

**36 Driver waiting or instructed to return** (NSW Reg cl 35)

- (1) If the hirer of a taxi asks the driver to wait, the driver must wait for—
- (a) 15 minutes; or
  - (b) if a shorter or longer period is agreed on—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 waiting time.

- (3) A taxi driver, on being discharged at a place and instructed to return, may claim the fare to the time of discharge and is not obliged to accept the hiring to return.

**37 Ending of hiring by hirer** (NSW Reg cl 36)

The hirer of a taxi may discharge the hire at any time.

**38 Ending of hiring by driver** (NSW Reg cl 37)

- (1) A taxi driver may end a hiring—
- (a) on a ground on which the driver could refuse to accept a hiring under subregulation 29 (2); 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 who is at least 1 year old and not older than 16 years old is not wearing a seat belt or other restraint that is properly adjusted and securely fastened.
- (2) If a taxi driver ends a hiring under this regulation, the hirer must, when asked, pay the fare to the place where the hiring was ended.

Maximum penalty: 5 penalty units.

**39 Fare deposits**

- (1) Before a hiring of a taxi begins, the driver may ask a person who wants to hire the taxi to provide a fare deposit if the driver believes on reasonable grounds that the person may not be able to 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.
- (4) In this regulation—
- fare deposit* means—
- (a) for a proposed hiring—the estimated fare for the hiring; or
  - (b) for an existing hiring—the difference between any fare deposit already paid and the estimated fare for the new destination.

**40 Extra passengers** (NSW Reg cl 38)

A taxi driver must not allow someone to travel in the taxi without the hirer's agreement.

Maximum penalty: 5 penalty units.

**41 Sharing taxis** (NSW Reg cl 38A)

(1) At the beginning of, or during, a hiring of a taxi, the hirer may require the driver—

- (a) to allow other people to share the taxi with the hirer; and
- (b) to drive 1 or more of the other people 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 from a passenger other than the hirer.

Maximum penalty: 5 penalty units.

(4) Subregulation (3) does not apply if the taxi driver drives the hirer to the hirer's destination before someone else sharing the taxi with the hirer at the request of the hirer.

**42 Multiple hiring of taxis** (TPHC r 37 (1))

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

Maximum penalty: 5 penalty units.

**43 Operation of taximeter by driver** (NSW Reg cl 39)

(1) The driver of a taxi with a taximeter—

- (a) must not operate the taximeter before the taxi is hired; and
- (b) must operate the taximeter as soon as the taxi is hired; and
- (c) subject to paragraph (d), must keep the taximeter operating during a hiring; and

*Road Transport (Taxi Services) No 5, 2000*

- (d) during a hiring, must stop the taximeter for as long as necessary to prevent it from registering a charge during any period when—
  - (i) a hirer in a multiple hire is paying the fare for his or her hire and getting out of the taxi; or
  - (ii) the taxi is delayed for a reason mentioned in regulation 45 (Fares not to be charged for avoidable delays); and
- (e) at the end of a hiring (other than a hiring that is not the last hiring in a multiple hiring), must ensure that the fare indicators of the taximeter return to zero.

Maximum penalty: 5 penalty units.

- (2) Before receiving payment for a hiring, the driver of a taxi with a taximeter—
  - (a) must ensure that the amount recorded on the taximeter is displayed so it can be readily read by the hirer (and, if necessary, must ensure that the face of the taximeter is illuminated); and
  - (b) must state the amount of any extra charge for goods, tolls or charges.

Maximum penalty: 5 penalty units.

- (3) This regulation does not apply to a hiring if—
  - (a) the destination is outside the taxi's area of operations; and
  - (b) the taxi driver and hirer agree on the payment for the hiring before the hiring begins.

**44 Taxi fares** (NSW Reg cl 40)

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

Maximum penalty: 5 penalty units.

*Note* Section 115 of the Act empowers the Minister to determine maximum fares for hiring or using a taxi. The fare may not be the amount that appears on the taxi meter, but may be worked out from that amount using, for example, a conversion card or a schedule of extra charges allowed in particular circumstances. For example, if a hirer soils a taxi during the hiring, the fare might be the amount shown on the taxi meter plus a charge for cleaning the taxi.

(2) However, the taxi driver may ask for more than the fare for a hiring of the taxi for part of a journey travelled beyond the taxi's area of operations if—

- (a) before the hiring began, the driver advised the prospective hirer that the destination was beyond the taxi's area of operations; and
- (b) the driver and prospective hirer agreed on the payment for the journey.

(3) After 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.

(4) After the end 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.

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

Maximum penalty: 5 penalty units.

**45 Fares not to be charged for avoidable delays (NSW Reg cl 40 (5))**

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

- (a) a shortage of fuel or an accident to the tyres, mechanism or any other part of the taxi; or
- (b) anything that the driver could have prevented.

Maximum penalty: 5 penalty units.

## PART 4—CONDUCT OF PASSENGERS

### 46 **Offensive behaviour or language** (NSW Reg cl 41)

A person must not, in a taxi—

- (a) behave in an offensive way; or
- (b) use offensive language; or
- (c) eat or drink except with the agreement of the taxi driver.

Maximum penalty: 5 penalty units.

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

### 47 **Animals** (NSW Reg cl 43)

(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 that is being trained to help to alleviate the effect of a disability.

### 48 **Soiled clothing etc** (NSW Reg cl 44)

(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—

- (a) 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 luggage of another passenger; or
- (b) any of the person's goods cannot, because of their size or dimensions, be carried in the taxi without inconvenience to another passenger.

(2) Paragraph (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 this regulation.

Maximum penalty: 5 penalty units.

**49 Intoxicated passengers** (NSW Reg cl 45)

(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 alcohol or another drug; and
- (b) is causing, or is likely to cause, a nuisance or annoyance to another passenger.

(2) A person must not fail to comply with a direction under this regulation.

Maximum penalty: 5 penalty units.

**50 Offender to get out of taxi when directed** (NSW Reg cl 46)

(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 this regulation.

Maximum penalty: 5 penalty units.

**51 Removal of people from taxis** (NSW Reg cl 47)

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

**52 Lost property** (NSW Reg cl 48)

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

Maximum penalty: 5 penalty units.

## **PART 5—ENFORCEMENT**

### **53 Purpose of powers under pt 5 (NSW s 42 (1))**

The powers under this Part may be exercised by a police officer or authorised person to decide whether there has been compliance with or a contravention of—

- (a) Part 9 (Public vehicles) of the Act or these regulations; or
- (b) the conditions of a licence, authority or exemption issued or given under Part 9 of the Act or the regulations.

### **54 Power to require records or information (NSW s 42 (1), sch 1 cl 1)**

(1) A police officer or 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 are within the person's power to obtain lawfully.

(3) The 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 provides otherwise.

(5) A person must not, without reasonable excuse, fail to comply with a notice given to the person under this regulation.

Maximum penalty: 20 penalty units.

### **55 Power to inspect and test vehicles (NSW s 42 (5) (a), sch 1 cl 4, 5)**

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

(2) Without limiting subregulation (1), the police officer or authorised person may, for that subregulation, do 1 or more of the following:

- (a) 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 to give the police officer or authorised person any information the police officer or authorised person reasonably requires to inspect or test the vehicle;
  - (e) request the driver to 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 paragraph (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 (for subregulation (4)): 20 penalty units.

**56 Power to require vehicles or equipment to be inspected and tested** (NSW s 42 (5) (b), sch 1 cl 6)

- (1) A police officer or authorised person may, by written notice given to the responsible person for a vehicle that is a taxi or that the police officer or authorised person believes on reasonable grounds is operating, or has operated, as a taxi, 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 or authorised person within a stated reasonable time;
  - (e) anything else reasonably necessary or convenient for the inspection and testing.

*Road Transport (Taxi Services) No 5, 2000*

**(3)** A person must not, without reasonable excuse, fail to comply with a notice given to the person under this regulation.

Maximum penalty (for subsection (3)): 20 penalty units.

## PART 6—MISCELLANEOUS

### 57 Taxi network authorities (NSW s 41 (4)-(8))

- (1) A person may apply to the road transport authority for an authority to operate a taxi network (a *taxi network authority*).
- (2) The road transport authority may issue a taxi network authority to the person if the authority is satisfied that the person can comply with any standard approved by the authority for this regulation.
- (3) A standard approved by the road transport authority for this regulation may make provision with respect to any of the following matters:
  - (a) maintenance of vehicles operated as taxis;
  - (b) safety of drivers of taxis and of their passengers;
  - (c) training of taxi drivers;
  - (d) any other aspect of services provided by taxis.
- (4) A standard approved for this regulation is a disallowable instrument for the *Subordinate Laws Act 1989*.
- (5) A taxi network authority is subject to—
  - (a) the condition that the holder will comply with these regulations and the standards approved for this regulation; and
  - (b) any other condition imposed by the road transport authority by written notice given to the holder.
- (6) The road transport authority may cancel a taxi network authority, or suspend its operation for not longer than 1 year, if there has been a serious or persistent contravention of the conditions of the authority.

### 58 Noncompliance notices (NSW Reg cl 52)

- (1) A police officer or authorised person, or a person inspecting a vehicle under Part 5, may attach a notice (a *noncompliance notice*) to the vehicle if it appears to the officer or person that the vehicle or its equipment or fittings do not comply with these regulations.
- (2) The notice must state—
  - (a) the action necessary for the vehicle, equipment or fittings to comply with these regulations; and

- (b) an expiry time after which the vehicle must not be operated as a taxi 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 taxi.

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

**59 Police officer or authorised person may require name and address** (NSW Reg cl 60)

(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 his or her name and home address.

(2) A person must not—

- (a) without reasonable excuse, fail to state his or her name or 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 subsection.

Maximum penalty: 10 penalty units.

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**DICTIONARY**

(See reg 3)

**approved taxi network** means a taxi network for which a person is the holder of a taxi network authority.

**area of operations**, of a taxi, means the area within which the taxi is authorised by its licence to ply for hire.

**Australian Design Rules** (or **ADR**)—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 Act, dictionary.

**belongs** to a taxi network, for a taxi—see subregulation 20 (3).

**booking service** means a service that—

- (a) accepts bookings from the public; and
- (b) transmits messages to taxi drivers by telecommunication to receivers fitted in the taxis.

**daylight** means the period in a day from sunrise to sunset.

**drive** a taxi includes allowing the taxi to stand.

**driver**, of a taxi—see **taxi driver**.

**fare**, in relation to the hiring of a taxi, means—

- (a) if the hiring is not a multiple hiring—the amount chargeable for the hiring in accordance with—
  - (i) the fare determined by the Minister under section 115 of the Act; or
  - (ii) if no fare is determined—the conditions of the taxi operator’s licence for the taxi; or
- (b) if the hiring is a multiple hiring—75% of the amount mentioned in paragraph (a).

**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 Act, dictionary.

**in** a taxi includes on the taxi.

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

**multiple hiring**, in relation to a taxi, means a hiring under regulation 42.

**noncompliance notice**—see regulation 58.

**operate** a taxi includes drive the taxi.

**operator**, for a taxi, means the person to whom a taxi operator's licence or a restricted taxi operator's licence has been issued for the taxi.

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

**radio unit**, in relation to a taxi, means a radio unit that is fitted to the taxi and can transmit messages to, and receive messages from, the network base of a taxi network.

**responsible person**, for a vehicle—see the Act, sections 10 and 11.

**restricted taxi**—see the Act, section 100.

**restricted taxi operator's licence**—see the Act, subsection 108 (1).

**road**—see the Act, dictionary.

**road related area**—see the Act, dictionary.

**road transport authority**—see the Act, dictionary.

**stand-by taxi**—see regulation 13.

**taxi**—

(a) see the Act, section 100; and

(b) includes a restricted taxi and a stand-by taxi.

**taxi driver** means the person driving the taxi if the person holds a public vehicle licence authorising the person to drive the taxi for hire or reward.

**taxi operator**—see **operator**.

**taxi operator's licence**—see the Act, subsection 106 (1).

**taxi network** means an entity whose functions include operating a booking service.

**taxi network authority** means an authority under regulation 57.

**taxi zone**—

(a) see the Australian Road Rules, rule 182; and

(b) includes a temporary taxi zone.

**temporary taxi zone** means a taxi zone appointed under subregulation 27 (4).

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

**wheelchair accessible taxi** means a taxi with wheelchair access.

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## **Endnotes**

### **Notification**

1 Notified in the Gazette on 29 February 2000.

### **Penalty units**

2 Section 33AA of the *Interpretation Act 1967* (as applied by section 9 of the *Subordinate Laws Act 1989*) deals with the meaning of offence penalties that are expressed in penalty units.