

**DEPARTMENT OF TRANSPORT**

**TAXI DRIVER AUTHORISATION PACKAGE**

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## **1. INTRODUCTION**

The *Passenger Transport Act 1990* requires that the driver of a public passenger vehicle, including a taxi-cab, must hold an authority issued by the Department of Transport (DoT).

A maximum fine of \$11,000 may be imposed for driving a taxi-cab for hire without an appropriate authority issued by the Department.

The Department has developed this package to assist applicants for taxi-cab driver authorisation in understanding the criteria required for obtaining an authority, the procedures for applying and the conditions to which the authorisation is subject.

It is important to note that the information in this package does not replace the provisions in the Act and the Regulation but is merely a guide as to how the legislation is being administered in this context.

### **1.1 What is a Taxi-cab Service?**

A taxi-cab service is a demand responsive passenger service provided in a motor vehicle operated under a licence issued by the Department:

- (a) be booked through a taxi-cab network; or
- (b) ply or stand for hire on a road; or
- (c) be hailed on the street; or
- (d) be booked by phoning the driver.

### **1.2 What is the purpose of a taxi-cab driver authority?**

Authorisation is the system that is used by the Department to assess whether a person is of suitable character and fitness, aware of their responsibilities to passengers, and able to conduct themselves appropriately in driving a taxi-cab that meets the expectations of the community. In this way, authorisation can be seen as a type of quality assurance system for passenger transport operations.

There are different requirements for driver authorisation for the different types of public passenger transport services. If you need information about the requirements and arrangements for issuing bus, hire car or tourist vehicle driver authorisation, please contact the Department's Transport Operations Division on 9891 8900 or visit the Department's web site.

### **1.3 Taxi Drivers in Country Areas**

Applicants applying for authorisation to drive taxi-cabs in the country may not be required to comply with all authorisation criteria, for example, where comprehensive training facilities are not available, attendance at formal taxi driver training schools may not be required.

If you have any queries about the criteria for providing taxi services in country areas, you can contact DoT on 9689 8888 or the taxi-cab network which you intend to work with.

## **2. CRITERIA FOR GRANTING A TAXI-CAB DRIVER AUTHORITY**

The criteria for taxi driver authorisation are the requirements that applicants must meet before a taxi-cab driver authority can be issued by the Department.

Pursuant to section 33B of the Act, the criteria for being an authorised taxi driver are prescribed by clause 29 of the Regulation.

### **2.1 Authorisation Criteria (clause 29)**

An applicant must:

- a) be at least 20 years of age, and
- b) hold a New South Wales driver licence that is not a learner licence, probationary licence, provisional licence, restricted licence, driver licence receipt or conditional licence (other than a conditional licence the sole condition of which is that the holder must wear corrective lenses at all times while driving), and
- c) have held an Australian driver licence for a total of at least 12 months in the 2 years immediately preceding the date of the application, and
- d) have passed an examination or assessment, at a level determined by the Director-General, in medical fitness, and
- e) satisfy the Director-General that he or she:
  - (i) may lawfully work in Australia, and
  - (ii) is of good repute and in all other respects a fit and proper person to be the driver of a taxi-cab, and
  - (iii) has sufficient responsibility to drive a taxi-cab concerned in accordance with law and custom.
- f) have successfully completed a taxi-cab driver training course approved by the Director-General and conducted by a registered training organisation (or must have such competence as a driver of taxi-cabs as the Director-General considers appropriate).
- g) have successfully passed an examination or assessment, at a level determined by the Director-General, in the following:
  - (i) geographical knowledge of areas in which taxis ply for hire, and
  - (ii) any parts of the driver training course as may be required; and
  - (iii) knowledge of the Regulation; and
- h) have successfully passed an English language competence examination or assessment in both written and spoken format.

## **2.2 How to satisfy the Authorisation Criteria**

### **2.2.1 What is an Australian Driver Licence**

An Australian driver licence is a driver licence, or a licence issued under a law in force in a State or internal Territory authorising the holder to drive a motor vehicle on a road or road related area, being a licence that is not a learner licence, probationary licence, provisional licence, restricted licence, driver licence receipt or conditional licence (other than a conditional licence the sole condition of which is that the holder must wear corrective lenses at all times while driving).

A driver licence issued outside Australia is not acceptable for this purpose.

Applicants are required to provide a certified copy of their current driver licence at the time of applying for a taxi-cab driver authority. A list of persons who can provide certification is at **Appendix I**.

### **2.2.2 Taxi Driver Training Course**

To become an authorised taxi-cab driver, applicants are currently required to receive formal training in an accredited taxi driver training course at a taxi driver training school and pass the examinations set by the training school and the Department. The objective of the taxi-cab driver training course is to enhance the skill level of drivers entering the industry and to address the expectations of their passengers.

The taxi driver training course currently taught in New South Wales is called TaxiCare Plus. This curriculum was accredited by NSW Vocational Education and Training Accreditation Board (VETAB) and is being delivered by a number of taxi driver training schools, registered with VETAB. Applicants are at liberty to attend the training course at any of the taxi driver training schools.

The TaxiCare Plus curriculum is based on competency standards relating to skills, knowledge and attributes, which the Director-General considers it appropriate to meet to be a taxi driver.

Applicants are assessed on whether they have met the competencies required at the completion of each module of the course. The current competency standards include:

- (i) Rules and the Regulation – ability to provide taxi services in accordance with relevant rules and requirements of government and the taxi industry.
- (ii) Customer Care – how to foster effective passenger relations and manage workloads.
- (iii) Driver Safety – understand and have the ability to apply strategies for protection of personal safety as a taxi driver.
- (iv) Taxi Driving Skills – ability to operate and maintain a taxi-cab.
- (v) Managing Health and Stress – ability to manage one’s workload effectively in terms of managing health and stress.
- (vi) Transport Passengers with Special Needs – ability to cater effectively for passengers with special needs.

The TaxiCare Plus course consists of Part A and Part B. Part A must be satisfactorily completed before a taxi driver authority can be granted. Within the first year of obtaining a taxi driver authority, drivers have to complete Part B of the training course (usually between the 9th and 12th month) as a condition of renewing their authority.

If a driver is unable to complete Part B of the course within a one year period, their current driver authority will not be renewed, and the driver will have to undertake the whole TaxiCare Plus course again and then reapply for a taxi driver authority later.

Applicants are required to meet the cost for completing the training course and for attending competence standards assessment themselves.

### **2.2.3 Geographical knowledge of areas in which taxi-cabs ply for hire**

An applicant is required to obtain a high degree of knowledge of the area of operation within which they are authorised to drive. The applicant will be required to undertake a computer-based examination at the Department to demonstrate their ability to:

- identify and take the shortest practicable route between two locations; and
- locate and use major traffic routes in the service area; and
- locate major streets and key buildings in the service area; and
- locate major tourist attractions in the service area; and
- outline any features of the local transport system.

### **2.2.4 Medical Fitness**

An applicant must undertake a medical assessment and attach a current and completed Health Assessment Form at the time of applying for a taxi-cab driver authority.

The medical standards required of taxi drivers are applicable to all drivers of public passenger transport services, and are based on the national standards recommended by the National Transport Commission.

Medical assessment must be undertaken by a general medical practitioner. Medical certificates remain valid for three years unless a lesser term is specified by a medical practitioner or the Director-General.

Applicants are required to meet the cost of the medical examination.

A copy of the Department's Health Assessment Form is at **Appendix II**.

### **2.2.5 Who may work lawfully in Australia**

Applicants who are citizens of Australia and New Zealand and those who have the appropriate visa which allows them to reside and undertake employment in Australia are considered to be able to work lawfully in Australia for the purpose of the Regulation.

### **2.2.6 Knowledge of the Regulation**

An applicant should have read and understood the provisions of the Regulation relating to the operation of a taxi-cab, and be able to apply the rules in the driving of a taxi-cab.

Copies of the Regulation can be viewed on the internet.

### **2.2.7 English Language Assessment**

All applicants (including native English speakers) wishing to become taxi drivers must demonstrate a prescribed level of English language competency. The level is currently set at a level equivalent to that of the hospitality industry. The Adult Migrant English Service (AMES) carries out the assessment.

Applicants should note that they must have been successfully assessed in English Language before enrolment and payment of fees at any taxi driver training schools.

If an applicant fails the English Language assessment, they must usually wait for ten weeks and provide proof of attendance at an English language course before again attempting the assessment.

### **2.2.8 Good Repute, Fit and Proper Checks**

The Department does not set specific standards for a person's reputation or whether the person is a fit and proper person but examines all the circumstances of a particular application to make an assessment about whether it considers a person is of good repute and fit and proper.

As part of the procedure to assess whether an applicant is of good repute and fit and proper, the Department will check to see whether an applicant has a criminal record. The applicant must give the Department permission to obtain any relevant criminal information about them held by any Commonwealth, State or Territory law enforcement agency. The information obtained can only be used for the purpose that it was obtained for. An application will not be accepted if the Department is not permitted to obtain such information by the applicant.

The applicant must also give the Department permission to obtain their driving record held by the Roads and Traffic Authority for the purpose of checking whether they are fit and proper to drive a taxi. An application will not be accepted if the Department is not permitted to obtain such information by the applicant.

Applicants will also be required to prove their identity and eligibility to work in Australia. Certified copies of documents such as a full Birth Certificate (showing parents' details), or a passport with work visa or an Australian Citizen Certificate will be needed by the Director-General in assessing an application.

If the required document is not in English, applicants will be required to produce an official translation conducted by the appropriate State or Commonwealth Department.

### **3. PROCEDURES FOR APPLYING FOR TAXI-CAB DRIVER AUTHORITY**

The procedures in this section have been developed in accordance with section 33B of the Act for the purpose of dealing with applications for taxi-cab driver authorisation.

In making an application for authorisation as a driver of a taxi-cab, the applicant must provide answers to all questions in the application form truthfully. If the Department finds that the applicant has not been truthful in the application, any authorisation issued can be cancelled immediately.

#### **3.1 Application Procedures**

Applications for a taxi-cab driver authority are processed in two stages to assist applicants in minimising expenses associated with the undertaking of a taxi driver training course.

##### **Stage I**

**3.1.1** The applicant must have:

- (a) read and understood the criteria, conditions and procedures for authorisation as outlined in this package.
- (b) attended and successfully completed an assessment of English Language applicable to taxi-cab drivers at AMES.
- (c) completed an application form, which is at **Appendix III** of this package.
- (d) signed the application form declaring that they:
  - (i) have answered all the questions truthfully, and
  - (ii) understand the requirements applying to authorised taxi-cab drivers, and
  - (iii) have given permission to the Department to obtain any relevant criminal record information about them held by any Commonwealth, State or Territory law enforcement agency for the purpose of considering whether they are a person of good repute and in all other respects a fit and proper person to be responsible for the driving of a taxi-cab within the meaning of section 33(3) of the Act, and
  - (iv) have given permission to the Department to obtain driving records about them held by the Roads and Traffic Authority and the licensing authorities in other Australian States and Territories where they have held a licence for the purpose of considering whether they are a person of good repute and in all respects a fit and proper person to be responsible for the driving of a taxi-cab within the meaning of section 33(3) of the Act, and
  - (v) understand and will abide by the conditions for being authorised as a taxi-cab driver.

- (e) Attach the following documents in their application form:
- (i) Certified copies of the applicant's driver licence, and birth certificate if the applicant was born in Australia, or passport (showing permanent residency status or authority to work in Australia) or an Australian Citizenship Certificate.  
If the document is not in English, provide an official translation from either the Ethnic Affairs Commission of NSW or the Commonwealth Department of Immigration and Citizenship.  
  
(Persons certifying copies of documents must have sighted the original documents and be satisfied that the documents are genuine having regard to the photo attached to the documents and signature of the applicant. They should also date the sighted documents and put an official stamp on the copy, if available).  
  
(A list of persons who can certify documents for the purpose of the Regulation is at **Appendix I**).
  - (ii) English Language Assessment results; and
  - (iii) Two recent identical photographs (65mm x 65mm) of the head and neck without a hat or sunglasses on a pale background; and
  - (iv) A current completed Health Assessment Form, and
  - (v) A cheque or money order for \$100, payable to the Department of Transport, being the fee for consideration of an application. Please do not send cash in post. This application fee is not refundable.
- (f) You should then contact an approved taxi driver training school to discuss your enrolment fees, training course and application process. The training school will deliver the application form you have completed, all the documents and the cheque for application payment to the Department, Level 4, 16-18 Wentworth Street, Parramatta or by post to Locked Bag 5085, Parramatta NSW 2124.

## **Stage II**

- (g) Wait for advice from the Department regarding clearance on driver licence tenure, and good repute and fit and proper status before payment is made to commence the training course and be assessed on the required competency standards. Your application could be refused if the results of the checks are not satisfactory. The Department will inform the training school once the clearance results are available.
- (h) Applicants will be tested at the Department on geographical knowledge and the Regulation. On satisfactorily completing the training course or being assessed on meeting the required competency standards, forward to the Department:
  - (i) the Statement of Attainment certified by a Registered Training Provider.

**Note:** Applicants who reside in the country and apply to drive taxi-cabs in the country are required to have a witness certify the back of their two photographs. The witness should have witnessed the applicant sign the specimen signature in the application form, and sighted proof of identity documents including:

- a full birth certificate (showing parents' details), and/or
- a current driver photo licence from another Australian State or Territory, and/or
- an Australian naturalisation or citizenship document or immigration papers issued by the Commonwealth Department of Immigration and Citizenship.

### **3.2 Assessment of Applications**

The Department will examine the application to ensure that all the information and documentation has been provided.

If more information is needed from applicants, or if the documentation is not correct, or was not included in the application, the Department will contact applicants on the phone number or at the address included in the application.

If an applicant makes false or misleading statements or falsifies any documentation, their application will be refused.

### **3.3 Important Note**

The onus is on applicants to show proof that they comply with the criteria for authorisation. An application will be refused by the Director-General if the applicant is not able to demonstrate that they are able to meet all authorisation criteria.

All fees associated with the required competency assessment, medical examination and certifying copies of documents are to be met by the applicant.

A fee applies for consideration of an application for a new driver authority or a renewal of an existing driver authority. This application fee is not refundable if the application is refused.

## **4. CONDITIONS OF A TAXI-CAB DRIVER AUTHORITY**

Authorisation conditions are requirements that an authorised taxi driver must meet to remain authorised. These conditions are prescribed by the Regulation pursuant to section 33D of the Act. There is a fine of up to \$11,000, if they are breached.

The Act also allows the Director-General to impose additional authorisation conditions and these have equal force with the Regulation and the Act.

The Director-General may also vary the conditions from time to time. An authorised driver will be required to meet any new conditions of authorisation, if and when imposed.

## 4.1 General Obligations of Drivers

The Regulation prescribes the following requirements which taxi-cab drivers must comply with when driving taxis:

a. Driver authority cards (clause 31)

A driver authority card expires at midnight on the date specified on the card as the expiry date.

A driver authority card does not have any effect while the person's driver licence is cancelled, suspended, expired, or the person is disqualified from driving a motor vehicle.

b. Misuse of driver authority cards (clause 32)

A person must not:

- (i) alter or deface the driver authority card, or
- (ii) lend or part with the authority card, or
- (iii) fraudulently obtain a driver authority card, or assist another person to obtain such a card fraudulently, or
- (iv) make, supply or use a counterfeit driver authority card.

c. Replacement of driver authority cards (clause 33)

A driver authority card that has been altered or defaced is void and may be returned to the Director-General for replacement.

On return of the authority card, or on proof to the satisfaction of the Director-General that the authority card has been destroyed, stolen, or lost, the Director-General may issue a duplicate card. The duplicate card will replace the original card which will become void.

d. Dress and Conduct (clause 35)

The driver must:

- (i) be clean and tidy and be properly attired (including enclosed shoes) when driving the taxi-cab for the purpose of providing a taxi-cab service, and
- (ii) behave in an orderly manner and with civility and propriety towards any passenger, intending passenger, driver of another public passenger vehicle or authorised officer, and
- (iii) comply with every reasonable request of an authorised officer or passenger.

e. Driver not to smoke, eat or drink in taxi-cabs (clause 36)

The driver must not:

- (i) smoke any substance while in the taxi-cab, whether or not the taxi-cab is being driven for the purpose of providing a taxi service,
- (ii) eat or drink in the taxi-cab while it is for hire.

The driver, however, can eat or drink in the taxi-cab for medical reasons.

f. Driver to ensure taxi-cabs are clean (clause 37)

The driver must ensure that the taxi-cab is clean and tidy.

g. Driver not to interfere with equipment of, or damage taxi-cab (clause 38)

The driver must not:

- (i) without reasonable excuse, interfere with any equipment attached to, or forming part of the taxi-cab or
  - (ii) wilfully damage any part of the taxi-cab.
- h. Driver not to drive taxi-cabs subject to non-compliance label (clause 39)  
The driver must not drive a taxi-cab if a non-compliance label affixed to the taxi-cab has expired or the driver is aware that it has been unlawfully removed.
- i. Driver to move and drive taxi-cabs carefully (clause 40)  
The driver must not:
  - (i) move the taxi-cab while any door is open, or
  - (ii) negligently or wilfully move or drive or cause the taxi-cab to be moved or driven so that any person is subjected to the risk of injury.
- j. Carriage of goods and animals (clause 41)  
The driver:
  - (i) must not allow any person to place or carry any article of such size or which has such dimensions that it cannot be accommodated in or on the taxi-cab without inconvenience or danger to any other person;
  - (ii) may permit any person to carry animals on the taxi-cab if they are suitably confined in a container, except for assistance animals or an assistance animal in training, which is not required to be contained;
  - (iii) must not refuse to carry an assistance animal or an assistance animal in training.
- k. Lost property given to drivers (clause 42)  
The driver must deliver all lost property to its owner or the authorised taxi-cab network to which the driver's taxi-cab is connected within 24 hours of receiving or finding the lost property. In other cases, the property should be given to the taxi-cab operator or a police officer at a police station.
- l. Training of drivers (clause 43)  
When required by the Director-General, a driver has to undertake and satisfactorily complete an approved taxi-cab driver training course or refresher course conducted by a registered training organisation.  
  
The Director-General may suspend a driver's authorisation or determine whether or not to renew a driver's authority to drive taxi-cabs pending the satisfactory completion of an approved training course.
- m. Driver to notify the Director-General of alleged offence (clause 44)  
The driver must provide written details to the Director-General of any alleged offence for which the driver is charged other than a parking offence) by a police officer or any penalty notice received that relates to the driving of a motor vehicle, within 7 days of the charge, or the issue of the notice.
- n. Driver to hand over driver licence for inspection (clause 45)  
The driver must hand his or her driver licence to an authorised officer for inspection if requested to do so.
- o. Driver to hand over driver authority card for inspection (clause 46)  
The driver must hand his or her driver authority card to an authorised officer for inspection, if requested to do so.

- p. Medical condition of drivers (clause 47)  
The driver must:
- (i) Provide the Director-General with a certificate from a medical practitioner containing their medical assessment on attaining the age of 60, and undertake a medical examination every year after this age. All expenses relating to the medical examination are to be met by the driver.
  - (ii) Comply with any written request by the Department to undergo a specified medical examination within the time in the notice.
  - (iii) Provide written details to the Director-General, within 48 hours after any change in physical or mental condition that may affect their ability to drive safely.

## 4.2 Special Provisions

- a. Driver to display driver authority card (clause 132)  
The driver's authority card must be displayed inside the taxi-cab so that its face can be easily seen by any passenger.
- b. Driver of wheelchair accessible taxi-cab to be trained (clause 133)  
A driver must not drive a wheelchair accessible taxi-cab that is hired or for hire unless the person has satisfactorily completed an approved course conducted by a registered training organisation in respect of the care and transport of persons with physical disabilities.
- A driver who has completed the approved course must notify the Director-General within 7 days of completion of the course.
- c. Driver's Worksheets (clause 134)  
The driver must complete and sign an approved driver's worksheet provided by their taxi-cab operator each driving shift. The worksheet must be retained in the taxi-cab during the driving shift, provided to an authorised officer upon request, and to the taxi-cab operator at the termination of the driving shift.
- d. Driver behaviour prohibited (clause 135)  
The driver must not:
- (i) Display the night-time surcharge rate when it is not applicable.
  - (ii) Display, affix or install, or allow a person to display, affix or install any advertisement or notice in or on the taxi-cab unless the advertisement or notice, the manner of its display and its location have been approved by the Director-General.
  - (iii) Sell (or offer to sell) any service or thing to a hirer of, or a passenger in, a taxi-cab.
- e. Driver to wear uniform (clause 136)  
A driver who is connected to a taxi-cab network must wear an approved network uniform at all times while driving the taxi-cab for hire.
- f. Driver to remain with taxi-cab (clause 137)  
The driver must not, without reasonable excuse, move more than 3 metres from the taxi-cab.

This condition does not apply if the driver is loading or removing luggage or goods into or from the taxi-cab, or the taxi-cab is in a holding bay in the Sydney Airport precinct.

g. Taxi zones (clause 138)

The following provisions apply:

- (i) The driver must not cause a taxi-cab to stand in a taxi zone if the taxi-cab is hired or not available for hire.
- (ii) The driver must cause a taxi-cab to stand at the first available position at a taxi zone unless directed not to do so by an authorised officer. This does not apply to taxi zones which provide for angle or parallel parking.
- (iii) The first taxi-cab in a taxi zone has a right to the first hiring unless the person hiring selects a particular taxi-cab.
- (iv) The driver must comply with the directions given by a police officer or an authorised officer with regard to the use of a taxi zone or a hiring.
- (v) The driver may set down passengers in a taxi zone only if the taxi-cab concerned occupies the last available vacant position in the taxi zone.

h. Standing otherwise than in a taxi zone (clause 139)

The driver must not permit the taxi-cab to stand in a taxi zone, except while loading or unloading goods, or taking up or setting down passengers; being directed by a police officer; or while hired or while not available for hire.

i. Use of taxi-cab network (clause 140)

The driver must use the taxi-cab's receiver in accordance with the procedures for accepting a hiring and the published rules and by-laws of the taxi-cab network to which the taxi-cab belongs.

The driver must also comply with all reasonable requests of the network in relation to the provision of taxi-cab services.

j. Use of prohibited communication device (clause 141)

The driver must not use a prohibited communication device for accepting a hiring or assisting a person to hire a taxi-cab.

k. Display of destination sign on taxi-cab (clause 142)

The driver may display a destination sign, approved by the Director-General, on the front of the taxi-cab for the purpose of terminating a driving shift during the following periods, and then proceed in the general direction of the locality shown on the sign:

- (i) between 1.30 a.m. and 4.30 a.m. or 12.30 p.m. and 4.30 p.m. or
- (ii) while the taxi-cab is standing between the hours of 1.30 p.m. and 3.30 p.m. in the Phillip Street, Park Street, or George Street (Circular Quay) taxi zones in the Sydney CBD.

The driver must remove the destination sign when the taxi-cab is hired, or on arrival at the locality concerned or at 4.30 a.m. or 4.30 p.m. or 3.30 p.m. (while standing at the Sydney CBD taxi zones).

### **4.3 Drivers in Sydney Airport Precinct**

a. Driver to be hired only at specific zones (clause 143)

The driver must not accept a hiring in the Sydney Airport precinct unless the taxi-cab is in a taxi zone or the hiring is pre-booked.

- b. Driver to supply information on hirings (clause 144)  
The driver must not, without reasonable excuse, fail to provide information to an authorised officer relating to questions on whether the driver's vehicle is hired and the details of that hiring.
- c. Directions to driver by authorised officers (clause 145)  
The driver must not, without reasonable excuse, fail to comply with the direction of an authorised officer to stop the taxi-cab or to move the taxi-cab to another location in the Sydney Airport precinct.

#### 4.4 Taxi-cab Hirings

The following requirements relate to the manner in which taxi-cab hirings must be carried out.

- a. Driver to accept hiring (clause 146)
  - (i) The driver must accept any hiring immediately when offered when the taxi-cab is available for hire.
  - (ii) Hiring may be refused if:
    - (1) the number of passengers to be carried would exceed the maximum number of passengers that may be carried in the taxi-cab, or
    - (2) would violate the conditions for the carriage of goods and animals (clause 41), or
    - (3) the destination indicated by the intending passenger is not in the general direction of the locality of the destination sign displayed for the purpose of terminating a driving shift (clause 142), or
    - (4) the destination indicated by the intending passenger is outside the taxi-cab's licensed area of operations, or
    - (5) the intending passenger is smoking, eating or drinking and refuses to stop doing so, or
    - (6) the driver has reason to believe that the intending passenger is carrying something that is likely to soil or damage the taxi-cab or the clothing or luggage of other passengers or is likely to cause inconvenience, a nuisance or annoyance, or
    - (7) if one of the intending passengers is under the age of 1 year and neither the driver of the taxi-cab nor other intending passenger is carrying a child restraint that is not more than 10 years old, or
    - (8) the intending passenger cannot, on request, satisfy the driver that they are able to pay the estimated fare.
- b. Driver of taxi-cab not to direct a person to unauthorised network (clause 147)  
If a driver is not able to accept hiring made by telephone for whatever reason, the driver must not direct the person or pass on the information about the offer to any person or body other than an authorised taxi-cab network.
- c. Driver of wheelchair accessible taxi-cab to give preference to person using wheelchair (clause 148)

The driver of a wheelchair accessible taxi-cab, 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, unless the person not using a wheelchair is already seated in the taxi-cab at the time the person using a wheelchair offers to hire the taxi-cab.

However, the driver of a wheelchair accessible taxi-cab is not obliged to accept a hiring by a person using a motorised wheelchair or scooter unless the driver is satisfied that conveyance of the motorised wheelchair or scooter will be safe for the driver and the person, having regard to the capacity of the taxi-cab, its loading equipment and its wheelchair restraints.

d. Police officer may direct driver to accept hiring (clause 149)

A police officer may direct a driver to accept a hiring, and the driver must not, without reasonable excuse, refuse to carry out the direction.

A police officer may not direct a driver to accept a hiring if the carrying out of the hiring would involve the driver in committing an offence (other than an offence against the Regulation).

The police officer who gave the direction to accept the hiring is liable to pay the driver the authorised fare, and reasonable compensation for any damages or injury, or loss of time as a result of the hiring.

e. Manner in which hiring to be carried out (clause 150)

The driver:

- (i) must carry out punctually any hiring accepted, and
- (ii) must take the shortest possible route to the indicated destination unless the hirer specifies other routes, and
- (iii) must not refuse to comply with, without reasonable excuse, the request of the hirer to change destination during the hiring unless the destination is outside the taxi-cab's area of operation, and
- (iv) must set down and pick up passengers close to or parallel with the side of the road, and
- (v) may refuse to stop the taxi-cab at locations where stopping is unlawful or unsafe.

f. Wheelchair to be safely and securely attached to taxi-cab (clause 151)

The driver of a wheelchair accessible taxi-cab must ensure that when conveying a person using a wheelchair, the wheelchair is safely and securely attached to the taxi-cab throughout the hiring.

g. Operation of taxi-cab's air-conditioning (clause 152)

The driver must turn on the taxi-cab's air-conditioning system when requested by the hirer.

h. Journey by taxi-cab to pick-up point (clause 153)

In responding to a pre-booked hiring, the following provisions apply:

- (i) The driver must advise the hirer personally on arrival at the pick-up point or arrange for the hirer to be advised of the actual or imminent arrival time of the taxi-cab by any lawful means (but not by sounding of a horn).

- (ii) Unless agreed between the hirer and the taxi-cab driver, the hiring commences when the taxi-cab has arrived at the pick-up place and the hirer is notified, or at the time appointed for the arrival of the taxi-cab at that place, whichever of those times is the later.
- (iii) The driver must set the taxi-meter in operation at the time the hiring commences.
- (iv) Fares and charges may include a booking fee, if it has been approved by the Director-General.
- (v) A hiring commences when the hirer requires the driver to drive the taxi-cab to another place to pick up passengers, luggage or goods.

i. Carriage of luggage and goods (clause 154)

The driver must convey any luggage or goods in the taxi-cab when requested by hirer unless by doing so, the driver would violate clause 41 (Carriage of goods and animals).

The driver must not, except with the consent of the hirer, convey any luggage or goods on the roof of the taxi-cab, convey in any portion of the taxi-cab that is provided for the accommodation of passengers, any goods (except luggage) of any aggregate weight exceeding 25 kg.

The driver must afford every reasonable assistance to passengers in loading and removing luggage and take due care in handling the luggage.

j. Driver waiting or instructed to return (clause 155)

The driver:

- (i) must wait, if requested by the hirer, for a period up to 15 minutes unless a shorter or longer period is agreed on.
- (ii) may refuse to wait on arrival at a place at which the hirer requests the driver to wait, if the hirer refuses to pay the authorised fare to that point and the authorised fare for waiting time.
- (iii) may refuse to accept a hiring to return and may claim the authorised fare to the time of discharge.

k. Termination of hiring by hirer (clause 156)

The hirer of a taxi-cab may terminate a hiring at any time.

l. Termination of hiring by driver (clause 159)

The driver of a taxi-cab may terminate a hiring and demand the hirer pay the authorised fare to the place where the hiring was terminated in the following circumstances:

- (i) any situations referred to in clause 146(2).
- (ii) a passenger behaves in an offensive manner or uses offensive language;
- (iii) a passenger is under 16 years of age and refuses to wear a seat belt properly;
- (iv) in the opinion of the driver, the person is committing an offence under the Regulation (clause 53 (1)(a)-(c)).

The driver must take such action as contacting the operator or the police for help if the driver believes on reasonable grounds that the conduct of a passenger is endangering the safety of any person (clause 59).

- m. Additional passengers (clause 158)  
The driver must not act in such a way that would result in any person riding in the taxi-cab without the hirer's consent.
- n. Sharing of taxi-cabs (clause 159)  
The hirer may require the driver to permit other persons to share the same taxi-cab. The driver cannot demand payment of the authorised fare from a person other than the hirer.
- o. Multiple hiring of taxi-cabs (clause 160)  
The driver of a taxi-cab may accept separate hiring from 2 or more persons concurrently only if:  
(i) all of the hirers commence the hiring at the same time, and  
(ii) each of the hirers agrees that the driver may accept the other hirings; and  
(iii) all of the hirers are travelling to destinations in the same general locality or the same general direction.
- p. Operation of meter by taxi-cab driver (clause 161)  
The driver:  
(i) must not set the taxi-meter in motion before the taxi-cab is hired, and  
(ii) as soon as the taxi-cab is hired, must set the taxi-meter in motion, and  
(iii) must keep the taxi-meter in motion during any hiring, and  
(iv) must stop the taxi-meter, when a hirer in a multiple hiring is paying his/her authorised fare and is getting out of the taxi-cab, and  
(v) must stop the taxi-meter, for reasons such as shortage of fuel, mechanical defects, accidents and any event within the power of the driver to prevent, and  
(vi) must ensure that the taxi-meter is set at zero on the termination of any hiring.
- The hiring of a wheelchair accessible taxi-cab by a person using a wheelchair terminates when the taxi-cab stops at the hirer's destination. The driver must not demand payment in respect of any period during which the wheelchair:
- (i) is being released from its restraints in the taxi-cab, or  
(ii) is being manoeuvred from the taxi-cab to a place at the hirer's destination.
- Before receiving payment in respect of any hiring, the driver must cause the taxi-meter to display the amount recorded that can be easily read by the hirer, and state the amount of any extra charge for luggage, goods, tolls or charges.
- q. Hirings outside area of operation (clause 162)  
A driver must not :  
(i) ply or stand a taxi for hire outside its area of operation, or  
(ii) carry out a pre-booked hiring outside its area of operation.
- A driver may carry out a pre-booked hiring to convey a passenger from a place outside the taxi-cab's area of operation:  
(i) to a place inside the taxi-cab's area of operation, or  
(ii) to a place outside the area of operation of any other taxi-cab.
- r. Fares for taxi-cab (clause 163)  
The driver must not collect more than the authorised fare unless the taxi-cab is hired to convey passengers to a place outside the taxi-cab's areas of operation, and the fare is negotiated and agreed with the hirer before the start of the journey.

The driver must not, without reasonable cause, fail to offer the correct change if given money of greater value than the amount of the authorised fare for the hiring.

The driver of a wheelchair accessible taxi-cab must provide a receipt on termination of the hiring.

The driver must not charge for any period during which the taxi-cab is delayed because of any for reasons such as shortage of fuel, mechanical defects, accidents and any event within the power of the driver to prevent,

The driver is entitled to charge passengers who have soiled the taxi-cab a cleaning fee equivalent to one hour of the authorised maximum waiting time fee.

#### **4.5 Miscellaneous**

Other authorisation requirements are:

- a. Non-compliance labels and notices (clause 232)  
A person must not remove a non-compliance label from a taxi-cab unless the person is an authorised officer, or delegated to do so by an authorised officer.
- b. No touting or soliciting for passengers or hirings (clause 233)  
The driver must not solicit for passengers or for a hiring (and nor may anybody else).
- c. False advertising (clause 234)  
A person must not falsely advertise that he or she is an authorised taxi-cab driver.
- d. Change of name or address of driver (clause 235)  
An authorised taxi-cab driver who changes his or her name or residential address must, within 7 days after the change, give written notice of the change and of the new name or address to the Director-General and to the operator of each of the taxi-cabs he or she drives.

### **5. CONDUCT OF PASSENGERS**

**5.1 The required behaviour of passengers in taxi-cabs are prescribed in Part 5 of the Regulation, which include:**

**Passengers must not:**

- use offensive language or behave offensively (clause 49)
- smoke (clause 50)
- eat or drink except for medical reasons (clause 51)
- take animals into the taxi unless they are suitably confined (assistance animals are exempted) (clause 52)
- wilfully damage the taxi-cab (clause 55)
- remove property from the taxi-cab (clause 56)
- litter (clause 57)
- throw anything in or from the taxi-cab (clause 58)

A passenger who finds any article in a taxi-cab must return it to the owner or give it to the driver or an authorised officer (clause 54)

## **5.2 Action by drivers in relation to a breach of the Regulation by passengers**

- a. Direction to leave public passenger vehicle (clause 53)  
The driver may direct a person to leave, or not enter, a public passenger vehicle if the driver is of the opinion that:
- a) a person's body, clothing or luggage (or any other thing on or carried by the person):
    - (i) may soil or damage the vehicle or the clothing or luggage of other passengers, or
    - (ii) is of such a size or has such dimensions that it cannot be accommodated in the public passenger vehicle without inconvenience or danger to other passengers or to the driver, or
  - b) the person is otherwise causing, or is likely to cause, a nuisance or annoyance to other passengers or to the driver (whether because the person is under the influence of alcohol or a drug, or for any other reason), or
  - c) the person is committing an offence under the Regulation in or on a public passenger vehicle.
- b. Driver to take action in relation to dangerous conduct (clause 59)  
The driver must take such action as is appropriate (e.g. contacting the operator or the police for help) if the driver believes on reasonable grounds that the conduct of a passenger is endangering the safety of any person.

## **6. RENEWAL OF TAXI DRIVER AUTHORITY**

### **6.1 Renewal procedures**

The Department will as a matter of courtesy contact authorised drivers to advise them that their authorisation is due for renewal, how much the renewal fee will be and the documents to be attached to the application. However, ultimate responsibility for the renewal of an authority remains with the driver.

Drivers must answer all questions in the renewal application form truthfully.

Drivers may be required to comply with any new authorisation criteria, and/or sit for additional assessment of the competencies required of taxi-cab drivers before their renewal is granted.

Drivers will be required to provide copies of their criminal history record issued by the Police Force, and their driving record issued by the Roads and Traffic Authority at the time of the application.

If the authorisation criteria are not met, the authority cannot be renewed by the due date and will lapse and the driver would need to apply for a new authority. This means that drivers may be required to undertake an English language assessment and satisfactorily complete an approved training course or otherwise meet the taxi driver competency standards again to become authorised.

The driver should ensure that the renewal application form together with supporting documents for renewal and the appropriate fee are delivered or posted to the Department.

## **6.2 Renewal of Authority of Taxi-cab Drivers involved in the TaxiCare Plus Training Curriculum**

Drivers who are involved in the TaxiCare Plus training curriculum are required to complete Part B of the training curriculum in one of the approved taxi driver training schools within the three months preceding the renewal of their driver authority.

To be eligible for enrolment in Part B of the training course, drivers must be able to show proof that they have fulfilled the necessary on-road taxi driving requirements, which includes the number of driving shifts and the maintenance of a training logbook of all driving shifts.

## **6.3 Assessment of Renewal Applications**

Applications for the renewal of taxi-cab driver authorities will be assessed by the Department in a similar fashion to that of new applications.

# **7. REFUSAL, VARIATION, SUSPENSION OR CANCELLATION OF A TAXI-CAB DRIVER AUTHORITY**

If the Department refuses an application for taxi-cab driver authorisation or if it cancels, suspends, or varies the authorisation, or imposes a condition on it, it must advise the applicant/driver of the reasons for the action taken.

The Department also has to advise the applicant/driver of any rights they might have to appeal against a decision that has a right of review. The conditions outlined in Authorisation Criteria 2.1(a), (b), (c), (d), (e), (f) and (g) are not reviewable decisions. You cannot request a review if your driver licence has expired, or has been cancelled, suspended or the person is disqualified, or their licence is reduced to a probationary, provisional or restricted status.

If the applicant is dissatisfied with a decision that is reviewable, they may request a review of the decision by the Director-General. If the applicant is not satisfied with the outcome of the review, then the applicant may appeal to the Administrative Decisions Tribunal to overturn the decision.

The applicant should contact the Administrative Decisions Tribunal if more information about what the rules are for submitting an appeal is needed.

A driver authorisation may be refused, varied, suspended or cancelled if:

- (i) the driver's motor vehicle driver licence is cancelled, suspended or expired, or the driver is disqualified;
- (ii) the driver's criminal history is unsuitable;
- (iii) the driver's driving record is unsuitable;
- (iv) the driver is medically unfit;

- (v) the driver has been convicted of a disqualifying offence or has been charged with such an offence and the charge has not been finally heard or discharged; or
- (vi) the driver has engaged in conduct that is in violation of the Act or Regulation or the requirements to drive a taxi.

## **8 OTHER INFORMATION**

### **8.1 DoT Fraud and Corruption Prevention Policy**

The Department has a “no tolerance” policy on fraud and corruption.

Staff are not permitted to accept bribes or inducements (no matter how trivial these may be) to act dishonestly or partially as public officials. This includes deceit or an advantage gained by unfair means.

The Department will report to the Independent Commission Against Corruption (ICAC) or police any persons who offer inducements or bribes to staff to act dishonestly.

### **8.2 Obtaining additional information from DoT**

If you have any questions about passenger transport services or if you need help in understanding any of the requirements please contact the Department at its primary e-mail address, which is [mail@transport.nsw.gov.au](mailto:mail@transport.nsw.gov.au). You can also telephone, call in to the Department, Level 4, 16-18 Wentworth Street, Parramatta, or write to the Department, Locked Bag 5085, Parramatta NSW 2124.

## Appendix I

### **List of Persons who can Provide Certification of Copies of Documents**

Bail Justice

Barrister

Commissioner for Affidavits

Commissioner for Declarations

Commissioner for Oaths

Judge

Justice of the Peace (to show registered number)

Medical Practitioner (registered under the Medical Practice Act 1992)

Minister of Religion authorised to celebrate marriages (but not merely a marriage celebrant)

Police Officer (of the rank of Sergeant or the highest ranking officer in the station)

Proclaimed bank manager

Sheriff

Solicitor

**NB** A person certifying copies of documents must be currently employed in or engaged in one of the above positions (rather than have formerly been in or held such a position).