

Review of the
Taxi and Luxury Hire Car Industries Act 1995

Paper 5 – Operator Accreditation

Department of Infrastructure, Energy and Resources

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This is the fifth in a series of discussion papers to be produced by the Department of Infrastructure, Energy and Resources about the taxi industry.

These papers will address issues that were identified during the work of the Taxi Industry Review Group established in 1999 to review Tasmania's taxi legislation, as well as issues of ongoing interest.

The purpose of these papers is to seek input on these issues from members of the taxi industry, through the Taxi Industry Reference Group, and other interested stakeholders.

The issues in this paper are presented for discussion and do not represent Government policy.

The work of the Reference Group and the input from stakeholders will contribute to a process of rewriting the Taxi and Luxury Hire Car Industries Act 1995 and making new regulations to replace the Taxi Industry Regulations 1996 and the Taxi Industry (Taxi Areas) Regulations 1996, proposed for 2007.

1. INTRODUCTION	5
2. BACKGROUND	7
2.1. ROLE OF GOVERNMENT	7
2.1.1. PURPOSE OF ACCREDITATION	7
2.2. PASSENGER TRANSPORT ACT	8
2.2.1. BACKGROUND	8
2.2.2. LEGISLATIVE REQUIREMENTS FOR ACCREDITATION	9
2.3. ACCREDITATION GUIDELINES	11
2.3.1. DRIVER ADMINISTRATION	12
2.3.2. VEHICLE ADMINISTRATION AND SAFETY	13
2.3.3. COMPLAINTS MANAGEMENT AND HANDLING	14
2.3.4. ADMINISTRATION OF THE SCHEME	15
2.3.5. RECORD KEEPING	16
2.4. ACCREDITATION IN OTHER JURISDICTIONS	16
2.4.1. NEW SOUTH WALES	16
2.4.2. VICTORIA	19
2.4.3. QUEENSLAND	19
2.4.4. SOUTH AUSTRALIA	21
2.4.5. WESTERN AUSTRALIA	21
2.4.6. NORTHERN TERRITORY	21
2.4.7. AUSTRALIAN CAPITAL TERRITORY	22
2.5. CURRENT SITUATION	23
2.5.1. RELEASE OF THE ACCREDITATION GUIDELINES	23
2.5.2. TASMANIAN TRANSPORT OPERATOR ACCREDITATION BOARD	23
2.5.3. INDUSTRY FEEDBACK	24
3. ISSUES	25
3.1. ISSUES FOR CONSIDERATION	25
3.2. FOCUS OF ACCREDITATION	25
3.2.1. SAFETY AND VEHICLE STANDARDS	25
3.2.2. FINANCIAL RESPONSIBILITY	28
3.2.3. SECURITY	28
3.2.4. QUESTIONS	29
3.3. PROVISIONS IN THE TAXI REGULATIONS RELATING TO ACCREDITATION	29
3.3.1. ROADWORTHINESS INSPECTIONS	30
3.3.2. DAILY VEHICLE CHECKS – SIGNS AND LABELS	30
3.3.3. DAILY VEHICLE CHECKS – TAXI EQUIPMENT	32
3.3.4. QUESTIONS	33

3.4. OPERATOR TRAINING	35
3.4.1. BACKGROUND	35
3.4.2. APPLICABILITY TO TASMANIA	37
3.4.3. QUESTIONS	38
3.5. PERPETUAL TAXI LICENCES	39
3.5.1. ISSUE OF PERPETUAL TAXI LICENCES	39
3.5.2. LEASING OF PERPETUAL LICENCES	40
3.5.3. RECORDING OF RESPONSIBLE OPERATORS' DETAILS	41
3.5.4. QUESTIONS	44
3.6. CODE OF BEHAVIOUR/CODE OF CONDUCT	45
3.6.1. BACKGROUND	45
3.6.2. ACCREDITATION SCHEME REQUIREMENTS	46
3.6.3. PASSENGERS' RIGHTS AND RESPONSIBILITIES	49
3.6.4. QUESTIONS	52
3.7. ACCREDITATION OF GROUPS OF TAXI OPERATORS	53
3.7.1. AGREEMENTS WITH ACCREDITED TAXI GROUPS	53
3.7.2. USE OF ACCREDITED GROUP PROVISIONS	55
3.7.3. IDENTIFICATION OF VEHICLES	56
3.7.4. USE OF THE PROVISIONS	56
3.7.5. QUESTIONS	57
4. FURTHER INFORMATION	58
APPENDICES	
APPENDIX 1: GLOSSARY OF TERMS	60
APPENDIX 2: <i>PASSENGER TRANSPORT ACT 1997</i>	61
APPENDIX 3: <i>PASSENGER TRANSPORT REGULATIONS 2000</i>	70
APPENDIX 4: TASMANIAN TRANSPORT OPERATOR ACCREDITATION BOARD TERMS OF REFERENCE	72
APPENDIX 5: EXTRACT FROM THE <i>TAXI INDUSTRY REGULATIONS 1996</i> (OPERATORS' RESPONSIBILITIES)	75
APPENDIX 6: EXTRACT FROM CODE OF PRACTICE FOR THE OPERATING OF TAXIS (1997)	92
APPENDIX 7: EXAMPLES OF CODES OF CONDUCT	96
APPENDIX 8: EXTRACT FROM THE <i>TAXI INDUSTRY REGULATIONS 1996</i> (DRIVERS' RESPONSIBILITIES)	113
APPENDIX 9: RESOURCES	117

1. Introduction

This paper is one of a series of discussion papers addressing issues that were identified during the work of the Taxi Industry Review Group, which was established in 1999 to review Tasmania's taxi legislation, and other issues of ongoing interest.

Recommendations from the Review Group resulted in the development of the *Taxi and Luxury Hire Car Industries Amendment Act 2003*, which was enacted in December 2003. The major features of the legislation included the requirement for new taxi licences to be made available every year, and the introduction of wheelchair accessible taxis (WATs). During the review several issues were identified that were outside the scope of the Review Group's Terms of Reference. These issues were to be addressed after the commencement of the new Act.

The Department of Infrastructure, Energy and Resources (DIER) has established a Taxi Industry Reference Group to provide advice on a range of issues affecting the industry, including the outstanding issues identified by the Review Group. Initially the issues considered by the Reference Group will be those which will inform a process of rewriting the *Taxi and Luxury Hire Car Industries Act 1995* (the Taxi Act), the *Taxi Industry Regulations 1996* (the Taxi Regulations), and the *Taxi Industry (Taxi Areas) Regulations 1996* proposed to be completed in 2007. Further information on the Reference Group's work can be found in [Section 4](#).

This discussion paper relates to the implementation of the Taxi and Luxury Hire Car Operator Accreditation Scheme, which was introduced in early 2006 in accordance with the requirements of the *Passenger Transport Act 1997* (PT Act)¹. The PT Act requires that all providers of public passenger or hire and drive services must be accredited to operate those services. Accreditation under the PT Act is designed to:

- encourage improved passenger transport industry standards;
- raise awareness of safety and other related issues; and
- ensure someone is accountable for meeting those standards².

Obtaining accreditation will demonstrate that an operator has a set of processes and record-keeping systems in place to ensure their taxi or luxury hire car business meets and maintains adequate safety standards.

¹ Operator accreditation under the PT Act is distinct from accreditation under Part 5 of the *Taxi and Luxury Hire Car Industries Act 1995*, which provides for organised groups of operators to be accredited and therefore able to set their own fares, charge different fares, seal their own meters etc.

² Department of Infrastructure, Energy and Resources: Passenger Transport Operator Accreditation Scheme: *Accreditation Guidelines for Operators of Taxis and Luxury Hire Cars*, Version 1.0, August 2005, page 6.

This review of the taxi industry legislation will not review the legislative requirement for operators to be accredited or the fundamental structure of the accreditation scheme, as this is the responsibility of the Tasmanian Transport Operator Accreditation Board (TTOAB). The TTOAB is the body responsible for overseeing the development and implementation of operator accreditation across all sectors of the passenger transport industry. The paper considers some of the practical issues associated with the implementation of the scheme and how the scheme relates to the Taxi Act and the Taxi Regulations.

One of the requirements of operator accreditation is that operators have in place a driver code of behaviour. The development of an industry Code of Conduct for taxi and luxury hire car drivers and operators to promote orderly market behaviour was one of the issues identified by the Review Group as needing to be addressed outside the 1999 Review³. This paper proposes that an industry code of conduct that met the requirements of the accreditation guidelines could be developed, and operators could then adopt this for their own use or modify it to suit their specific needs.

There will be links between the issues considered in this paper and other issues that will be the subject of future discussion papers, in particular, the possible regulation of radio rooms.

³ Taxi Industry Review Group: *Taxi Industry Act 1995 and luxury hire car legislation Regulatory Impact Statement*, April 2000, page 12.

2. Background

2.1. Role of Government

The Government has an interest in the operation of the taxi industry as part of the passenger transport network insofar as it contributes to 'an effective internal and external transport and communications system that meets and responds to Tasmania's needs'⁴. The Government's interest in the taxi industry reflects its obligation under the Taxi Act to, among other things:

- ensure the availability of adequate standard taxi services at reasonable prices; and
- enable variation in taxi services to meet community demands at prices determined by market forces⁵.

The Government is also concerned with the safety of the passenger transport system in relation to transport providers, customers and other road users. The accreditation scheme is a significant component of the management of safety issues.

2.1.1. Purpose of accreditation

Accreditation is compulsory for operators of all public passenger vehicles. The legislative requirements are set out in Section 2.2.2.

Operator accreditation was introduced in June 2000 through the *Passenger Transport Amendment Act 1999*. This Act, together with other legislation including *Taxi and Luxury Hire Car Industries Reform Act 1999* (which, among other things, brought the regulation of luxury hire cars into the taxi industry legislation), introduced a range of reforms to the passenger transport industries. The intention of changes introduced through this legislation was to, among other things, overcome community concerns about operator quality and public safety⁶. Accreditation was seen as the 'cornerstone' of the Government's approach and was intended to 'ensure that persons operating in the industry accept their responsibilities to ensure that the services they offer are safe and of a suitable quality'⁷.

Requiring operators to take responsibility for ensuring that their services are safe and that they comply with the requirements of the legislation is a significant change to an industry that has historically relied on an enforcement approach to compliance. The introduction of accreditation

⁴ Tasmania *Together*, Goal 1, Standard 3 (page 36).

⁵ *Taxi and Luxury Hire Car Industries Act 1995*, Section 4(2)(c).

⁶ Parliament of Tasmania, Hansard, Tuesday 30 November 1999, Part 2, Pages 33–107 (Minister Lennon, Second Reading Speech of the Passenger Transport Amendment Bill 1999 sourced from <http://www.hansard.parliament.tas.gov.au/isysquery/irla7b/1/doc> accessed 8 March 2006.)

⁷ *ibid.*

is intended to move the industry away from a system where Government inspectors monitor the industry to identify those who don't comply, to an approach that places responsibility on the industry participants to demonstrate, through self-regulation, that they meet the standards required by the legislation.

Accreditation is therefore the central means by which the regulation of the industry will be achieved.

2.2. Passenger Transport Act

2.2.1. Background

The PT Act was introduced in 1997 to replace the existing public vehicle licensing system with a more flexible scheme of administration. It applies to public passenger vehicles⁸ (i.e. motor vehicles that are intended to be used for the purpose of carrying passengers for reward) and large passenger vehicles that are not exempted from the requirement to be registered as public passenger vehicles⁹.

Under the PT Act a small passenger vehicle (i.e. a motor vehicle with a seating capacity of less than 13 adults, including the driver¹⁰) may be hired out, together with a driver, for the purpose of carrying passengers for reward on limited passenger services¹¹ and used for private purposes¹². Large passenger vehicles may be hired out, together with a driver, for the purpose of carrying passengers for reward; used for private purposes; and used for prescribed purposes¹³.

⁸ *Passenger Transport Act 1997* (Tas), Section 3.

⁹ Section 8 of the PT Act allows the Registrar to exempt a large passenger vehicle (i.e. a vehicle with a seating capacity of 13 or more adults including the driver) from the requirement to be registered as a public passenger vehicle if the vehicle is to be used only for prescribed private purposes by prescribed persons; or the vehicle is registered as a hire and drive vehicle and will not be hired out for reward together with a driver.

¹⁰ *Passenger Transport Act*, Section 3.

¹¹ Limited passenger services, as defined by Schedule 2 of the *Passenger Transport Act*, include:

- the hiring out of a classic or vintage car, or a custom car such as a "hot-rod", for weddings or other special occasions, together with a driver;
- the hiring out, for weddings or funerals, of a small passenger vehicle that, apart from any consideration of age, would be classifiable as a luxury vehicle for the purposes of Part 4A of the *Taxi and Luxury Hire Car Industries Reform Act 1999*;
- the hiring out of a motor cycle for irregular tours or general hire, together with a driver;
- the hiring out of a bus for irregular tours or general hire, together with a driver;
- the hiring out of a small passenger vehicle, together with a driver, for adventure, recreational, educational or other brochured tours;
- the use of a small passenger vehicle on regular passenger transport services;
- the hiring out of a 4 wheel drive vehicle for irregular tours, together with a driver;
- the hiring out of a vehicle that is fitted with a wheelchair lift for general hire by persons with disabilities, together with a driver;
- such other passenger services as may be prescribed to be limited passenger services.

¹² *Passenger Transport Act*, Section 11(1).

¹³ *ibid.*, Section 11(2).

However, public passenger vehicles are not authorised to be used as taxis or luxury hire cars unless they are licensed and operated in accordance with the Taxi Act¹⁴. In particular, they cannot be parked on a taxi rank or in a public street for the purpose of soliciting trade and they cannot be described or advertised as a taxi¹⁵.

Under the PT Act, vehicles registered as taxis are able to provide a limited passenger service, provided that any signs indicating the vehicle is a taxi, including the top-light, have been removed and that the taximeter has been rendered inoperative and covered over¹⁶. When a taxi is being used to provide a limited passenger service it is not allowed to operate as a taxi. This means that it cannot be hailed, and cannot stand on a taxi rank, or solicit trade on a public street¹⁷.

2.2.2. Legislative requirements for accreditation

The Passenger Transport Operator Accreditation Scheme is compulsory for all operators of taxi and luxury hire car services in Tasmania. Without this accreditation, an operator cannot legally act as the operator of a taxi or luxury hire car service. The penalty for operating without being accredited is a fine not exceeding 100 penalty units¹⁸ (\$10 000) for a first offence and a fine not exceeding 200 penalty units (\$20 000) for a second or subsequent offence¹⁹.

The accreditation requirements are outlined in Part 2A of the PT Act and Part 3 of the *Passenger Transport Regulations 2000* (PT Regulations). The relevant provisions are outlined at [Appendix 2](#) (PT Act) and [Appendix 3](#) (PT Regulations). The major provisions are summarised below.

The purpose²⁰ of accreditation under the PT Act is to ensure that a person who provides a public passenger service or hire and drive service:

- is a fit and proper person to be providing the service; and
- accepts responsibility for the safety of the service; and
- is held accountable for any failure to comply with appropriate safety and related standards.

Accreditation also aims to encourage improved industry standards and awareness in relation to safety and related matters.

¹⁴ *ibid.*, Section 11(3).

¹⁵ *ibid.*, Section 15A(3).

¹⁶ *ibid.*, Section 15A(1).

¹⁷ *ibid.*, Section 15A(2).

¹⁸ A penalty unit is the maximum fine that can be imposed by a court. Each penalty unit is \$100.

¹⁹ Passenger Transport Act, Section 16A.

²⁰ *ibid.*, Section 16B.

The responsible operator to whom accreditation is granted would normally be the owner of a perpetual taxi licence or a luxury hire car licence or the holder of a WAT licence. In cases where a perpetual taxi licence is leased or assigned to another person, that person is the responsible operator. Where the owner of the licence is a partnership or an incorporated or unincorporated body, it must nominate a person to be the 'responsible officer' for the purposes of accreditation. This is one of the partners of a partnership, an officer or employee of an incorporated body or a member of an unincorporated body²¹.

Operators are required to apply to the Transport Commission (the Commission) for accreditation under one or more categories²². The categories include general regular passenger transport services (e.g. regular bus services), open tour or charter services, luxury hire car services, taxi services and limited passenger services.

The Commission determines whether the application is granted or refused. Grounds for refusal to grant an application for accreditation include²³ that the applicant is not able to meet the relevant safety standards or implement the quality management procedures; that the applicant has been found guilty of a disqualifying offence²⁴ within the previous five years²⁵; that the Commission does not consider the applicant to be a 'fit and proper person' to be accredited; or that the applicant has provided false or misleading information in their application.

If the application is granted, the Commission is able to impose any conditions considered necessary to uphold the purpose of accreditation²⁶. The Commission is subsequently able to impose new conditions on an operator's accreditation or vary or revoke existing conditions²⁷.

On approval, the accredited operator is issued with an accreditation certificate that specifies details of the accreditation, including any conditions that apply²⁸. Under the PT Regulations the operator is required to display a copy of his or her current accreditation certificate in each vehicle that he or she operates²⁹. While this is a reasonable requirement for larger vehicles such as buses, DIER recognises that this is not practical for smaller vehicles, which have less room to display such items. For the purposes of enforcing the Taxi Regulations, DIER will accept a copy of the certificate being stored in the glove box of each vehicle for taxi and luxury hire car operators, and proposes to amend the PT Regulations to reflect this.

²¹ *ibid.*, Section 16E.

²² *ibid.*, Section 16D.

²³ *ibid.*, Section 16F.

²⁴ The Passenger Transport Regulations prescribe as disqualifying offences against the following sections of the PT Act [section 14(2), 14(3), 15(1), 16(2), 16A and 21(4)], the PT Regulations [Regulation 13(1), 14 and 17(1)], the Luxury Hire Car Regulations 2000 [Regulation 12] and the Taxi and Luxury Hire Car Industries Act 1995 [section 23I(2) and 23J].

²⁵ *Passenger Transport Regulations 2000*, Regulation 8.

²⁶ *Passenger Transport Act*, Section 16H.

²⁷ *ibid.*, Section 16Q.

²⁸ *ibid.*, Section 16I.

²⁹ *Passenger Transport Regulations*, Regulation 12.

Accreditation is valid for five years³⁰. Accredited operators must apply to renew their accreditation prior to its expiry³¹.

The Commission is able to impose probationary status on an operator's accreditation, suspend their accreditation for a period of up to six months or cancel their accreditation³². The Commission can impose restrictions on an operator's accreditation that has probationary status, but the accreditation remains valid during the probationary period. Reasons for restricting, suspending or cancelling an operator's accreditation include: that the operator (or responsible officer) has been found guilty of a disqualifying offence; that the Commission is satisfied that the operator is not a fit and proper person to hold accreditation; that the operator has failed to comply with the conditions of accreditation; or that the continued provision of the accredited service poses a risk to public safety³³. Unless the Commission is satisfied that there is an immediate and serious danger to public safety, the operator must be notified of the Commission's intention to restrict, suspend or cancel their accreditation and be given an opportunity to respond to this³⁴.

2.3. Accreditation guidelines

The *Accreditation Guidelines for Operators of Taxis and Luxury Hire Cars* (the Guidelines) summarise the accreditation requirements for operators of taxis and luxury hire cars.

The Guidelines, which were released in January 2006, provide that existing operators would automatically receive accreditation for a period of 12 months from the date of release of the Guidelines. To maintain their accreditation, operators are required to have completed the accreditation requirements by the end of this 12-month period. Operators that were not acting as operators at the date of release of the Guidelines are required to apply for accreditation before commencing the operation of their taxi or luxury hire car business³⁵.

Accreditation covers three aspects of a taxi or luxury hire car business:

- driver administration;
- vehicle administration and safety; and
- complaints management and handling.

³⁰ *ibid.*, Regulation 9.

³¹ Passenger Transport Act, Section 16L.

³² *ibid.*, Section 16P.

³³ *ibid.*, Section 16P(1).

³⁴ *ibid.*, Section 16I(2).

³⁵ Department of Infrastructure, Energy and Resources: *op. cit.*, pages 8–9.

2.3.1. Driver administration³⁶

This component ensures that an operator's drivers are suitably skilled and meet specified minimum standards. It requires that operators ensure that:

- drivers are appropriately licensed and certified to drive a taxi or luxury hire car;
- driver details are recorded in a register and an individual file for each driver is kept and maintained;
- driver behaviour, performance and history are monitored; and
- drivers follow a code of behaviour for the business.

Driver engagement

Operators must ensure that their drivers are appropriately qualified to drive a public passenger vehicle before engaging them. This includes confirming that a driver holds a current Australian driver licence, a suitably endorsed Ancillary Certificate and, for WAT drivers, that they have undertaken the appropriate training. Operators are also required to obtain a transcript of their drivers' driving records and obtain a referee report from a former employer. Drivers are required to sign a release form that authorises the operator to obtain information on their driver record.

Record keeping

Operators are required to keep and maintain a file for each driver that drives for them, including details of the driver's licence and Ancillary Certificate, workers compensation policy, and training history. The file must also include information on the operator's driver monitoring process, breaches of the code of behaviour and any records of customer complaints.

Driver performance and monitoring

Operators must have in place processes for monitoring driver performance and reviewing and updating information they hold on drivers. This includes conducting annual checks on the details, including confirming that the driver still holds a current driver licence and Ancillary Certificate, checking updates to each driver's driving record, and regularly reviewing each driver's performance, including details of breaches of the operator's code of behaviour and customer complaints about the driver.

³⁶ *ibid.*, pages 16–26.

Code of behaviour

All operators are required to have in place a code of behaviour that specifies minimum standards of behaviour in relation to issues such as driver attitudes, customer service, road safety, local areas knowledge, and accepting fares. All drivers must be given a copy of the code and operators must monitor their behaviour to ensure that they comply with it. If a driver breaches the code, this must be recorded on the driver's file, and the operator must decide if the driver is to continue to drive for them.

2.3.2. Vehicle administration and safety³⁷

This component ensures that an operator's vehicles are safe, well maintained and roadworthy at all times. It requires that operators ensure that:

- vehicles are registered;
- vehicles are inspected for roadworthiness by Transport Inspectors or their agents on a scheduled basis;
- a nominated person undertakes a daily vehicle check;
- any vehicle faults are immediately reported, recorded and appropriate action taken;
- an effective programmed maintenance plan is in place to deliver scheduled and non-scheduled vehicle maintenance; and
- six-monthly or other periodic maintenance and safety checks are undertaken as recommended by the vehicle manufacturer.

Roadworthiness inspections

Operators must have in place a process to ensure that their vehicles are inspected for roadworthiness every six months by a Transport Inspector. Vehicles are checked for compliance with the *Light Vehicles Inspection Manual*.

Daily vehicle safety inspection

This requires operators (or a nominated person) to perform a daily vehicle safety check on every vehicle and to record that the inspection has been undertaken. These checks cover items such as lights, mirrors, windscreens, seatbelts, tyres, oil, fuel and water, brakes, taxi equipment and so on. If a fault is identified, it must be recorded and reported to the person responsible for organising repairs.

³⁷ *ibid.*, pages 28–36.

Fault reporting and clearing system

Operators must have processes in place to ensure that faults are reported to the person responsible for organising repairs and that there is a fault clearing system in place. This includes a method for preventing vehicles found to be unsafe from being operated until the fault is rectified, and a mechanism by which the completion of a fault repair can be recorded. It also includes a system that enables faults that develop while the vehicle is on the road to be reported and rectified as soon as possible.

Major vehicle safety inspections

This component requires operators to have in place a system that ensures that each vehicle has a full safety inspection every six months (or 10 000 km, whichever occurs first) or in accordance with the vehicle manufacturer's recommendations. The major vehicle safety inspections can be carried out by a qualified mechanic or a person that has attended a training and assessment course approved by DIER.

Vehicle administration

Operators must keep records for each vehicle. The records include details of the daily vehicle safety inspections, scheduled and non-scheduled maintenance, routine roadworthiness inspections and major safety services undertaken.

2.3.3. Complaints management and handling³⁸

This component ensures the operators have systems in place to receive and handle complaints and feedback from customers. It requires that operators ensure that:

- passenger complaints are acknowledged and handled according to a set process; and
- records of complaints are maintained.

Vehicle requirements

Operators must ensure that the driver's identification, including their first name, photograph and Ancillary Certificate number, is displayed in the vehicle and is visible to all passengers. The vehicle number and a complaints telephone number must also be displayed. There is no prescribed format for driver identification. However, it has been suggested that DIER could produce an identification card for this purpose, rather than have operators produce it, so that all identification cards were consistent. This would assist in assuring customers that the identification was authentic.

³⁸ *ibid.*, pages 38–44.

Complaints handling process

Operators must have a process in place for handling complaints. All staff members, including drivers and office staff, must be aware of this process.

The complaints handling process must ensure that passengers are provided with sufficient information to lodge a complaint and that they are advised of any action taken as a result. Operators must keep records about complaints received, including details on how complaints were handled and what decisions were made as a result (e.g. no further action, issue of a formal warning etc). This includes reviewing whether a driver who is the subject of a complaint has breached the operator's code of behaviour, and any action taken as a consequence.

Operators are required to refer complaints of a criminal nature to the police and the Registrar of Motor Vehicles, and complaints involving a breach of the transport industry legislation to DIER. Operators must keep records of the complaint, its referral and details of the outcomes of any investigation.

There is no restriction on which telephone number can be used as a complaints number, which means that taxis could display the phone number of the driver of the taxi. This might occur in cases where the operator is also the driver. However, customers might be reluctant to contact an operator-driver directly to complain about inappropriate behaviour. There might be a role for radio rooms to manage this process, or for an additional complaints 'hotline' to be established (as discussed in Section 3.5.3). The potential role of radio rooms in relation to complaints management and other accreditation requirements will be discussed in a future discussion paper about the role of radio rooms.

2.3.4. Administration of the scheme³⁹

For initial accreditation (for new operators) or renewal of the twelve-month interim accreditation (for existing operators), operators must undergo a System Audit of their business recording systems. Audits are undertaken by approved auditors, who are approved by DIER, and who will issue the operator with an Audit Certificate. DIER requires this certificate to have been issued before accreditation can be granted or renewed.

To maintain accreditation, existing operators will be subject to ongoing compliance audits every three years. New operators (and existing operators who could not demonstrate during their initial System Audit that their business recording systems had been working effectively) are subject to an initial compliance audit 12 months after the System Audit, followed by ongoing compliance audits every three years. After the compliance audit, if the approved auditor is satisfied that the operator's business records and procedures are compliant with the

³⁹ *ibid.*, pages 8–14.

accreditation requirements, they will send a report to DIER advising that the operator has met the requirements.

If DIER has evidence to suggest that an operator is not complying with the accreditation scheme, that operator may be subject to a Triggered Audit, in which an approved auditor re-audits the operator's business systems.

Operators are responsible for organising and paying for their own accreditation audits.

2.3.5. Record keeping

Keeping good records is an important part of any business. The record-keeping requirements of accreditation are a major part of the scheme and are an example of how the accreditation requirements can assist the operator to run an efficient operation. For example, maintaining records of complaints will allow the operator to monitor the performance of their drivers. This will alert them to drivers who might not be behaving in an appropriate manner so that they can take precautionary action before a situation escalates. Likewise, keeping detailed records on their vehicles and ensuring that the vehicles are regularly inspected ensures that potential problems are identified and can be rectified early, possibly avoiding the need for the vehicle to be off the road for lengthy periods in future.

2.4. Accreditation in other jurisdictions

2.4.1. New South Wales⁴⁰

Taxi-cab services in New South Wales (NSW) are primarily regulated under the *Passenger Transport Act 1990* (NSW) (Passenger Transport Act) and the *Passenger Transport (Taxi-cab Service) Regulation 2001* (NSW) (Taxi-cab Service Regulation), although there are other laws that are relevant to taxi services, including the road transport legislation, occupational health and safety legislation, laws relating to bailment of motor vehicles and so on. The Passenger Transport Act requires operators of taxi-cab services to be accredited by the NSW Ministry of Transport. A maximum fine of \$110 000 may be imposed for operating a taxi-cab for hire without appropriate accreditation by the Ministry⁴¹.

Accreditation is used by the Ministry of Transport to assess whether a person is of suitable character and fitness and has the competency to operate public passenger transport services in accordance with the requirements of the legislation. These requirements are intended to raise the standards and awareness of operators in the areas of safety, service delivery and business

⁴⁰ NSW Ministry of Transport Website: www.transport.nsw.gov.au/licensing/taxis/operators.html accessed 21 February 2006.

⁴¹ NSW Ministry of Transport: *Taxi-Cab Operator Accreditation Package*, December 2004, page 3.

acumen, and to ensure operators are held accountable for complying with appropriate standards. There are different requirements for operator accreditation for the different types of public passenger transport services⁴².

The accreditation criteria for taxi operators are set out in Clause 5 of the Taxi-cab Service Regulation. The criteria specify that a person or corporation wishing to be accredited to operate a taxi-cab service must be:

- of good repute;
- fit and proper; and
- able to meet and continue to meet the appropriate requirements in respect of:
 - financial viability;
 - safety of drivers, passengers and the public (i.e. be able to demonstrate knowledge and competency relating to the operation of a taxi-cab service); and
 - vehicle maintenance (i.e. have access to cleaning and maintenance facilities for taxi cabs)⁴³.

Applicants must demonstrate that they meet these criteria before their accreditation will be approved. In addition they must have undertaken a taxi-cab operator training course conducted by the NSW Taxi Council.

Accredited taxi-cab operators are required to comply with ongoing accreditation conditions, which are prescribed by the Taxi-cab Service Regulation. Most of these conditions have fines attached, up to a maximum of \$110 000, if they are breached. These conditions include⁴⁴:

- the operator's taxi-cab must be connected to network booking service and fitted with the appropriate communication equipment;
- the operator must ensure that their taxi-cabs meet legislative requirements relating to vehicle registration, safety and roadworthiness and that only licensed and authorised taxi-cab drivers are engaged to drive the taxi-cab;
- the operator must make and keep records concerning the roadworthiness of their taxi-cabs for at least two years;

⁴² *ibid.*, page 3.

⁴³ *ibid.*, page 4.

⁴⁴ *ibid.*, pages 9–15.

- the operator must maintain a cleaning program to ensure that the interior, exterior and fittings of their taxi-cab are clean, undamaged and in good repair;
- operators who operate WATs must ensure that their vehicle is capable of being fitted with, and carries a child restraint; and is driven by no more than one authorised taxi-cab driver between noon and 5:00 pm each day, and that the driver has successfully completed a training course in respect of the care and transport of persons with physical disabilities;
- operators must ensure that their vehicles meet a range of standards including standards relating to accommodation and age, and that they have installed taxi equipment such as security devices, taximeters, radios, signs, lights, and vehicle tracking devices (in some centres);
- operators must ensure that information about the rights and obligations of the hirer and the driver, maximum fares and charges and the registration number of the taxi-cab is displayed inside the taxi-cab so as to be easily readable by any passenger;
- operators must ensure that the taxi-cab displays its registration details and most recent certificate of inspection; and
- operator must maintain a policy of third party property insurance providing a cover of at least \$5 million for each taxi operated.

There are also conditions relating to keeping records, including requirements for operators to ensure that⁴⁵:

- all drivers have an appropriate authorisation and an appropriate driver licence;
- they keep a record in written or electronic form of all their taxi-cab drivers in respect of their full name, residential address and the dates and times during which the taxi-cab was driven;
- each driver is provided with an approved driver worksheet, and that each driver will complete and return the worksheet to the operator at the end of the driving shift; and
- they maintain a system of operational records (including the driver worksheet) in English, which must be retained for at least two years.

⁴⁵ *ibid.*, pages 10, 14, 15.

2.4.2. Victoria

The Victorian Government is in the process of introducing taxi industry accreditation. Currently, both licence holders and operators or taxis must satisfy the Victorian Taxi Directorate (VTD) that they are fit and proper persons to hold a licence and/or operate a taxi. The VTD can have regard to a person's character (e.g. criminal history), qualifications and financial stability.

New licence holders and operators (e.g. licence assignees) are required to undertake the Taxicare Taxi Operator Training Course, unless they have operated a taxi for at least 12 months within the last five years.

The VTD is proposing to have same basic character and other qualifications for licence holders and taxi operators under accreditation, but accountability and responsibilities will be more heavily focused on the operator.

2.4.3. Queensland⁴⁶

In Queensland the *Transport Operations (Passenger Transport) Act 1994* (Qld) requires all operators of public passenger transport services, including taxis, to hold operator accreditation for taxi services. There are different accreditation requirements for the different types of services. The purpose of operator accreditation is to:

- encourage the high quality operation of public passenger services by raising standards and awareness of operators in the areas of safety, service delivery and business acumen; and
- ensure operators are held accountable for complying with appropriate standards.

Operator accreditation is required to be held by:

- owners of a taxi service licence – including individuals, partnerships and companies;
- an individual, a partnership, a company or a cooperative that provides a taxi booking service or taxi administration service;
- the manager or lessee of a taxi service licence.

Certain 'disqualifying offences' can be grounds for refusing accreditation, as can repeated engagement in conduct that, in the Director-General's opinion, is damaging to the reputation of public passenger transport.

⁴⁶ Queensland Transport: Information Bulletin Pt 203/11.05 *Operator Accreditation for Taxis*.

Full accreditation is only granted to operators who have completed the relevant training course, which covers issues such as quality procedures and safe operating practices. Operators who do not meet the relevant training requirements will be issued with provisional accreditation.

In the past, licence owners received an automatic authority to drive their vehicle under the licence to operate the vehicle. The current taxi service licences do not grant this authority and owners wishing to drive must attain a separate driver authorisation.

Operator accreditation requires operators to comply with specific regulations and standards including:

- Operators must hold a taxi service licence in order to provide a taxi service. There can only be one vehicle attached to a taxi service licence at any one time and the licence must have a vehicle attached to it at all times.
- The operator of a taxi service must ensure that a written notice stating the area in which the taxi may be operated and any restrictions to which the licence is subject is kept inside the taxi.
- Operators must ensure that vehicles used to provide the service are maintained to a standard that complies with, or exceeds, the servicing and maintenance program specified by the vehicle's manufacturer. This must be established by following a documented maintenance schedule for each vehicle.
- Vehicles providing a taxi service must comply with the legislative requirements for public passenger vehicles, including requirements relating to age, equipment and so on, the Australian Design Rules and other relevant legislation.
- Operators must ensure that registration and inspection certificates and compulsory third party insurance are maintained.
- Operators must ensure vehicles used to provide the service are clean and tidy, provide for the basic comfort of passengers, and are operated safely.
- Operators must ensure that their drivers hold driver authorisation for taxi services; do not operate a public passenger vehicle if the driver's fatigue level may endanger passenger safety; and are aware of their responsibilities under the Transport Operations (Passenger Transport) Act.
- Operators must keep records of each journey undertaken, of their drivers' driver authorisation numbers; and details of vehicle maintenance for each vehicle used. These must be kept for five years.

- Operators must develop and document procedures to ensure that passengers who are carried in a vehicle that is unable to continue the journey are aware of the reason for the vehicle not continuing its journey, and the arrangements being made to ensure that passengers are able to complete their journey.
- For taxi operators not affiliated with a taxi administration service, an operator must record and respond to all complaints. All action taken must also be recorded. For taxi operators not attached to a taxi booking service, an operator must provide the public with a convenient means of answering queries about the service.

2.4.4. South Australia

All persons wishing to own and/or operate a taxi licence must be deemed 'fit and proper'. Applicants are required to undergo a national police records check, and there are certain offences that would exclude a person from being able to own or operate a licence. Applicants are also required to hold a \$10 million public liability insurance policy.

2.4.5. Western Australia

In Western Australia owners must be 'fit and proper' persons to operate a taxi business. This includes a clean police record in accordance with licensing specifications, and a good compliance record with the Department for Planning and Infrastructure (DPI) if they have been or are a driver.

Operators must keep records of their drivers in relation to their adherence to vehicle operating conditions, such as the times the drivers are on the road, details of pre-booked/contract work performed outside of the fare structure and so on. These records must be produced on request from DPI. Issues relating to drivers' licences and driving record are not able to be divulged to a third party and are managed by DPI.

Vehicle maintenance is monitored by annual inspection and on-road random checks. Complaints are dealt with by the taxi companies. Protocols have been negotiated with DPI in terms of which party should handle the various types of complaints, timeframes for resolving complaints and so on.

2.4.6. Northern Territory

In the Northern Territory (NT) the Commercial Passenger (Road) Transport Act requires operators of all commercial passenger vehicles to be accredited. Accreditation is an assessment of a person to be of good repute and 'fit and proper' to be responsible for the operation of a commercial passenger vehicle. The accredited person must also demonstrate the capacity to meet the required standards of safety to passengers and operate in accordance

with the conditions specified in their accreditation. Once accredited, an operator may apply to operate a Commercial Passenger Vehicle Licence in the NT Licence categories include taxi, multipurpose taxi, minibus, limousine, substitute taxi etc⁴⁷.

2.4.7. Australian Capital Territory⁴⁸

The *Road Transport (Public Passenger Services) Act 2001* (ACT) and its associated regulations permit the Australian Capital Territory (ACT) Road Transport Authority (RTA) to accredit a Taxi Network Provider or a Taxi Service Operator if satisfied that the network/operator can comply with the requirements of the *Road Transport (Public Passenger Services) Regulations 2002* (ACT). Operators must be able to demonstrate that they are 'suitable' persons to provide a taxi service.

From 1 March 2002 all Taxi Network Providers and Taxi Service Operators must be accredited to operate within the ACT. A Taxi Network Provider or a Taxi Service Operator may be an individual or a group of persons, or a body corporate.

Operators are required to implement systems to demonstrate compliance with the requirements of Taxi Service Operator Accreditation. At the time of granting accreditation the RTA will approve an operator's 'Accepted Service Standards'. Accepted service standards may be amended during the accreditation period at the instigation of either the RTA or the accredited operator⁴⁹.

There are five categories of Service Standards:⁵⁰

- Service Standards for Cleaning, Servicing, Maintenance & Repair of Taxis (including the installation and operation of taxi equipment such as taximeters, security cameras and alarms);
- Service Standards for the Operation of a Taxi Service (including requirements for the taxi to be affiliated with a taxi network provider, driver training and management, and additional requirements for WAT operators in relation to issues such as the priority given to wheelchair-reliant passengers);
- Service Standards for Insurance;

⁴⁷ Northern Territory Government, Department of Planning and Infrastructure: *Information Bulletin CPV1 Operator Accreditation Commercial Passenger Vehicles*, effective 30 November 2005.

⁴⁸ ACT Road Transport Website: [www.transport.act.gov.au/publictransportpolicy/taxi/industry - taxi accreditation](http://www.transport.act.gov.au/publictransportpolicy/taxi/industry_-_taxi_accreditation) accessed 21 February 2006.

⁴⁹ ACT Road Transport Authority: *Operator Service Standards – Information about the application kit*.

⁵⁰ ACT Road Transport Authority: *Australian Capital Territory Taxi Service Standards for Accreditation to Operate a Taxi Service*, pages 5–8.

- Service Standards for Making and Management of Records (for records relating to vehicle maintenance and repair, and for complaints management); and
- Service Standards for Handling of Lost Property.

2.5. Current Situation

2.5.1. Release of the Accreditation Guidelines

The Guidelines were developed following consultation with the taxi and luxury hire car industries. Early feedback from operators regarding the Guidelines was mixed, with some operators seeing the requirements as no more than they were already doing, and others considering them to be an impost that would be enough to put them out of the industry.

The finalised Guidelines were presented to operators at information sessions held in the major centres in December 2005. Initial twelve-month accreditation for existing operators was rolled out from January 2006.

2.5.2. Tasmanian Transport Operator Accreditation Board

The TTOAB was established in 1999. Its role is to:

- promote accreditation to transport operators and the community;
- recommend to DIER the content of mandatory accreditation modules and modules to be used for the purposes of alternative compliance;
- recommend to DIER the process by which persons will obtain mandatory accreditation; and
- agree to the process by which persons will obtain voluntary accreditation.

The TTOAB consists of nine members nominated by the Minister for Infrastructure, Energy and Resources. Members are drawn from the Tasmanian Transport Council (TTC), the Tasmanian Tourism Council, the manufacturing industry, the Transport Workers Union, the Tasmanian Council of State School Parents & Friends Associations and DIER.

The Terms of Reference and the current membership of the TTOAB are reproduced at [Appendix 4](#). The Board meets on a quarterly basis.

2.5.3. Industry Feedback

There has been some concern from the taxi industry that there is no representation from the taxi or luxury hire car industries on the TTOAB. However, the TTC represents operators of passenger transport service providers on the Board. The current representative on the TTC for the taxi and luxury hire car industry is a luxury hire car operator. Without a single representative body for the industry and the diverse ranges of interests within the industry, it is difficult to make a case for including a specific taxi industry representative, especially given that organisations such as the Tasmanian Bus Association are also specifically not represented, and that the TTC represents transport operators generally.

Rather than seeking to have a specific taxi industry representative on the TTOAB, it might be possible for the Reference Group to act as a point of contact for the industry to provide feedback on the implementation of the scheme. The Reference Group could then formally submit coordinated feedback from the taxi industry to either the TTC representative to provide to the TTOAB or directly to the Board. While this might not become an immediate responsibility for the Reference Group, it is something that might be considered after the review of the legislation is complete and the role of the Reference Group is being reviewed for the longer term.

The issue of how the Reference Group could provide taxi industry feedback to the TTOAB could be raised with the TTOAB at one of its future meetings. DIER understands that in the interim the Tasmanian Taxi Association has raised concerns directly with the TTOAB about the lack of representation for the taxi industry and that this will be raised at a meeting in the future. However, it should be noted that the Minister appoints the TTOAB members, and the Board might not be in a position to directly influence its own composition.

3. Issues

3.1. Issues for consideration

This section considers the relationship between the Guidelines and the Taxi Act and the Taxi Regulations. There are several issues in the Guidelines that have their basis in the Taxi Regulations, and these provisions are reviewed in this section. This section also considers the issue of training for potential operators, and the provisions in the Taxi Act for leasing licences.

Finally, it considers whether it would be useful to develop an industry code of conduct. Such a code could encompass the driver code of behaviour requirements of the accreditation Guidelines, as well as including a statement of customer rights and responsibilities.

3.2. Focus of accreditation

As noted in Section 2.1.1 accreditation was intended to ensure that operators of passenger transport services were accountable for ensuring the safety and quality of these services. There has been some debate as to the extent to which the Government should be involved in the regulation of 'quality' as opposed to 'safety', and where a distinction between the two aspects, if any, can be drawn.

3.2.1. Safety and vehicle standards

One perspective is that the Government should primarily be concerned with regulating, monitoring and enforcing issues that promote and ensure safety⁵¹. This would include ensuring that vehicles are roadworthy and suitable to be used for the purpose of transporting passengers, that drivers are appropriately trained, qualified and are proper persons to be transporting members of the public, and that operators are accountable for ensuring that this is the case. All of these elements are included in the accreditation scheme. Taking this perspective other aspects of the service, such as the standard of vehicles and the quality of service, which are not directly related to the safety of passengers, drivers, and other road users, should not be the concern of the Government. Rather, operators should be responsible for determining their own acceptable service and vehicle quality standards and for ensuring that these are adhered to, in the same way that they must take responsibility for the safety aspects of their operation under accreditation, but without formal monitoring and enforcement regimes

⁵¹ Providing adequate protection for users in terms of the charging of fares and ensuring that there are sufficient taxi licences available to provide an acceptable level of service for those who require it are other important reasons for regulating the industry, but as these are not part of accreditation they are not considered here.

from Government that apply to the safety components (e.g. vehicle inspections and driver licensing).

In many other service industries, quality of service is a major factor for many people in determining which provider they will use. Service providers will normally try and provide a high standard of service to attract more customers.

However, at present there is less opportunity for taxi users to choose which taxi they use, other than selecting a taxi company when they make a phone booking, unless they are in direct contact with a preferred driver. Most users will take the first taxi on a rank, even though there is no legal requirement for them to do so. This means that if the first taxi was a poorly presented older vehicle and further along the rank was an immaculately presented, more luxurious vehicle, most users would take the older vehicle. Likewise when a person phones a network for a taxi, they would normally get the nearest available taxi, and would not have the opportunity to request a specific vehicle. This might not be an issue for some users, but others might prefer a high quality vehicle, especially as they would normally be paying the same fare in both vehicles.

As a result, there might be less incentive for taxi operators to make service quality a high priority compared to service providers in other industries, although it is recognised that many operators do focus on quality standards. With Government regulations focusing on safety issues and the lack of choice for consumers, there might be no apparent need for operators to focus on quality of service, unless there was a significant commercial benefit to the operator in doing so.

In considering this issue it is important to distinguish between service quality, in terms of driver conduct, and vehicle quality. Behaviour standards for drivers are included in the accreditation scheme, but quality in terms of vehicle standards is not. Driver behaviour is enforced by, among other things, the complaints procedure, which operators are required to have in place, as well as the driver code of behaviour, which is supposed to be provided to all drivers and monitored by the operators. Standards for the vehicle's appearance that are not safety related are left to the discretion of the operator.

Should vehicle quality standards be regulated?

Noting the accreditation requirements in relation to driver behaviour, the major issue for consideration is whether the Government should regulate quality standards for vehicles in relation to the more 'cosmetic' issues in addition to safety standards⁵².

⁵² It might not always be possible to draw a distinction between requirements that are purely safety related and requirements that are more to do with quality. For instance, a torn seat cover in a taxi, while unsightly, is unlikely to detract from the roadworthiness of the vehicle. However, if a passenger were to get part of their body or clothing caught up in a tear, they might trip while exiting the taxi, in which case this would also be a safety issue.

If quality standards were to be regulated, it could be argued that the Government was imposing standards that fell outside its responsibility to impose. There would be several difficulties associated with doing this. For instance, decisions on what the standards should be are likely to be arbitrary and it would be difficult to enforce 'cosmetic' vehicle standards. It is likely that many judgements as to what was 'clean', a 'significant' scratch and so on would be subjective and hence vary between inspectors.

Furthermore, with limited resources, it is argued that Transport Inspectors' time is more effectively spent focusing on unroadworthy vehicles rather than vehicles that are dirty or scratched. The role of Transport Inspectors is to ensure that vehicles are safe to be driven on public roads, not to ensure that vehicles look good. Unsafe vehicles can put road users' lives at risk, whereas a scratch on the side of a taxi is a far less serious issue that is unlikely to affect anyone's safety. Focusing on 'cosmetic' issues would have to be at the expense of safety issues, which are significantly more important. The consequences of allowing unsafe vehicles on the road are potentially much more serious than the consequences of vehicles being poorly presented.

Customers should be entitled to expect, at the minimum, a clean taxi that is free from odours and dirt, and which is not obviously worn, scratched or dented. It could be argued that they should be able to express this preference by using operators and taxi companies that provide such vehicles and avoiding those that don't, and that as a result there is no need for any regulation of vehicle standards. 'Enforcement' of these standards would not be through Government inspections, but from customers not travelling in vehicles of a lower standard – i.e. market pressure. This would provide an incentive for operators to ensure that their vehicles were well-presented. As noted above, however, customers may not often be in, or feel that they are in, a position to reject a poorly presented taxi.

An alternative to Government regulation of vehicle standards or relying on market pressure to influence standards would be to formally place the responsibility for vehicle standards onto operators through the accreditation scheme. Enforcement and compliance would then be the responsibility of the operator, rather than DIER. Complaints would be dealt with through the operators' normal complaints procedures. This would still mean that the Government required vehicle quality standards to be in place, but that the responsibility of determining what these standards were, and for enforcing them, would be that of the operator. This would be consistent with the obligation placed on operators by accreditation to ensure that their drivers provide an acceptable standard of service through the code of behaviour.

A further alternative would be for radio rooms to be given the responsibility for monitoring and enforcing vehicle standards. As many taxis clearly belong to a radio room, poorly presented taxis would reflect badly on the radio room. Radio rooms should therefore have an interest in ensuring that vehicles operating under their banner are well-presented. Currently taxis are not

required to be affiliated with a radio room, so some vehicles would not be covered by such a requirement. This issue is discussed in detail in a future discussion paper on the possible regulation of radio rooms.

3.2.2. Financial responsibility

The accreditation scheme does not specifically consider operators' financial management arrangements. In some other jurisdictions (e.g. NSW and Victoria) an applicant's financial viability can be taken into account when considering an application for accreditation. This would ensure that an operator will be in a position to outlay the expenses required to operate a taxi business and would have a reasonable chance of succeeding in the business.

However, it could be argued that a potential operator should have been able to make an assessment of risks and expenses prior to seeking entry to the taxi industry, and that it is not the role of the Government to make a judgement on a person's ability to succeed financially. On the other hand, it would seem to be an inefficient use of resources to undertake the work associated with licensing and accrediting an operator who is not going to succeed in the business because of poor financial management.

Ensuring that an operator is financially responsible and viable would assist in ensuring that services continue to be provided at the levels expected.

It is also important to note that operators are accountable for the public money that goes into the taxi industry, such as that paid out under the TAS. There have been some allegations of misuse of TAS vouchers, either by a misunderstanding on the part of a user and/or a driver or by fraudulent use of vouchers. Operators should have processes in place to ensure that they can identify any suspected misuse of the vouchers and address these issues quickly. As they submit the vouchers to DIER for redemption, operators are ultimately responsible for ensuring that their claims are accurate.

The Commission is able to refuse to grant an application for accreditation if the Commission is not satisfied that the operator is a fit and proper person to operate a public passenger service⁵³. If an operator has been convicted of an offence involving financial mismanagement, this might be a reason for not approving their accreditation.

3.2.3. Security

It has been proposed that the accreditation schemes for all passenger transport operators be revised to include requirements for operators to identify and assess potential security risks to their operations. This recognises that security is an aspect of safety currently overlooked by the

⁵³ Passenger Transport Act, Section 16F(4).

accreditation scheme, and is in response to recent terrorist attacks on 'soft' targets such as passenger transport.

The Government has a number of obligations in relation to security in the area of transport that stem from national agreements such as the *National Transport Security Strategy*. While land transport in Tasmania is not considered to be a high risk sector, there is potential for the risks to change at short notice. Introducing a security component into the accreditation scheme would provide a framework in which security risks can be assessed and managed to protect the safety of passengers and drivers.

It is considered that this issue could be adequately addressed through accreditation rather than legislation, as accreditation already includes a significant safety component. This proposal is currently being developed and further information will be provided to the industry as it becomes available.

3.2.4. Questions

1. Does the Government have a role in regulating, monitoring and enforcing vehicle quality standards in the same way as it regulates vehicle safety standards?
2. If so, how could this be done in a resource effective manner?
3. What role, if any, does the Government have in ensuring that potential operators are financially viable before they enter the industry?

3.3. Provisions in the Taxi Regulations relating to accreditation

This section considers the administrative provisions in the Taxi Regulations that are also requirements of accreditation, and looks at the interaction of the two. As noted in Section 2.1.1 accreditation requires that operators take responsibility for ensuring that their operations comply with the legislation including the Taxi Regulations. This paper provides an opportunity to consider the sections of the Guidelines that are derived from the Taxi Regulations to ensure that they are consistent with the requirements of the Regulations. It is also an opportunity to consider whether all of these issues are regulated appropriately, or whether some changes could be introduced to make it easier for operators to comply.

As this is a review of the taxi industry legislation, it will not address those sections of the Guidelines that are derived from other legislation, such as the PT Act and PT Regulations, or those that are not related to any legislative provisions.

The Taxi Regulations to be considered are reproduced at [Appendix 5](#) and summarised here.

3.3.1. Roadworthiness inspections

The Guidelines require that operators have in place processes to ensure that each vehicle has passed a scheduled roadworthiness inspection by a Transport Inspector every six months, or other period required by the Registrar of Motor Vehicles. This is based on Regulation 29, which provides that unless an agreement has been made between the Commission and an accredited taxi group in relation to the inspection of taxis, a taxi must be presented by the responsible operator for inspection at least every six months, and at any other time specified by the Commission.

3.3.2. Daily vehicle checks – signs and labels

The Guidelines require operators to ensure that signs and labels are inspected every day. This includes registration stickers, inspection labels, licence number-plates, driver identification and photograph, complaints telephone number, taxi security camera signs and certification labels (where applicable); and non-smoking signs (where affixed)⁵⁴. It might also include an inspection of any advertising material that is attached to the taxi, to ensure that it is compliant with the Taxi Regulations. The relevant Regulations are outlined below. Similar regulations for luxury hire cars are contained in the *Luxury Hire Car Regulations 2000*⁵⁵. While these are not specifically considered here, any changes proposed for the provisions relating to taxis might also be relevant to luxury hire cars.

Licence number-plates and labels

Regulation 17 provides for the Commission to issue to the licensee or responsible operator of a perpetual taxi licence a distinctive licence number-plate (as distinct from a normal registration plate that is affixed to all registered vehicles) or distinctive label. For WATs, a similar provision exists at Regulation 28N. Regulation 17A outlines the responsible operator's obligations in relation to displaying the number-plate; Regulation 17B outlines the requirements for the displaying of labels; and Regulation 17C the requirements to display inspection labels. The penalty for not displaying these items is a fine not exceeding five penalty units (\$500). Regulation 17 also provides for the Commission to request that the licensee or responsible operator return the licence plate. The licensee or responsible operator must comply with such a request. The penalty for not doing so is a fine not exceeding 10 penalty units (\$1 000).

Regulations 17A and 17B apply to taxis operated under perpetual licences. For WATs, similar provisions are outlined in Regulation 28N. This includes the requirement to cover the licence number-plate or label if the WAT licence is suspended, and to remove the licence number-plate or label from the vehicle within 14 days of the expiry, surrender or cancellation of the licence

⁵⁴ Department of Infrastructure, Energy and Resources: op. cit., Form F.

⁵⁵ *Luxury Hire Car Regulations 2000*, Regulation 6 and 6A.

and return the number-plate to the Commission within 30 days. The penalty for breaching any of these provisions is a fine not exceeding 10 penalty units (\$1 000).

For vehicles used as substitute taxis, Regulation 13A(9) provides that a person holding a permit of substitution must affix the licence number-plate of the unavailable vehicle to the substitute vehicle and must keep it attached to the substitute vehicle until the permit expires, after which they must remove it. The penalty for breaching this provision is a fine not exceeding 10 penalty units (\$1 000).

At present if a licence number-plate is lost, a new plate is issued to the responsible operator with the same number as the lost plate. This has the potential to allow more than one plate to be used with the same number. For example, if the original plate was recovered by someone other than the operator, that person could affix it to another vehicle and purport to be the taxi in question. It is suggested that in future, where plates are lost or damaged that they be cancelled and a new plate with a new number be issued as a replacement. This would have several advantages. For instance, a new plate could be issued immediately rather than having to wait for a replacement to be made (or having duplicates of all plates made in case one was lost or damaged, which would be costly). Further, there would be no risk that a lost plate could be recovered and misused, as the industry would be notified of any cancellations and a cancelled plate would be easy to identify.

Other signs and labels

Under Regulation 22(1) and (2) the responsible operator must display a notice of the fares and charges that apply to that taxi, whether they are the standard fares and charges or other approved fares. Where discount fares are registered with the Commission, Regulation 24A(3)-(5) relates to the display of the discount fare and relevant terms and conditions in the taxi. The penalty for breaching these provisions is a fine not exceeding 10 penalty units (\$1 000).

Regulation 28D(2) requires the responsible operator to display security camera signs on the taxi. Under Regulation 28E(4) and (5) a security camera test label must be attached to the windscreen of the taxi in such a way that it can be read from inside the vehicle and is not obscured or covered. The penalty for breaching these provisions is a fine not exceeding five penalty units (\$500).

Regulation 9 relates to temporary taxi licences, which can be issued to accredited taxi groups (see Section 3.5.1) under Section 25(1) of the Taxi Act. Regulation 9 requires taxis operating under a temporary licence to display a label stating the expiry date of the licence, and for this to be removed after the expiry of the licence. The penalty for breaching these provisions is a fine not exceeding five penalty units (\$500).

Advertising material

Regulation 32 prohibits an operator or driver from using or driving a taxi if it contains any advertising matter that is unsafe or distracting to other drivers, or detracts from the comfort and convenience of the passengers. The penalty for breaching this provision is a fine not exceeding five penalty units (\$500).

'Unsafe' or 'distracting' advertising is not defined in the Taxi Regulations, but it could be expected to include advertising material that is not static (such as a rolling banner), material that could be deemed to be offensive, or material that is highly reflective. It includes both external advertising and advertising within the vehicle.

3.3.3. Daily vehicle checks – taxi equipment, including meter, tariff lights and security cameras

The Guidelines require operators to ensure that the taxi equipment installed in their taxi/s is inspected every day. This includes ensuring that the meter is correctly sealed and working, the taxi sign is affixed and operational, the tariff lights are affixed and operational and that the security camera is operational (where applicable)⁵⁶. The relevant Regulations are outlined below.

Regulation 23 covers taximeters and taxi signs. It requires responsible operators of a taxi to ensure that the taxi is fitted with a compliant taximeter, a compliant taxi top light and, if the taxi is required to operate on more than one tariff, compliant external tariff indicator lights. The penalty for breaching this provision is a fine not exceeding 10 penalty units (\$1 000). The specifications for the top lights and tariff lights are found at Schedule 2 of the Taxi Regulations.

Regulation 25 covers approval, testing and setting of taximeters. It requires taximeters to be of a type approved by the Commission, installed in a manner approved by the Commission, mounted so as to be clearly visible to passengers, capable of displaying figures relating to fares, capable of being held constant, tested and sealed in accordance with the Taxi Regulations, and capable of being set in motion by the driver immediately a hiring commences. This Regulation also specifies the uses for each position of the meter. For example, the first position is used for the first tariff and the second position for the second tariff. There is no penalty for breaching these provisions.

Regulation 26 requires that a taximeter must be tested before it can be used. The responsible operator is required to produce the most recent test certificate on request from a police officer or authorised officer⁵⁷ and there is a penalty of a fine not exceeding two penalty units (\$200) for

⁵⁶ Department of Infrastructure, Energy and Resources: op. cit., Form F.

⁵⁷ An Authorised officer is an officer of the Transport Commission authorised under Section 9 of the *Vehicle and Traffic Act 1925*.

not producing the certificate. Regulation 27 provides for the testing and sealing of taximeters. The responsible operator must ensure that the taximeter is correctly calculating, measuring and displaying fares and charges, and must submit the meter to an authorised officer, police officer or taximeter sealer⁵⁸ for testing at a time specified by the Commission. The penalty for breaching these provisions is a fine not exceeding 10 penalty units (\$1 000). Taximeters can only be tested, sealed or calibrated by an authorised officer, police officer or taximeter sealer. The penalty for an unauthorised person testing and sealing a taximeter is a fine not exceeding 10 penalty units (\$1 000).

Part 5A of the Taxi Regulations (sections 28A– 28K) outlines the requirements for security cameras. This includes specifying the taxi areas in which cameras must be installed and prescribing penalties if they are not installed; specifying the systems that can be used; specifying how the cameras are to be installed, operated and tested; and outlining procedures for downloading images and the use of those images. Penalties for breaches of these provisions range from a fine not exceeding five penalty units (\$500) for not displaying relevant signs or evidence of testing of the camera system, to a fine not exceeding 20 penalty units (\$2 000) for a range of breaches, including not having a camera installed. Security cameras must be installed in accordance with Schedule 5 of the Taxi Regulations.

3.3.4. Questions

Section 3.2.1 considers the Regulations that might cover issues that require action through the Guidelines. The Regulations are reproduced at [Appendix 5](#). They are:

9(1) & (4)	Temporary taxi licences (in relation to the displaying of labels)
13A(9)	Permits of substitution (in relation to the displaying of labels)
17	Issue of number-plates and labels
17A	Obligation to display number –plates
17B	Obligation to display labels
17C	Obligation to display inspection labels
22(1) & (2)	Duties of responsible operators and drivers (in relation to the displaying of labels)
23(1)	Taximeters and taxi signs
24A	Discount fares (in relation to the displaying of labels)
25	Approval, testing and setting of taximeters
26	Evidence of testing
27	Testing and sealing of taximeters
28	Interference with taximeters
28A–28K	Security Camera systems

⁵⁸ Taximeter sealers are appointed by the Commission under Regulation 23A of the Taxi Industry Regulations.

28N	Distinguishing number-plates and labels (WATs)
29	Inspection requirements
32	Advertising material in or on taxis
Schedule 2	Requirements for taxis
1	Taxi top lights
2	External tariff indicator lights
3	Security camera signs
4	Security camera test label
Schedule 5	Installation of security cameras

The following questions relate to these Regulations:

4. Are the provisions adequate?
5. Are they provisions appropriate – i.e. should these issues be regulated, or can the same outcome be achieved through the accreditation scheme?
6. Are they able to be enforced effectively?
7. Are they unnecessarily restrictive or are they too lenient?
8. Are they too prescriptive and detailed? Could they be simplified without reducing their effectiveness?
9. Are the penalties appropriate? Where there are provisions that do not currently attract penalties, should breaches of these provisions attract penalties? (In this case, a breach of Regulation 25 (Approval, testing and setting of taximeters) does not in itself attract a penalty, but there is a penalty for failure to produce the most recent test certificate for the meter. This may be sufficient to cover a breach of Regulation 25.)
10. Should lost or damaged licence number-plates be cancelled and the operator issued with a new number, rather than a duplicate of the old plate?
11. Should the requirements for licence-number places and labels be the same for WATs as for other taxis? [Regulation 28N and Regulation 17, 17A, 17B and 17C]
12. Should the penalties for incorrect display of licence-number places and labels be the same for WATs as for other taxis? [Regulation 28N and Regulation 17, 17A, 17B and 17C]
13. Should there be a penalty for affixing a WAT licence-plate to a vehicle that is not a WAT in the same way as for standard taxis? [Regulation 17A(5)]

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| 14. | Are the references to 'positions' on the meter appropriate for electronic taximeters? [Regulation 25(3)] What should be required to be displayed on the meter (e.g. tariff, standard fares, approved fares etc)? |
| 15. | What types of advertising material should be prohibited because they are unsafe, distracting to other drivers or detracts from the comfort and convenience of passengers? [Regulation 32] |

3.4. Operator training

3.4.1. Background

In some states, such as NSW, Victoria and Queensland, taxi operators, as well as drivers, are required to undertake training before they can be accredited. This is not the case in Tasmania, where only drivers are required to undertake training before they can be issued with an Ancillary Certificate to drive a taxi.

In NSW the Taxicare Taxi Operator Training Course⁵⁹ is provided by the NSW Taxi Council, and is intended to assist the operator to develop the skills to apply for accreditation as an operator of up to three taxis. The course is compulsory for prospective operators in Sydney and in the Newcastle and Wollongong areas.

The course ensures that participants understand basic small business principles and specific issues relating to the operation of taxis. The course has a duration of 45 hours, which includes two days of training, a break of one week for participants to undertake individual study and two projects (on business budget planning and vehicle maintenance planning), and a return for a final day. Assessment is by means of take-home exams on three of the modules, the two projects and written exams on the final two modules.

⁵⁹ Information on the Taxicare Operator Training Course is taken from: NSW Taxi Council: Taxicare Taxi Operator Training Course Curriculum, revised 24 March 2005. Information on the course is available on the NSW Taxi Council website: www.nswtaxi.org.au/

The course consists of the following modules and key learning outcomes:

Module 1: Taxi Operator Function

1. Identify the role of the taxi operator in the taxi industry
2. Act in accordance with the relevant laws, regulation and standards applicable in NSW when operating taxis
3. Interact as an operator with an authorised taxi radio network

Module 2: Taxi Vehicle and Equipment

1. Ensure that the taxi vehicle and equipment meet the required vehicle standards
2. Plan regular maintenance for a taxicab to meet required inspection standards
3. Identify various audits that may be carried out on a taxi cab and their implications

Module 3: Taxi Business Management

1. Organise and budget for appropriate insurances for taxi operation
2. Maintain and process appropriate records for taxi operation
3. Budget for operating taxis
4. Manage credit payments for taxi fares

Module 4: Manage Taxi Drivers

1. Manage industrial, contractual and legal requirements under bailment contracts with drivers
2. Manage taxi drivers effectively
3. Apply occupational health and safety standards in the workplace
4. Promote driver safety practices

Module 5: Develop and Promote Business

1. Deliver quality customer service
2. Develop strategies for improving the business as a taxi operator

When participants complete their assessment satisfactorily they are awarded a NSW Taxi Council Certificate for the Course in Taxi Operator Training. If participants are assessed as not competent in any of the modules they may re-apply to retake assessment or retraining for these modules. Participants must be assessed as competent in all five modules before they will be issued with their certificate.

The course costs \$997.00 per person, which is paid by the prospective operator, and includes the fully catered training sessions, a course manual, and a comprehensive resource kit that

includes current legislation and regulations, a Roadworthiness Assurance Program and other information useful for a taxi operator. The resource kit also includes an occupational health and safety package for drivers. Updates to the resource kit may be issued from time to time as inserts in the NSW Taxi Council's official journal *Taxi*.

The NSW Taxi Council also offers a one-day refresher course. Operators that do not pass their accreditation audits are required to attend the refresher course.

3.4.2. Applicability to Tasmania

There is some concern from DIER that new operators, both those that intend to operate their own licence and those that will lease a licence, might not be fully aware of the complexities associated with managing a taxi business and that as a result they might enter the industry without having the necessary skills and knowledge. The provisions enabling licence holders to lease licences allows people that want to enter the industry but who are unable to afford the high cost of a licence to do so. It is possible that new operators might focus more on the potential returns of running a taxi business than the likely expenses (including the lease costs and ongoing maintenance costs) and the work involved to keep the business profitable.

While they might initially gain accreditation, there is a view that without training in the specific issues of managing a taxi business and without having known what was required in advance of entering the industry, new operators might not be able to continue to meet the accreditation requirements, including safety requirements, which if not met, could have serious consequences for members of the public or drivers.

It is suggested for consideration that as part of accreditation, a requirement could be introduced for applicants for accreditation that have never previously leased or owned a taxi licence to undertake and successfully complete a taxi operator training course that is run by a registered training organisation before they can be granted accreditation. There would be parallels between a requirement for operators to undertake training before accreditation is granted and the taxi driver courses required to be completed before an Ancillary Certificate is issued.

The training would give intending taxi operators a good understanding of managing a taxi business, with a heavy focus on accreditation requirements, as well as financial issues as discussed in Section 3.2.2.

If such training were to be introduced, it might be appropriate to make it a requirement for licence owners that they would not be able to lease a licence to a new operator until the prospective lessee had completed the course. In this way the licence holder could be assured that the prospective operator was in a position to apply for accreditation. Likewise, a new licence holder who intended to operate the licence himself or herself could be required to

undertake the training before being issued with the licence. This issue is discussed further in Section 3.5.3.

The major issues associated with introducing such a requirement are the cost and availability of such training. In NSW operators pay for the course themselves. As operators are required to pay for other components of the accreditation scheme, and this training would be part of that scheme, it would appear to be reasonable to require operators to pay in Tasmania as well.

Given that the number of prospective new operators at any one time is likely to be quite small, it might be difficult to run courses at times when they are needed, unlike in NSW where the courses are usually booked out in advance and are held a minimum of twice per month. The issue of availability of training has been identified as a problem for WAT drivers, as courses are not financially viable to run unless a minimum number of drivers attend. This means that there can be lengthy delays before a driver can be trained. Likewise, there could be significant delays in providing operator training courses, which in turn would delay the operator from starting up their business.

Alternatives might include the issuing of 'interim' accreditation, which would be confirmed once the operator had successfully completed the course, or for the development of a course that could be delivered in a more flexible manner, such as on-line or by correspondence.

A further alternative might be for a comprehensive information pack to be developed for prospective operators that would provide information on the rights and responsibilities of operators and assist them in making an informed assessment of their chances of succeeding in the taxi industry. On applying for accreditation, new operators would be required to confirm that they had read and understood this information. This would be consistent with the intent of accreditation that operators take responsibility for their own business, while providing DIER with assurance that new operators were sufficiently well-informed to be able to operate their business effectively and in accordance with the requirements of the legislation and the accreditation scheme.

3.4.3. Questions

16. Should prospective taxi operators be required to complete a training course that covers the basic elements of managing a taxi business and of operator accreditation?
17. How could such a course be introduced in a way that it could be undertaken as required rather than only when there were sufficient participants?
18. Would an information pack be a suitable alternative to a course?

3.5. Perpetual taxi licences

3.5.1. Issue of perpetual taxi licences

Perpetual taxi licences are made available by tender every year in accordance with the provisions of the Taxi Act⁶⁰. The number of licences to be made available in each area is equivalent to five per cent of the number of perpetual licences on issue in the area or one licence, whichever is the greater. The lowest price at which a licence can be issued is the assessed market value for licences in that area, which is determined by the Valuer-General every three years⁶¹.

If the average tender price for the licences sold in an area exceeds the assessed market value by more than ten per cent and all available licences in the area are sold, the Commission is to make further licences available in that area⁶².

There are no restrictions on who can own a taxi licence in Tasmania. The available licences in each area are sold to the highest tenderer/s, who can choose to operate the licence themselves, to lease the licence to another person, who will operate the licence, or to keep the licence inactive, as is apparently the practice in some of Tasmania's taxi areas.

In some other states, there are specific requirements of taxi licence owners. For example in NSW purchasers of taxi licences must be deemed a 'fit and proper person' under the *Passenger Transport Act 1990* (NSW), regardless of whether they intend to operate the plate or to lease it⁶³. Similarly in South Australia, persons wishing to own a taxi licence must be deemed 'fit and proper'. Applicants are required to undergo a national police records check, and there are certain offences that would exclude a person from being able to own a licence. Applicants are also required to hold a \$10 million public liability insurance policy. The same requirements apply to operators in SA. In Victoria both licence holders and operators or taxis must be fit and proper persons to hold a licence and/or operate a taxi. In determining fitness and propriety the VTD can have regard to character (e.g. criminal history), qualifications and financial stability.

In Victoria taxi licences are made available where there is considered to be demand. Priority is given to existing operators, and drivers are encouraged to take up new licences. However, if there is unmet demand and the existing operator does not want to take on a further licence, new

⁶⁰ Taxi and Luxury Hire Car Industries Act, Section 19. This section does not apply to the Hobart, Launceston, Devonport and Burnie taxi areas in 2004, 2005 and 2006, where WAT licences were made available instead of perpetual licences in accordance with Section 16 of the *Taxi and Luxury Hire Car Industries (Amendment) Act 2003*.

⁶¹ *ibid.*, Section 11.

⁶² *ibid.*, Section 19(5).

⁶³ NSW Taxi Council website: www.nswtaxi.org.au/owners_owners.htm, accessed 21 February 2006.

operators may be able to take up the licence. From 9 May 2002 all taxi licences issued are leased from the Government and cannot be traded or assigned⁶⁴.

In the metropolitan areas of WA licences are made available for lease from the Government and are only available to drivers. In country areas, licences are made available if it is determined that, following requests from the industry or consumers, an additional taxi plate is required. Licences are issued through an expression of interest process, which is based on the applicant's capacity to provide the best taxi service rather than on a monetary bid for the licence⁶⁵.

There is no restriction in Tasmania on transferring licences, provided that the correct procedures are followed⁶⁶. If restrictions on licence ownership, such as those introduced in other states, were placed on the issue of new licences, they should reasonably also be placed on the transfer of existing licences.

3.5.2. Leasing of perpetual licences

Under the Taxi Act, a perpetual taxi licence is the personal property of the person to whom it is issued and is able to be assigned to another person⁶⁷. In an assignment or lease arrangement, the lessee operator purchases, maintains and operates the taxi. (This is not the case for WAT licences, which are issued for a period of ten years and are not assignable⁶⁸.) The arrangements between licence owners and lessees, including the lease rates, are not regulated by the Government.

In Tasmania about two-thirds of perpetual taxi licences are leased, mainly in metropolitan areas. Of the 404 licences on issue at 1 January 2006, a total of 257 (64%) were leased. In Hobart 150 of the 207 licences on issue are leased; in Launceston 74 of the 91 licences are leased, and in Burnie 19 of the 22 licences are leased. Other areas where plates are leased are New Norfolk (nine of nine), Perth (three of six), West Tamar (one of two) and King Island (one of two).

Often licence owners, who might hold more than one licence, will use their perpetual taxi licence as a long-term investment. They are therefore interested in achieving high lease rates and increased market values of their licences over time. With a limited number of licences available, this can and has resulted in the main driver of profit in the industry being the scarcity value of

⁶⁴ Victorian Government Department of Infrastructure website: www.doi.vic.gov.au/DOI/Internet/vehicles.nsf/AllDocs/DCBFD3D4FEEA95A2CA256F320020D5A2?OpenDocument accessed 28 February 2006.

⁶⁵ Travers, the Hon. Ken, MLC: *Report on the Review of the Operation and Regulatory Structure of the Taxi Industry in Regional Western Australia, report prepared for the Hon. Allannah MacTiernan MLA, Minister for Planning and Infrastructure*, Government of Western Australia, July 2004, page 11.

⁶⁶ Taxi Industry Regulations, Regulation 12.

⁶⁷ Taxi and Luxury Hire Car Industries Act, Section 21(b).

⁶⁸ *ibid.*, Section 23L(4).

the licences, rather than the operations of the industry. There is concern in the industry that this is at the expense of customers, and industry participants such as operators and drivers, and adversely affects the viability of the industry.

This issue will be considered in a later discussion paper as part of the review of the legislation. Initial issues for future consideration are whether price should be the basis on which new perpetual licences are issued, whether leasing should be permitted for licences issued in the future, and if so, whether leasing arrangements should be regulated.

Any restrictions on the issue or leasing of licences need to be carefully considered in the light of the National Competition Policy (NCP) principles, which in part require that the benefits of any legislative restrictions must outweigh the costs.

3.5.3. Recording of responsible operators' details

Under normal circumstances the owner of a perpetual taxi licence will be the responsible operator of the taxi for the purposes of the legislation that applies to taxi operators. The responsible operator operates the taxi, may engage drivers under bailment agreements and must be accredited before they can operate a taxi business.

Entering into a lease

If the owner of a perpetual licence leases the licence to another person, that person is the responsible operator⁶⁹. The owner is required to notify the Commission within 14 days of signing a lease in writing of the name and address of the responsible operator and the details of the vehicle to be operated under the licence⁷⁰. Both parties to the leasing agreement must sign the notification to the Commission⁷¹. The penalty for not notifying the Commission within 14 days of a new assignment arrangement is a fine not exceeding five penalty units (\$500).

At present there is no requirement for an owner to ensure that the person to whom they lease their licence is an accredited operator. This means that there is potential for non-accredited persons to lease taxi licences. Provided that they do not actually operate the licence, this is not a problem. However, it is extremely unlikely that a person would lease a licence and incur the lease expenses if they did not intend to operate the licence. If they operate the licence without accreditation, they are breaching Section 16A of the PT Act and can be liable for a fine of up to \$10 000.

It might be the case that a non-accredited person intends to seek accreditation, and would prefer to enter into a lease with a licence owner prior to receiving accreditation to guarantee the

⁶⁹ Taxi Industry Regulations, Regulation 15(1).

⁷⁰ *ibid.*, Regulation 15(1A).

⁷¹ *ibid.*, Regulation 15(4).

lease. They would then have to pay the lease fees for no return until their accreditation was approved and they started operating a taxi. A provision that prohibited owners from entering into a lease with a non-accredited person would prevent this from occurring. However, it might be argued that the Government should not have a role in determining who can enter into a lease and that these arrangements are best left to the parties to manage, with the onus on a potential operator to ensure that they are aware of the responsibilities associated with leasing a licence. It has been suggested that if the lessee is not accredited and therefore not able to operate the licence, this should not be the concern of the licence owner, who will continue to receive the lease payments regardless of whether the licence is being operated.

On the other hand, there is concern that potential operators may not fully appreciate the requirement to be accredited when entering into a lease with an owner, and that the owner should have some responsibility in ensuring that the operator understands the responsibilities attached to a perpetual taxi licence. It could be argued that failing to ensure that a potential lessee is at least aware of the requirements before entering into a lease represents misleading conduct on the part of the owner.

Terminating a lease

The lessee is required to notify the Commission in writing within 14 days after the termination of a lease⁷². The penalty for not notifying the Commission within this time is a fine not exceeding five penalty units (\$500). If a lessee advises DIER of the termination of a lease, DIER will transfer responsibility for the licence back to the owner and will notify the owner of the licence that they are the responsible operator until such time as DIER is advised that a new lease has been entered into. There is no obligation on the licence owner to notify DIER, other than where a new lease has been entered into.

If the owner, rather than the lessee, has notified DIER of the termination of the lease, DIER will transfer responsibility for the licence back to the owner (or the new responsible operator if a new lease has been entered into). If no notification is received from the lessee within the required notice period (14 days), DIER will contact the lessee advising them that they are no longer recorded as the responsible operator.

There could be problems with terminating leasing arrangements. For example, a licence owner might notify DIER that the lease has been terminated, but the lessee might refuse to return the taxi plate to the licence owner, or a licence owner might seek to terminate the lease but is unable to contact the lessee. In such a case, DIER would advise the lessee that they are no longer recorded as the responsible operator. However, ensuring that the plate is returned to the owner is the responsibility of the licence owner, as it is their property.

⁷² *ibid.*, Regulation 15(4).

Purpose of maintaining records of responsible operators

These provisions are intended to protect the parties in the event that problems arise. For instance, if a taxi is involved in a breach of the taxi industry legislation that applies to its operator – such as not displaying a licence number-plate – the responsible operator will receive the infringement notice. If DIER does not have up to date records of the responsible operator for each licence, infringement notices will be directed to the wrong person. In signing the notification to the Commission, the responsible operator is acknowledging that they are 'responsible' for the taxi and its activities.

Given the high number of leased licences, it is important that there is a mechanism by which the responsible operator of each licence can be identified for the purposes of accreditation and to ensure records can be kept up to date. The licence owner will be recorded as the responsible operator until such time as DIER is provided with details of the new responsible operator. One of the responsibilities associated with holding a perpetual taxi licence is to either accept responsibility for the licence or to ensure that DIER is informed of the responsible operator's details within the required time. It is reasonable for DIER to place the onus squarely on the owner to ensure that this happens.

Complicated leasing arrangements

Some licensing arrangements have arisen in recent years that have not been fully able to be addressed by the existing regulations. For instance, one arrangement might be for one operator to operate a taxi from 8:00 am on a Monday until 6:00 pm on a Friday, at which time another operator takes over the taxi for the weekend. Clearly in this instance, notification within 14 days of the change of operator is not practical, nor is it useful. Requiring these operators to submit notification of the changeover every week is also impractical, as this notification would have to be faxed to DIER every Friday evening and every Monday morning at the time the changeover occurred. It could be possible for a 'standing' notification to be prepared, but this might also cause problems. For example if the weekday operator ran over time on his last job on a Friday afternoon and the taxi was involved in an incident before it was handed to the weekend operator, the weekend operator would still be recorded as the responsible operator and would receive the infringement notice. The relationship between the two operators would need to be good enough for them to address such an issue, and for the infringement notice to be accepted by the operator that was operating the licence at the time.

Other, more complicated, versions of this arrangement have also been proposed to DIER.

Options for reporting

There are currently no regulations governing leasing arrangements. It is likely that some of these arrangements are informal, possibly without a written agreement between the parties. Stipulating that all leases must be in writing and signed by both parties would provide further

protection to the parties in the event of a dispute, as well as introducing a higher degree of professionalism to the industry in relation to leasing arrangements. However, enforcing this would be difficult.

Ultimately, the responsibility for managing these issues and ensuring that the correct notification has been forwarded to DIER lies with the operators and licence holders themselves. DIER is not responsible for negotiating differences between operators and licence holders, which stem from business agreements between the two parties.

However, it is also important for DIER to have accurate records of responsible operators at all times, and for there to ever only be one responsible operator associated with any one licence at any one time. This will ensure smooth administration of the Taxi Act and the Taxi Regulations. There is therefore a need to clarify some of these reporting arrangements. For example, it has been proposed that both parties be required to notify DIER at the termination, as well as at the commencement, of a lease.

To assist operators and licence owners a list of clauses that should be included in a lease could be developed to ensure that all leases contain essential elements such as provisions for terminating the lease and dispute resolution procedures. Such a list could be included in the information pack provided to operators (discussed in Section 3.2.) to assist them in ensuring that the lease contains adequate protection for them in the event of a dispute. The list, together with information on the accreditation scheme, could also be provided to new licence owners as part of the information on the taxi industry supplied to them by DIER.

3.5.4. Questions

19. Should there be restrictions on people who are able to purchase taxi licences, either new licences or existing licences, in Tasmania? For example, should there be a requirement for licence holders to be deemed 'fit and proper'.
20. Should price be the basis on which new perpetual licences are issued or should other criteria be considered?
21. Should licence owners only be permitted to lease their licences to people who are accredited operators?
22. Should licence owners be obliged to ensure that potential lessees are aware of the accreditation requirements and other responsibilities associated with leasing a taxi licence?

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| 23. | How should the legislation deal with instances where a licence owner seeks to terminate a lease but the lessee is unwilling or unable to do so? Is it the role of the Government to intervene in such matters? |
| 24. | Are the current arrangements for notifying DIER of lease arrangements (i.e. both parties to notify DIER at the commencement of a lease and the lessee to notify DIER at the termination of a lease) adequate? Should both parties be required to notify DIER of the termination of a lease? |
| 25. | Should the Government regulate leasing arrangements? If so, what aspects of leases could be regulated that would not unreasonably infringe on an owner's rights as owner of an asset? |
| 26. | Would a list of essential clauses for a lease, or a standard minimum lease, assist in overcoming some of the difficulties associated with the administration of leasing arrangements? Who should be responsible for developing such a document? |
| 27. | How can the legislation deal with leasing arrangements that are more complex than a single operator permanently leasing a licence from a single owner (e.g. more flexible operation of a taxi licence)? Should such arrangements be permitted? |

3.6. Code of behaviour/code of conduct

3.6.1. Background

As noted in Section 2.3.1 the Guidelines require all operators to have in place a code of behaviour that specifies minimum standards of behaviour for drivers. The code should address issues such as driver attitudes, customer service, road safety, local areas knowledge and accepting fares.

It has been proposed that an industry code of behaviour/code of conduct be developed that operators could adopt, or modify to suit their own requirements, to assist operators comply with this provision. This issue was also raised by the Taxi Industry Review Group, which recommended that an industry code of conduct be developed for all drivers and operators to promote orderly market behaviour. It recommended that this issue be addressed outside of the 1999 Review⁷³ by an industry working party, which was to consider a range of issues that were outside the Review Group's Terms of Reference. As the Taxi Industry Reference Group has been established to progress this work, it is appropriate that this issue be raised in this discussion paper.

⁷³ Taxi Industry Review Group: loc. cit.

The former Taxi Industry Association of Tasmania (TIAT) produced a *Code of Practice for the Operating of Taxis* (the 1997 Code) in conjunction with the then Taxi Industry Advisory Board and the then Department of Transport in July 1997. The Code covered licensing, vehicles, drivers and passengers and identified procedures for dealing with lost property and making complaints. Some elements of the Code were derived from legislation.

The 1997 Code was produced as a supplement to the Taxi Regulations and, as such, did not impose any additional regulatory controls or restrictions. It was intended as a guide for taxi operators and passengers. It was intended to facilitate the provision of a 'high quality, affordable, demand responsive 24 hour a day supplementary public transport services and to recognise the role and input of a taxi driver'⁷⁴. It observed:

"The public expects and is entitled to a high quality service by a qualified, trained and courteous driver. The driver in return is entitled to a reward and to be able to feel secure from threats and physical violence."⁷⁵

Key components of the 1997 Code are reproduced at [Appendix 6](#). Some other jurisdictions have introduced codes of conduct or similar charters for their taxi industries. Codes from WA, NT and Victoria are reproduced at [Appendix 7](#).

3.6.2. Accreditation scheme requirements

The 1997 code is reproduced, with minor modifications, in the Guidelines as a suggested template for operators. This section provides the industry with an opportunity to review this code to determine whether it covers all issues that should be covered in a code and to make any changes to ensure that it continues to be relevant.

The accreditation guidelines suggest that the driver code of behaviour should cover issues such as:

- driver attitude;
- customer expectations and customer service;
- road safety;
- correct usage of a taximeter;
- knowledge of routes around the area of operation; and
- accepting fares⁷⁶.

⁷⁴ The Taxi Industry Association of Tasmania Limited: *Code of Practice for the Operating of Taxis*, July 1997, cover page.

⁷⁵ *ibid.*, page 5.

Issues such as vehicle standards, passenger's responsibilities and the management of lost property, which were included in the 1997 code, are not specifically required by the accreditation guidelines, which are aimed at driver behaviour. Vehicle safety standards are addressed in the section of the accreditation guidelines on vehicle administration and safety, rather than having to be addressed through a code. Vehicle quality standards are not covered.

There are a number of ways in which this might be done. For instance, the code could initially summarise all of the requirements of drivers as set out in the Taxi Regulations (see [Appendix 8](#)). This would include:

- correct charging of fares⁷⁷;
- travelling by the most direct route, or the route nominated by the passenger⁷⁸;
- operation of the taxi in the area for which it is licensed⁷⁹;
- use of a taximeter (i.e. when it is started and stopped⁸⁰ and tariff settings⁸¹);
- requirement to not stand a taxi in a public street when it is not being used to carry passengers unless it is in a taxi zone, or is clearly 'not for hire'⁸²;
- refusal to accept a hiring⁸³;
- permitting a person to ride in the taxi without consent of the hirer⁸⁴;
- requirement to stand the taxi at the foremost vacant space in a taxi zone, and not to leave a taxi unattended in a taxi zone⁸⁵;
- soliciting for business⁸⁶; and
- management of lost property⁸⁷.

It is also appropriate to review the Taxi Regulations on which these requirements are based in the same way that the regulations relating to operators' responsibilities were reviewed in Section 3.3.

⁷⁶ Department of Infrastructure, Energy and Resources: op. cit., page 18.

⁷⁷ Taxi Industry Regulations, Regulation 21A.

⁷⁸ *ibid.*, Regulation 22(3).

⁷⁹ *ibid.*, Regulation 24(1), (1A).

⁸⁰ *ibid.*, Regulation 24(2).

⁸¹ *ibid.*, Regulation 23(3) and (4).

⁸² *ibid.*, Regulation 24(5).

⁸³ *ibid.*, Regulation 24(6)(a) and (7).

⁸⁴ *ibid.*, Regulation 24(6)(b).

⁸⁵ *ibid.*, Regulation 24(6)(c) and (d).

⁸⁶ *ibid.*, Regulation 24(8), (9) and (10).

⁸⁷ *ibid.*, Regulation 31.

Issues related to road safety could be encompassed by a requirement in the code for drivers to drive in a professional manner and to comply with the provisions of the relevant traffic legislation such as the *Traffic Act 1925*, the *Traffic (Road Rules) Regulations 1999* and the *Road Safety (Drugs and Alcohol) Act 1970*⁸⁸. It could also include issues such as ensuring that the driver is alert while on duty and free from the influence of substances that could affect their ability to drive a taxi safely.

While issues such as driver attitude; customer expectations and customer service; and knowledge of routes around the area of operation are not regulated, standard terms that might be included in a code of behaviour include requirements to:

- be friendly and polite when dealing with customers;
- be understanding and sensitive to customers needs, especially the needs of people with disabilities (including the requirement to transport service animals accompanying people with disabilities, such as Guide Dogs)⁸⁹;
- comply with reasonable requests of the customer (e.g. in relation to air conditioning, radios etc);
- be clean and neat in appearance (this might include wearing a uniform if the taxi company requires it or adhering to the operator's dress standards);
- ensure that the vehicle is clean;
- provide reasonable assistance to passengers e.g. in relation to luggage (operators might define what they deem to be 'reasonable');
- issue a receipt on request;
- accept the payment method preferred by the customer if the facilities to accept this method are available in the taxi;
- accept TAS vouchers and equivalent vouchers issued by other states when used in accordance with the TAS guidelines;

⁸⁸ Section 6 of the *Road Safety (Drugs and Alcohol) Act 1970* provides that particular people, including a person driving a public passenger vehicle, who drives vehicle while alcohol is present in their body is guilty of an offence. Section 6A provides that a person who drives a motor vehicle while a prescribed illicit drug is present in his or her blood is guilty of an offence.

⁸⁹ The Australian Taxi Industry Association has produced guidelines for transporting customers with disabilities to assist drivers in serving these customers. This includes serving customers with a range of disabilities, including people who use wheelchairs and people with service animals. The brochure also outlines the responsibilities of drivers and their passengers.

- not engage in misuse of TAS vouchers;
- complete a hiring once the taxi has been hailed; and
- know major routes in the area and major destinations such as airports, hotels, tourist attractions, hospitals, sporting facilities, cultural amenities and so on.

If an industry code was produced that complied with the accreditation guidelines, operators could then either adopt this code for their drivers, or could modify it to include requirements specific to their business. Under the accreditation scheme it is the responsibility of operators to ensure that drivers are provided with a copy of the code and that drivers' compliance with the code is monitored. It is not DIER's role to enforce such a code, other than if there is a specific breach of the taxi industry legislation.

3.6.3. Passengers' rights and responsibilities

While not required by the accreditation guidelines, there might be benefit in developing a charter of customer rights and responsibilities based on the information in the "Passenger" section of the 1997 code, as has occurred in Victoria (see [Appendix 7](#)). Some drivers and operators have claimed that some passengers do not treat drivers with respect or courtesy and that they are not always aware of their obligations as passengers in a taxi. This issue was discussed in Section 5.3 of DIER's discussion paper on fares and driver pay and conditions. The paper noted:

"Anecdotal evidence suggests that drivers must regularly deal with rude, and sometimes aggressive, customers, who do not appreciate the challenges associated with driving a taxi. This would add to the pressure on drivers, especially when they are driving and having to concentrate on the road.

"There is a view among some users that taxi driving is not a 'serious' career, and that people only drive taxis because they can't get another job. While this might be true for some, generally short-term, drivers, there are many long-term drivers (including individual owner-drivers), who are committed to the taxi industry and often have a significant investment in the industry.

[. . .]

"A low opinion of taxi driving as an occupation from some members of the public and of poor behaviours towards taxi drivers from some users, in combination with long hours and low pay, would contribute to low morale among drivers and to problems [. . .], such as poor service standards and unacceptable behaviour.

"To assist in addressing these issues, the industry could consider ways in which members of the public could be better educated both about the responsibilities of taxi users, as well as the role of the taxi industry in providing a supplementary public transport service."⁹⁰

⁹⁰ Department of Infrastructure, Energy and Resources, Review of the *Taxi and Luxury Hire Car Industries Act 1995*, Paper 2 – Taxi Fare Setting Mechanisms and Driver Pay and Conditions, Discussion Paper, December 2005, pages 50–61.

The industry could develop a publication that explains the structure and operation of the taxi industry in Tasmania and outlines the major rights and responsibilities of passengers. For instance, the Victorian Taxi Association (VTA) has produced a publication called *A Snapshot of the Victorian Taxi Industry*⁹¹. While this publication does not cover responsibilities of customers, it explains the structure of the industry and provides information on the major features of the industry and the various parties within the industry and their roles.

A similar publication, which also includes rights and responsibilities, and which might also include a copy of the standard driver code of behaviour, could be produced for the Tasmanian industry, to promote the industry and to inform users about how taxis operate. Options for funding such a publication would need to be considered further. For example, the taxi industry fund, established under the Taxi Act⁹² for the purpose of administration of the Act, might be a source of funding if it could be demonstrated that this purpose was related to the administration of the Act. The balance of the taxi area funds, also established under the Taxi Act⁹³, might also be an appropriate source of funding, as these funds were intended to be used for, among other things, 'promotion and development of the taxi industry in the taxi area'⁹⁴.

Some requirements of passengers are outlined in the *Passenger Transport Regulations 2000* and these might usefully be included in a statement of passenger responsibilities. They include:

- the requirement not to smoke or litter whilst on a public passenger vehicle⁹⁵;
- the obligation to not endanger the safety of the vehicle or another person; to not threaten, harass or attempt to intimidate another person; to not damage or deface the vehicle; and so on⁹⁶; and
- the right of the driver to stop the vehicle and direct a person to leave the vehicle if the driver believes that the person is doing something to endanger the safety of the vehicle or another person; threatening, harassing or attempting to intimidate another person; damaging or defacing the vehicle; and so on⁹⁷.

There are a number of other requirements for passengers prescribed in the *Traffic (Road Rules) Regulations 1999*, such as the requirement for passengers to wear a seatbelt⁹⁸ and the prohibition on travelling with any body parts outside the window or door of the vehicle⁹⁹. Further, it is an offence under the *Police Offences Act 1935* to make off without payment for

⁹¹ *A Snapshot of the Victorian Taxi Industry 2005* is available from the VTA's website <http://www.victaxi.com.au>

⁹² Taxi and Luxury Hire Car Industries Act, Section 12.

⁹³ *ibid.*, Section 13.

⁹⁴ *ibid.*, Section 13(2)(b).

⁹⁵ Passenger Transport Regulations, Regulation 20(1).

⁹⁶ *ibid.*, Regulation 20(2).

⁹⁷ *ibid.*, Regulation 21.

⁹⁸ *Traffic (Road Rules) Regulations 1999* (Tas), Regulation 265

⁹⁹ *ibid.*, Regulation 268.

goods supplied or services done; in this case evading a taxi fare¹⁰⁰. All of these issues could be included in a statement of customer responsibilities.

While such a statement could be developed and distributed to users to assist in promoting the taxi industry, it might be difficult to enforce. It might also be difficult to distribute such a publication effectively, as it would be difficult to ascertain who should receive it. Copies could be distributed to TAS members and placed in taxis for passengers to take with them, although it would be difficult to find a safe position in which information sheets could be stored within the vehicle. Likewise, it would be impractical to have the document displayed in a taxi for passengers to read, given the number of other documents already required to be displayed in a taxi. An alternative might be for a summary of the document to be posted at taxi ranks, in the same way bus timetables are posted at bus stops, with advice to passengers on where they could obtain further information (e.g. from Service Tasmania or DIER's website).

It has also been suggested that there might be value in establishing a taxi feedback hotline within DIER. This would supplement the complaints management process that operators are required to have in place under the accreditation guidelines. For instance it might be relevant in situations where a person making a complaint is unhappy with the resolution of the complaint by the taxi company/operator, or where the person does not know which taxi company they were travelling in when an incident occurred. It might be especially useful in situations where the complaint is about the taxi company or operator, rather than against a driver, as this might enable a more independent investigation to be completed.

Such a hotline would also be able to accept positive feedback from customers as well as suggestions for improving the industry's performance. A similar system is in place in WA where customers are invited to provide suggestions for improving Perth's taxi service to the Department for Planning and Infrastructure or the Taxi Council of Western Australia, which works with the Department in developing policy designed to improve taxi services, industry viability and driver safety¹⁰¹. However, this might involve a significant commitment of resources from DIER, and this issue would need to be considered carefully before a proposal for a hotline was developed.

¹⁰⁰ *Police Offences Act 1935* (Tas), Section 38A.

¹⁰¹ WA Department for Planning and Infrastructure website: <http://www.dpi.wa.gov.au/taxis/1556.asp> accessed 22 February 2006.

3.6.4. Questions

Section 3.5.2 considers the taxi regulations that are relevant to a driver code of behaviour. These Regulations are reproduced at [Appendix 8](#). They are:

Regulation 21A	Charging of fares
Regulation 22(3)	Duties of responsible operators and drivers
Regulation 23(3) & (4)	Taximeters and taxi signs
Regulation 24(1) & (1A)	Use of taxis (areas of operation)
Regulation 24(2)	Use of taxis (operation of the taximeter)
Regulation 24(5)	Use of taxis (standing in a public street)
Regulation 24(6)(a) and (7)	Use of taxis (refusal to accept a hiring)
Regulation 24(6)(b)	Use of taxis (permitting persons to ride in the taxi)
Regulation 24(6)(c) and (d)	Use of taxis (use of taxi zones)
Regulation 24(8), (9) and (10)	Use of taxis (soliciting for business)
Regulation 31	Lost property

The following questions relate to these Regulations

28. Are the provisions adequate?
29. Are the provisions appropriate – i.e. should these issues be regulated, or can the same outcome be achieved through the accreditation scheme?
30. Are they unnecessarily restrictive or are they too lenient?
31. Are they too prescriptive and detailed? Could they be simplified without reducing their effectiveness?
32. Are they able to be enforced effectively?
33. Are the penalties for breaches of these appropriate?
34. Are there reasons other than those in Regulation 21A(4) where passengers should not be charged?
35. Are there other reasons than those outlined in Regulation 24(7) for which it would be acceptable for a driver to refuse a hiring from a rank?
36. Would a generic industry code of conduct be useful to assist operators in meeting the requirements of the accreditation guidelines in relation to a driver code of behaviour?

37.	What should be included in such a code? Are the components in Section 3.6.2 appropriate? What other components, if any, should be included?
38.	Should the code of conduct include a statement of customer rights and responsibilities? If so, what would be included in such a statement? How could a customer 'code' be enforced?
39.	How should the development of the code be progressed? Who should be responsible for coordinating it? How could it be funded?
40.	Could a publication on the operation of the Tasmanian taxi industry be produced to inform members of the public about the structure and work of the industry? Who should be responsible for developing such a publication?
41.	How else could the public be informed about the operation of taxis?

3.7. Accreditation of groups of taxi operators

It is important to distinguish between operator accreditation under the PT Act and accreditation of groups of taxi operators under the Taxi Act. The latter enables holders of perpetual licences to operate as an organised group in the whole or a part of a taxi area, where the Transport Commission is satisfied that the group can ensure an acceptable level of services in the relevant area¹⁰².

3.7.1. Agreements with accredited taxi groups

Under the Taxi Act, the Commission may enter into an agreement with an accredited taxi group requiring it to:

- present annual business plans;
- maintain records and establish rules as to its membership, including rules as to
 - average maximum customer response times, membership fees and charges; and
 - any measures taken to maintain or assess standards for vehicles and drivers consistent with standards prescribed under the *Vehicle and Traffic Act 1999*; and

¹⁰² Taxi and Luxury Hire Car Industries Act, Section 24.

- discipline, control and compliance with any human rights legislation; and
- provide taxi services of such types and standards as may be agreed with the Commission; and
- satisfy the Commission as to the group's compliance with that agreement; and
- provide taxi services under a temporary taxi licence on terms and conditions specified by the Commission¹⁰³. This is the only way in which temporary taxi licences can be issued in Tasmania.

In addition, the Commission is able to make an agreement with an accredited taxi group authorising it to specify and charge different fares than the regulated fares, to use different tariff hours and to seal its own meters. Such an agreement can also specify standards for taxi drivers and vehicles used for the provision of taxi services, so long as the Commission approves the standards and the Commission is satisfied as to how the standards will be maintained¹⁰⁴. In order to approve such an agreement, the Commission must consider that the proposed members of the accredited group will be able to comply with the terms and conditions of the proposed agreement¹⁰⁵.

The Commission is able to make different agreements with different accredited taxi groups in order to provide an appropriate level of benefits and responsibilities for each group in relation to self-regulation¹⁰⁶. Any agreement made under these provisions must be in the public interest and for the benefit of all persons using taxis in the area to which it relates¹⁰⁷. This means that the Commission might not approve an agreement that sought to charge extremely high fares without a corresponding increase in standards and service levels.

If an accredited taxi group fails to discharge its responsibilities (which probably means if it fails to comply with any of the terms of the agreement) arising from an agreement made under the Taxi Act, the Commission can cancel or vary the agreement¹⁰⁸. The Commission can also vary or cancel the agreement if the group is no longer capable of providing an efficient and reliable taxi service in accordance with the provisions of the agreement, or if the group obtained accreditation by fraud or misrepresentation¹⁰⁹. The Commission is required to advise the group of its intention to vary or cancel the agreement and to allow the group to respond¹¹⁰. The

¹⁰³ *ibid.*, Section 25(1).

¹⁰⁴ *ibid.*, Section 25(2).

¹⁰⁵ Taxi Industry Regulations, Regulation 19(2).

¹⁰⁶ Taxi and Luxury Hire Car Industries Act, Section 25(4).

¹⁰⁷ Taxi Industry Regulations, Regulation 19(3).

¹⁰⁸ Taxi and Luxury Hire Car Industries Act, Section 25(5).

¹⁰⁹ Taxi Industry Regulations, Regulation 19(1)(a), (b).

¹¹⁰ *ibid.*, Regulation 19(2).

accredited group can also request that the Commission vary or cancel the agreement¹¹¹. It is also possible for an accredited group to make an agreement with the Commission for its taxis to be inspected at different intervals than the six-monthly intervals normally required for inspections¹¹².

The effect of these provisions is to enable accredited groups to operate under different standards to those applied to the industry in general through the Taxi Regulations. The Commission can impose additional responsibilities on accredited groups in terms of record-keeping and rules that would not apply to other operators.

3.7.2. Use of accredited group provisions

The provisions for accreditation of taxi groups under the Taxi Act provide opportunities for operators wishing to provide non-standard services. For instance, an accredited group could decide to specialise in providing taxi services to a particular segment of the market. It might therefore seek to use vehicles that might not otherwise be approved for use as a taxi, to charge different fares for the 'target' market and to operate at the off-peak tariff for longer or shorter hours. For example, a group might want to provide specialised taxi services to business clients. Its agreement with the Commission might include the requirement for it to operate only very high standard vehicles and for drivers to be dressed according to the group's dress code, and might allow the drivers in the group to charge Tariff 2 after 5:00 pm instead of 8:00 pm and to charge a surcharge when more than two business passengers with luggage are carried.

However, this would need to be considered carefully in the light of the legislative requirement for agreements to be in the public interest. Such an agreement might be acceptable in a large taxi area, but not so in a smaller taxi area, where higher fares might exclude some users from accessing taxi services. In fact, the requirement for the proposed agreement to benefit *all* persons using taxis in the area might impose significant restrictions on the types of agreements that could be entered into, especially if the agreements proposed to charge higher fares.

This example demonstrates how an agreement could impose obligations on an accredited taxi group, as well as allowing it to charge different fares. While there is nothing to prevent operators and taxi companies from implementing and insisting on particular standards for their drivers and vehicles, the only way that they could impose a different fare regime, other than through the discount fare provisions of the Taxi Regulations¹¹³, is through these provisions.

¹¹¹ *ibid.*, Regulation 19(1)(c).

¹¹² *ibid.*, Regulation 29.

¹¹³ Regulation 24A of the Taxi Industry Regulations allows a responsible operator to register and charge a fare that is lower than the standard fare. It does not provide for higher fares to be charged.

A recent example of the use of these provisions is an accredited taxi group that entered into a temporary agreement with the Commission to operate a vehicle as a substitute WAT that would not ordinarily under the requirements of the Taxi Act have been able to be used as such¹¹⁴.

3.7.3. Identification of vehicles

The Act does not provide any means for identifying vehicles that are operating as part of an accredited group, other than the requirement for alternative fares approved for that taxi are displayed in the taxi¹¹⁵. The standard fares do not have to be displayed in the taxi as well, so it is possible that the customer might not know that they are travelling in a taxi that operates under a different fare structure, especially if they have hired the taxi from a rank. It may be helpful for consumers for there to be some way in which taxis operating as part of an accredited group can be identified. A top light or sign with the name of the taxi company might not be sufficient, as customers might interpret this as a normal taxi company sign rather than identifying it as a taxi operating under different conditions.

3.7.4. Use of the provisions

The issue of accredited taxi groups was raised in the discussion paper on taxi fares earlier in the review of the legislation¹¹⁶. In response members of the Taxi Industry Reference Group suggested that the industry did not fully understand the provisions and their purpose. The Group suggested that there was a need for the benefits of the provisions to be better promoted to the industry. It is also likely that the term 'accredited taxi group' is being confused with operator accreditation under the PT Act.

There are some links between these provisions and the accreditation guidelines. The major area of overlap is the provision for accredited groups to have an agreement with the Commission to maintain records and establish rules, including rules about measures to maintain and assess standards for vehicles and drivers, which is also covered under operator accreditation.

¹¹⁴ The Taxi and Luxury Hire Car Industries Act requires substitute WATs to be new vehicles, or vehicles that have been previously registered as a WAT in Tasmania, which is the same requirement for other WATs. This issue is discussed in Section 3.2.4 of the discussion paper on WATs in this review of the legislation (Department of Infrastructure, Energy and Resources, Review of the *Taxi and Luxury Hire Car Industries Act 1995*, Discussion Paper 4 – Wheelchair Accessible Taxis, February 2006.)

¹¹⁵ Taxi Industry Regulations, Regulation 22(2).

¹¹⁶ Department of Infrastructure, Energy and Resources: Taxi Fare Setting Mechanisms and Driver Pay and Conditions, Section 4.2.5.

3.7.5. Questions

42. What term could be used in place of 'accredited taxi group' to avoid confusion between accreditation of taxi groups under the Taxi Act and operator accreditation under the PT Act?
43. Are the existing provisions for accredited taxi groups adequate? How can they be better promoted to the industry to encourage their use?
44. Are there reasons other than those in the Taxi Regulations for the Commission to either not approve, to vary or to cancel an accreditation agreement?
45. Is the requirement for an agreement with an accredited taxi group to be for the benefit of all persons using taxis too restrictive in terms of what the agreement could include, especially in the larger taxi areas?
46. How can taxis operating as part of an accredited group be identified?
47. Should the provisions for accredited taxi groups be reviewed in the context of the operator accreditation scheme? Are the overlaps sufficiently significant to warrant changes to the accredited groups provisions?

4. Further information

The *Taxi and Luxury Hire Car Industries Act 1995* Review Project is being conducted by the Passenger Transport Policy Branch of the Department of Infrastructure, Energy and Resources (DIER).

The Taxi Industry Reference Group is meeting over the course of 2006 to consider a range of issues that will inform the rewriting of the *Taxi and Luxury Hire Car Industries Act 1995*, the *Taxi Industry Regulations 1996* and the *Taxi Industry (Taxi Areas) Regulations 1996*. The issues being considered are:

- Fare setting mechanisms and driver pay & conditions
- Links between taxis and community transport
- Wheelchair accessible taxis
- Taxi and luxury hire car accreditation under the Passenger Transport Act/ Industry code of conduct
- Interaction between taxis and luxury hire cars
- Taxi areas
- Role of radio rooms
- Review of national competition policy changes to the *Taxi and Luxury Hire Car Industries Act 1995*
- Administrative and enforcement provisions of the *Taxi and Luxury Hire Car Industries Act 1995* and the *Taxi Industry Regulations 1996*.

The discussion papers are available on DIER's website at www.transport.tas.gov.au/miscellaneous/taxi_review.html. Members of the taxi industry wishing to contribute their views to the project should contact one of the industry representatives on the Reference Group or can provide written submissions to DIER. Members of the public who wish to contribute can email their submissions to DIER taxi.review@dier.tas.gov.au or mail hard copies to the address below.

Further information on the project can be obtained from:

Taxi Industry Legislation Review
Passenger Transport Policy Branch
Department of Infrastructure, Energy and Resources
GPO Box 936
HOBART TAS 7001
Phone: (03) 6233 2865
Email: taxi.review@dier.tas.gov.au

Review of the
Taxi and Luxury Hire Car Industries Act 1995

Operator Accreditation

Appendices

Appendix 1: Glossary of Terms

Legislation

Passenger Transport Act,
PT Act

Passenger Transport Act 1997

PT Regulations

Passenger Transport Regulations 2000

Taxi Act

Taxi and Luxury Hire Car Industries Act 1995

Amendment Act

Taxi and Luxury Hire Car Industries Amendment Act 2003

Reform Act

Taxi and Luxury Hire Car Industries Reform Act 1999

Taxi Regulations

Taxi Industry Regulations 1996

Taxi Area Regulations

Taxi Industry (Taxi Areas) Regulations 1996

Acronyms

ACT

Australian Capital Territory

ATIA

Australian Taxi Industry Association

DIER

Department of Infrastructure, Energy and Resources

DPI

Department for Planning and Infrastructure (WA)

NSW

New South Wales

NT

Northern Territory

PT

Passenger transport

RTA

Road Transport Authority (ACT)

SA

South Australia

TIAT

Taxi Industry Association of Tasmania

TTC

Tasmanian Transport Council

TTOAB

Tasmanian Transport Operator Accreditation Board

VTA

Victorian Taxi Association

VTD

Victorian Taxi Directorate

WA

Western Australia

WAT

Wheelchair accessible taxi

Appendix 2: Passenger Transport Act 1997

PART 2A - Accreditation

Division 1 - Accreditation policy

16A. Provider of public passenger or hire and drive service must be accredited

A person must not provide, or offer to provide, a public passenger service or hire and drive service unless the person –

- (a) is an accredited operator for that service; and
- (b) complies with the conditions of the accreditation.

Penalty:

In the case of –

- (a) a first offence – a fine not exceeding 100 penalty units; and
- (b) a second or subsequent offence – a fine not exceeding 200 penalty units.

16B. Purpose of accreditation

(1) The purpose of accreditation is to ensure that a person who provides a public passenger service or hire and drive service –

- (a) is a fit and proper person to be providing the service; and
- (b) accepts responsibility for the safety of the service; and
- (c) is held accountable for any failure to comply with appropriate safety and related standards.

(2) Accreditation also aims to encourage improved industry standards and awareness in relation to safety and related matters.

16C. Who may be accredited

(1) Any of the following may be accredited under this Part:

- (a) a natural person;
- (b) a partnership;
- (c) an incorporated or unincorporated body.

(2) If a partnership is accredited, the members of the partnership are jointly and severally liable under this Part in relation to the accreditation.

Division 2 - Application and accreditation procedure

16D. Application for accreditation

(1) An application to become an accredited operator for a public passenger service or hire and drive service is to be made to the Commission.

(2) The application is to be –

- (a) in a form approved by the Commission; and
 - (b) accompanied by the prescribed fee; and
 - (c) accompanied by such information or evidence as the Commission requires.
- (3) The Commission may require an applicant to provide further information or evidence.
- (4) If the application is for public passenger service accreditation it must also specify which category or categories of service the applicant proposes to provide under the accreditation.
- (5) For the purposes of subsection (4), the categories of service are as follows:
- (a) general regular passenger transport service;
 - (b) student-only regular passenger transport service;
 - (c) open tour or charter service;
 - (d) restricted tour or charter service;
 - (e) community, private or courtesy service;
 - (f) luxury hire car service;
 - (g) taxi service;
 - (h) limited passenger service;
 - (i) prescribed transport service.

16E. Responsible officer

- (1) If an applicant for accreditation is a partnership or an incorporated or unincorporated body it must, by the application, nominate a natural person to be the responsible officer for the purposes of the accreditation.
- (2) The person nominated as responsible officer is to be –
- (a) in the case of a partnership – one of the partners; and
 - (b) in the case of an incorporated body – one of its officers or employees;
and
 - (c) in the case of an unincorporated body – one of its members.

16F. Determination of application

- (1) The Commission –
- (a) must consider a valid application for accreditation as soon as practicable after it is made; and
 - (b) may grant or refuse to grant the application.
- (2) An application is not valid unless it is made in accordance with section 16D and, if applicable, section 16E.

- (3) In considering whether or not to grant the application the Commission –
- (a) must take into account any prescribed matters; and
 - (b) may take into account any other matters that appear to it to be relevant in the circumstances having regard to the purpose of accreditation.
- (4) Without limiting subsection (3), the Commission may refuse to grant the application if –
- (a) the Commission is not satisfied on reasonable grounds that the applicant or, if applicable, the nominated responsible officer will be able to meet the safety or related standards, or implement the quality management procedures, that the Commission has determined are necessary for the kind and, if applicable, categories of service that the applicant proposes to provide under the accreditation; or
 - (b) the applicant or, if applicable, the nominated responsible officer has been found guilty of a disqualifying offence within the prescribed period immediately before the application was made; or
 - (c) the Commission, if applicable, is not satisfied on other reasonable grounds that the nominated responsible officer is a fit and proper person to be so nominated; or
 - (d) the Commission is satisfied that the applicant, or another person on the applicant's behalf, has given it false or misleading information in or in connection with the application.
- (5) If the applicant or, if applicable, the nominated responsible officer has been charged with a disqualifying offence and the matter has not been finally disposed of, the Commission may defer consideration of the application until such time as the matter has been disposed of.

16G. Refusal of application

If the Commission refuses to grant an application for accreditation it must, as soon as practicable, give the applicant notice of the refusal and its reasons.

16H. Grant of application

- (1) If the Commission decides to grant an application for accreditation –
- (a) it must, in the case of public passenger service accreditation, also decide which categories of service may be provided under the accreditation; and
 - (b) it may, in any case, impose such conditions on the accreditation as it considers necessary to uphold the purpose of accreditation; and
 - (c) it must, in the case of restricted tour and charter service accreditation and community, private and courtesies accreditation, impose conditions, relating to any one or more of the following matters, which clearly define the nature of work that can be undertaken under such accreditation:
 - (i) the type of vehicle that can be used;
 - (ii) the geographic area of operations;
 - (iii) the nature of the transport services that can be offered;

(iv) the persons that may be carried.

(2) Except as provided by this Part, accreditation remains valid for a prescribed period unless it is sooner forfeited or surrendered.

(3) In a case to which this section applies the Commission must, as soon as practicable –

- (a) give the applicant notice of the grant of the application; and
- (b) issue the applicant with an accreditation certificate.

16I. Accreditation certificate

(1) An accreditation certificate is to be in a form determined by the Commission and is to specify –

- (a) particulars of the accredited operator and, if applicable, the responsible officer; and
- (b) the period of accreditation; and
- (c) the status of the accreditation; and
- (d) any conditions of the accreditation; and
- (e) in the case of public passenger service accreditation – the categories of service that may be provided under the accreditation; and
- (f) any prescribed matters.

(2) The Commission must issue an accredited operator with a revised accreditation certificate if there is a change in –

- (a) the status or conditions of the accreditation; or
- (b) in the case of public passenger service accreditation – the categories of service that may be provided under the accreditation; or
- (c) the name or business address of, or some other significant particular concerning, the accredited operator; or
- (d) if applicable – the responsible officer.

(3) The revised certificate may be issued on the Commission's own initiative or at the request of the accredited operator but, unless the Commission is responsible for the relevant changes, the operator must pay a prescribed fee for the certificate.

(4) An accreditation certificate is not evidence of a person's current accreditation unless it is consistent with the records kept and held by the Commission on the Accreditation Register.

16J. Accreditation Register

(1) The Accreditation Register is a register that the Commission must keep for the purposes of this Part.

(2) The register is to contain –

- (a) prescribed particulars in respect of each person who is accredited as an operator for a public passenger service or hire and drive service; and
 - (b) such other information as the Commission considers necessary or expedient.
- (3) Any person may, on request –
- (a) inspect the register at the Commission's principal place of business during normal business hours without charge; and
 - (b) obtain a copy of or extract from the register on payment of the prescribed fee.
- (4) In any proceedings, a document purporting to be a copy of or extract from the register in relation to a particular matter at a particular date, and purporting to be signed by the Commission or a delegate of the Commission, is admissible as evidence of the contents of the register in relation to that matter at that date.

Division 3 - Nature of accreditation

16K. Accreditation is not transferable

Accreditation is not transferable.

16L. Accreditation may be renewed

- (1) Accreditation is from time to time renewable.
- (2) An application to renew accreditation is to be –
 - (a) in a form approved by the Commission; and
 - (b) accompanied by the prescribed fee; and
 - (c) accompanied by such information or evidence as the Commission requires; and
 - (d) made to the Commission within the prescribed period before the day on which the accreditation would otherwise expire.
- (3) A person may apply to renew accreditation notwithstanding that it is suspended or probationary.
- (4) The Commission may grant an extension to a period of accreditation in order to complete its consideration of an application for the renewal of that accreditation made within the prescribed period.
- (5) The Commission may grant or refuse to grant an application for the renewal of accreditation and for that purpose may have regard to any matters that it could take into account if the application were for initial accreditation.
- (6) If the Commission grants an application to renew accreditation that is not suspended, the Commission must issue a new accreditation certificate.

16M. Late applications for renewal

(1) Notwithstanding section 16L, the Commission may agree to consider an application for the renewal of accreditation made after the prescribed period referred to in that section if –

- (a) it is satisfied that there are extenuating circumstances; and
- (b) the accreditation was not suspended or probationary at any time during that period.

(2) Accreditation that is being considered for renewal under this section is taken not to have been expired between the end of the prescribed period and the time the Commission grants or refuses to grant the application.

16N. Accreditation may be surrendered

(1) An accredited person may, by notice to the Commission, surrender the person's accreditation at any time.

(2) The surrender applies to the whole of the accreditation.

(3) Accreditation has no surrender value.

Division 4 - Accreditation controls

16P. Suspension and cancellation

(1) The Commission may impose probationary status on a person's accreditation, suspend the accreditation for a period not exceeding 6 months or cancel the accreditation, if –

- (a) the person or, if applicable, the person's responsible officer has been found guilty of a disqualifying offence; or
- (b) the Commission is satisfied on reasonable grounds that –
 - (i) the person, being required to have a responsible officer for the purposes of the accreditation, no longer has such an officer; or
 - (ii) the person is not a fit and proper person to hold the accreditation or, if applicable, the person's responsible officer is not a fit and proper person to be such an officer; or
 - (iii) the person or, if applicable, the person's responsible officer has failed to comply with the conditions of the accreditation; or
 - (iv) the continued provision of the accredited service poses a risk to public safety; or
 - (v) in the case of public passenger service accreditation, the person has provided a category of service not authorised under the accreditation; or
 - (vi) in the case of probation, the Commission has grounds under another provision of this Act for imposing that status on the accreditation.

(2) Unless it is satisfied on reasonable grounds that there is an immediate and serious danger to public safety, the Commission must not exercise its power under this section without giving the accredited person notice of its intention, together with reasons, and a reasonable opportunity to be heard.

(2A) Accreditation remains valid while it has probationary status but the Commission, in its absolute discretion, may impose restrictions on the accreditation by varying or adding to its conditions.

(3) Accreditation is not valid while it is suspended except for the purposes of renewal under section 16L.

(4) The Commission must record particulars of the cancellation, suspension or imposition of probationary status in the Accreditation Register.

(5) The Commission may at any time revoke the imposition of probationary status on an accreditation if it is satisfied that the status is no longer merited and, on the revocation, may remove or ameliorate any restrictions imposed on the accreditation under subsection (2A).

(5A) The Commission may at any time revoke the suspension of an accreditation if it is satisfied that the suspension is no longer merited.

(6) For the purpose of this section a reference to a responsible officer includes a reference to an existing or newly nominated responsible officer under section 16T(3).

16Q. Variation of conditions, &c.

(1) The Commission may, on renewal or at any other time –

(a) impose a new condition on an accreditation; or

(b) vary or revoke a condition of an accreditation; or

(c) vary the status of an accreditation; or

(d) in the case of public passenger service accreditation – vary the categories of service that may be provided under the accreditation.

(2) The Commission's power under subsection (1) is exercisable on its own initiative or on the application of the accredited person.

(3) If the accredited person applies, a prescribed fee is payable to the Commission.

(4) The Commission must have a valid reason for taking action under subsection (1) on its own initiative.

(5) Unless it is satisfied on reasonable grounds that there is an immediate and serious danger to public safety, the Commission must not exercise its power under this section on its own initiative without giving the accredited person notice of its intention, together with reasons, and a reasonable opportunity to be heard.

(6) If the Commission decides to take or not take action under subsection (1) in response to an application from an accredited person, and that action is different to the action sought by the accredited person, the Commission must give the person notice of the reasons for the decision.

16R.**16S. Periodic returns, &c.**

- (1) Accredited persons and responsible officers must, in each case, give the Commission such periodic returns as may be prescribed.
- (2) If an accredited person or responsible officer fails to comply with subsection (1) the Commission may notify the accredited person of the need to rectify the deficiency within 14 days.
- (3) Failure to comply with a notice issued under subsection (2) is sufficient grounds for the Commission to impose probationary status on a person's accreditation.
- (4) To establish whether the requirements or conditions of accreditation are being met the Commission may require an operator to –
 - (a) provide it with a report of any audit that has been undertaken; or
 - (b) cause an audit to be undertaken and to provide it with a report of that audit.

16T. Notification requirements

- (1) An accredited person must give notice to the Commission within 14 days if the person, or the person's responsible officer, is charged with or found guilty of a disqualifying offence.

Penalty:
Fine not exceeding 10 penalty units.

- (2) An accredited person must, if the Commission by notice so requires, give the Commission particulars of any action proposed by the accredited person to ensure the safety of the public passenger services or hire and drive services being provided under the authority of the person's accreditation.

Penalty:
Fine not exceeding 10 penalty units.

- (3) An accredited person must –

- (a) give the Commission immediate notice if for any reason a person ceases, other than temporarily, to be the accredited person's responsible officer; and
- (b) by the same notice nominate another person to be responsible officer.

Penalty:
Fine not exceeding 10 penalty units.

16U. False or misleading information

- (1) A person must not give the Commission false or misleading information in any application or return under this Part.

Penalty:
Fine not exceeding 20 penalty units.

(2) If an accredited person or, if applicable, the accredited person's responsible officer is found to have provided false or misleading information to the Commission in any application or return under this Part, the Commission may also impose probationary status on the accreditation.

Division 5 - Miscellaneous

16V. Exemptions from accreditation

(1) The Commission may exempt a person from the need to be accredited under this Part –

(a) for a defined period of time and for a defined purpose in prescribed circumstances; or

(b) if the Commission is satisfied that the operator is accredited for similar purposes in another State or in a Territory.

(2) Conditions may be imposed upon the nature and extent of an exemption under subsection (1) as prescribed or as defined by the Commission by notice to the exempted person.

(3) If a person is exempted under this section, the provisions of this Part do not, to the extent of the exemption, apply to that person.

Appendix 3: Passenger Transport Regulations 2000

(as at 9 February 2006)

PART 3 – Matters relevant to accreditation

7. Disqualifying offence

An offence is a disqualifying offence for the purposes of Part 2A of the Act if it is committed against –

- (a) regulation 13(1), 14 or 17(1); or
- (b) section 14(2), 14(3), 15(1), 16(2), 16A or 21(4) of the Act ; or
- (c) regulation 12 of the *Luxury Hire Car Industry Regulations 2000*; or
- (d) section 23I(2) or 23J of the *Taxi and Luxury Hire Car Industries Act 1995*.

8. Prescribed period for disqualifying offences

For the purposes of section 16F(4)(b) of the Act, the prescribed period is 5 years.

9. Period of accreditation

For the purposes of section 16H(2) of the Act, the period for which accreditation remains valid is 5 years.

10. Prescribed period for renewal applications

For the purposes of section 16L(2)(d) of the Act, the prescribed period is not less than 30 days and not more than 60 days before the day.

11. Notifications in relation to responsible officers

(1) An accredited operator must give the Commission immediate notice if the accredited operator's responsible officer ceases to be –

- (a) in the case of an accredited operator that is a partnership – a partner in that partnership; or
- (b) in the case of an accredited operator that is an incorporated body – an officer or employee of that body; or
- (c) in the case of an accredited operator that is an unincorporated body – a member of that body.

Penalty:
Fine not exceeding 10 penalty units.

(2) A person may at any time give notice to the Commission that he or she wishes to relinquish, or has relinquished, his or her status as a responsible officer.

12. Evidence of accreditation

An accredited operator must cause a copy of the operator's current accreditation certificate to be prominently displayed in each vehicle that is used under the operator's accreditation.

Penalty:

Fine not exceeding 10 penalty units.

13. Placing drivers and passengers at unreasonable risk

(1) An accredited operator or responsible officer must not, by any act or omission, place the safety of a driver of, or passenger on, a public passenger vehicle at unreasonable risk.

Penalty:

Fine not exceeding 50 penalty units.

(2) For the purposes of subregulation (1), a person who commits an act or makes an omission for the purpose of ensuring that a public passenger service or hire and drive service is provided in accordance with the laws of the State, or the conditions of an accreditation, is taken not to have placed another person's safety at unreasonable risk.

(3) If a body corporate commits an offence against subregulation (1), each person concerned in the management of that body corporate is taken also to have committed that offence and may be convicted of the offence unless the person proves that the act or omission constituting the offence took place without that person's knowledge or consent.

(4) A person referred to in subregulation (3) may be convicted of the offence whether or not the body corporate is convicted of the offence.

Appendix 4: Tasmanian Transport Operator Accreditation Board Terms of Reference

The Accreditation Board

There shall be a Board named the Tasmanian Transport Operator Accreditation Board (TTOAB), hereafter called "The Board" responsible to the Minister for Infrastructure, Energy and Resources, hereafter called "The Minister".

The Board shall consist of a Chairperson and eight members. The Chairperson and members shall be nominated by the Minister. Members shall be drawn from:

- Tasmanian Transport Council 3 members
- Tasmanian Tourism Council 1 member
- Manufacturing Industry 1 member
- Transport Workers Union 1 member
- Tasmanian Council of State School Parents & Friends Associations 1 member
- Department of Infrastructure, Energy and Resources 1 member

The Chair may allow proxies. The Chair may allow observers. The Chair may have a casting vote.

Role of the Board

The Board shall be a consultative body, which will be responsible for:

- Promoting accreditation to transport operators and the community.
- Recommending to the Department of Infrastructure, Energy and Resources - hereafter called "the Department" - for approval, the content of mandatory accreditation modules and modules to be used for the purposes of alternative compliance.
- Recommending to the Department the process by which persons will obtain mandatory accreditation.
- Agreeing to the process by which persons will obtain voluntary accreditation.

Mandatory Accreditation and Non Mandatory/Alternative Compliance

- Mandatory accreditation modules will be approved by the Department on the recommendation of the Board.
- Accreditation will be granted by the Department in accordance with rules agreed with the Board.
- The Board will be consulted by the Department before a decision is made to revoke an operator's accreditation in a mandatory accreditation module.

Voluntary Accreditation

- Voluntary accreditation modules will be approved by the Board.
- Voluntary accreditation will be granted and revoked by the Board.

Accreditation Auditors

- The Department will appoint accreditation auditors in the area of mandatory accreditation and alternative compliance on the recommendation of the Board.
- The Board will appoint auditors for the accreditation of operators in voluntary accreditation.

Funding of the Board

A seeding grant of \$150 000 was made in 1999.

The Board shall be responsible for administering its budget.

Subject to relevant legislation, the Board may levy industry fees to raise funds to cover overheads involved in maintaining both industry accreditation and the activities of the Board.

Life of the Board and Terms of its Membership

In the event that the Board is wound up by the Minister, all outstanding funds will be returned to the Department for continued administration of Transport Operator Accreditation.

Purpose of Accreditation

The purpose of accreditation is the improvement of industry standards and awareness in relation to safety and related matters.

Accreditation aims to achieve this by ensuring that the operator who provides the accredited service:

- (a) is a fit and proper person to be providing the service; and
- (b) accepts responsibility for the safety of the service; and
- (c) is held accountable for any failure to comply with appropriate safety and related standards.
- (d) has the skills and knowledge that the Board requires for accreditation.

Levels of Accreditation

There shall be three broad categories of Transport Operator Accreditation in Tasmania:

- (a) Mandatory accreditation for the operators of public passenger services.
- (b) Non-mandatory/alternative compliance accreditation, which makes operators of vehicles eligible for concessions and alternative compliance.
- (c) Voluntary accreditation, for the operators of goods and passenger vehicles, which recognises high levels of quality and service standards.

Membership of the Tasmanian Transport Operator Accreditation Board at 23 January 2006

Name	Title	Association
Mr Darcy McGaurr	Chairman	Tasmanian Transport Industry Accreditation Board
Mr David Spence	General Manager	Land Transport Safety, Dept of Infrastructure, Energy and Resources
Mr Geoff Lewis	General Manager	Tasmanian Bus Association
Mr Robin H Holmes	Passenger Vehicles	Tasmanian Transport Council
Mr Peter Sydes (Proxy for R Holmes)		Tasmanian Redline Coaches Pty Ltd
Mr Bill Noonan	Branch Secretary	Transport Workers Union Vic/Tas
Mr Michael Nealer (Proxy for B Noonan)		Transport Workers Union Vic / Tas Branch
Mr Daniel Leesong	General Manager	Tourism Council Tasmania
Ellissa Branch (proxy for D Leesong)		Tourism Council Tasmania
Mr Ernest Hacker (Ernie)	Mill Manager	Norske Skog Paper Mills (Australia) Ltd
Mr Arnold Willems (Proxy for E Hacker)		Norske Skog Paper Mills (Australia) Ltd
Mr Richard Pickup	President	Tasmanian Council of State School Parents & Friends Associations Inc.
Mr Robert Rands (Proxy for R Pickup)		Tasmanian Council of State School Parents & Friends Associations Inc.
Mr Robin Phillips Mr Des Taylor (Proxy for R Phillips)	Executive Director	Tasmanian Transport Association
Mr John Bessell (Secretariat Support)	Manager	Vehicle Operations Branch, DIER
Mr Jeremy Gleeson (Secretariat Support)	Manager	Transport Operator Accreditation, DIER
Mr Alan Kearsley (Minute Secretary)	Executive Officer - Transport Operator Accreditation	Transport Operator Accreditation, DIER

Appendix 5: Extract from the *Taxi Industry Regulations 1996* (Operators' Responsibilities)

Roadworthiness Inspections

29. Inspection requirements

Unless an agreement has been made between the Commission and an accredited taxi group in relation to the inspection of taxis, a taxi must be presented by the responsible operator for inspection by an authorised officer, or another person specified by the Commission, at least every 6 months, and at any other time specified by the Commission.

Penalty:
Fine not exceeding 10 penalty units.

Daily Vehicle Safety Inspection – Signs and labels

9. Temporary taxi licences

(1) The holder of a temporary taxi licence must cause a taxi operated under the authority of that licence to display a label issued by the Commission stating the expiry date of the licence.

Penalty:
Fine not exceeding 5 penalty units.

(2) ...

(3) ...

(4) A responsible operator must remove a label issued under subregulation (1) after the expiry of the temporary taxi licence.

Penalty:
Fine not exceeding 2 penalty units.

13A. Permits of substitution

(1)–(8) ...

(9) A person who holds a permit of substitution must –

(a) affix the taxi licence number plate of the unavailable vehicle to the substitute vehicle specified in the permit; and

(b) keep that taxi licence number plate affixed to that vehicle until the permit expires; and

(c) remove that taxi licence number plate from that vehicle as soon as the permit expires.

Penalty:
Fine not exceeding 10 penalty units.

(10) . . .

17. Issue of number-plates and labels

(1) The Commission may, in respect of a taxi operating under a perpetual taxi licence or a temporary taxi licence, issue either or both of the following to the licensee or responsible operator of the taxi:

- (a) a distinctive licence number-plate;
- (b) a distinctive label.

(2) A licence number-plate or label issued in respect of a taxi under subregulation (1) may –

- (a) be in such form as the Commission determines; and
- (b) be in addition to, or in substitution for, any other plate, label or form of identification issued by the Commission in respect of that taxi.

(3) A licence number-plate or label issued under subregulation (1) remains the property of the Commission.

(4) The Commission may, by written notice, request that the licensee or responsible operator of a taxi return a licence number-plate issued to that licensee or responsible operator under subregulation (1) within such time as the Commission specifies in the notice.

(5) The licensee or responsible operator of a taxi must comply with a request made of that licensee or responsible operator under subregulation (4).

Penalty:
Fine not exceeding 10 penalty units.

(6) The Commission may, on payment of the prescribed fee, issue the licensee or responsible operator of a taxi with a replacement for a licence number-plate issued under subregulation (1).

17A. Obligation to display number-plates

(1) This regulation applies if the licensee or responsible operator of a taxi is issued with a licence number-plate by the Commission under regulation 17(1).

(2) The licensee or responsible operator must ensure that the licence number-plate is affixed, in the prescribed position, to the vehicle shown on the register of taxi licences as the vehicle to which the licence number-plate relates.

Penalty:
Fine not exceeding 5 penalty units.

(3) It is a defence in proceedings for an offence under subregulation (2) if the defendant establishes that, when the offence allegedly occurred –

- (a) the licence number-plate was –
 - (i) lost; or
 - (ii) unusable because of damage sustained in an accident; and

(b) he or she had notified the Commission in writing as soon as practicable after –

- (i) the loss was discovered; or
- (ii) the licence number-plate sustained the damage.

(4) For the purposes of subregulation (2), the prescribed position for the licence number-plate is immediately above or next to the taxi's front number-plate so that the licence number-plate is clearly legible from a distance of 20 metres at any point within an arc of 45 degrees from the surface of the licence number-plate above or to either side of the taxi.

(5) The licensee or responsible operator of a taxi must not affix a licence number-plate issued under regulation 17(1) to any vehicle other than the vehicle shown on the register of taxi licences as the vehicle to which the licence number-plate relates.

Penalty:
Fine not exceeding 5 penalty units.

17B. Obligation to display labels

(1) This regulation applies if the licensee or responsible operator of a taxi is issued with a label by the Commission under regulation 17(1).

(2) The licensee or responsible operator must ensure that –

- (a) the label is affixed to the taxi in accordance with the Commission's written instructions; and
- (b) while the vehicle is operating as a taxi, the label remains so affixed to the taxi.

Penalty:
Fine not exceeding 5 penalty units.

17C. Obligation to display inspection labels

(1) This regulation applies if the licensee or responsible operator of a taxi is issued with an inspection label for the taxi by the Registrar.

(2) The licensee or responsible operator must –

- (a) immediately affix the inspection label to the left hand side of the inner side of the rear window of the taxi; and
- (b) ensure that, while the vehicle is operating as a taxi, the inspection label remains so affixed to the taxi.

Penalty:
Fine not exceeding 5 penalty units.

22. Duties of responsible operators and drivers

(1) A responsible operator must cause to be carried in the taxi prominent notice of the standard fares and charges or any alternative fares approved in respect of the taxi.

Penalty:
Fine not exceeding 10 penalty units.

- (2) The responsible operator of a taxi must ensure that any alternative fares approved in respect of that taxi are displayed in a manner acceptable to the Commission.

Penalty:
Fine not exceeding 10 penalty units.

24A. Discount fares

(1) ...

(2) ...

- (3) A driver or responsible operator of a taxi may only charge a discount fare if –

(a) details of the terms and conditions of that discount fare are displayed in the taxi so that those details are legible from the outside of the taxi; and

(b) the fare is charged in accordance with those terms and conditions.

Penalty:
Fine not exceeding 10 penalty units.

- (4) A driver or responsible operator must charge a discount fare if –

(a) details of that discount fare are displayed in his or her taxi; and

(b) the terms and conditions of the hiring of the taxi meet the displayed terms and conditions of the discount fare.

Penalty:
Fine not exceeding 10 penalty units.

- (5) A driver or responsible operator must not display in a taxi the details of a discount fare if the taximeter installed in the taxi is not calibrated to charge the discount fare.

Penalty:
Fine not exceeding 10 penalty units.

28D. Installation

(1) ...

- (2) If a security camera system is installed in an operating taxi, the responsible operator of the taxi must also display signs that comply with item 3 of Schedule 2.

Penalty:
Fine not exceeding 5 penalty units.

- (3) A sign displayed under item 3 of Schedule 2 –

(a) must be able to be read from outside the vehicle; and

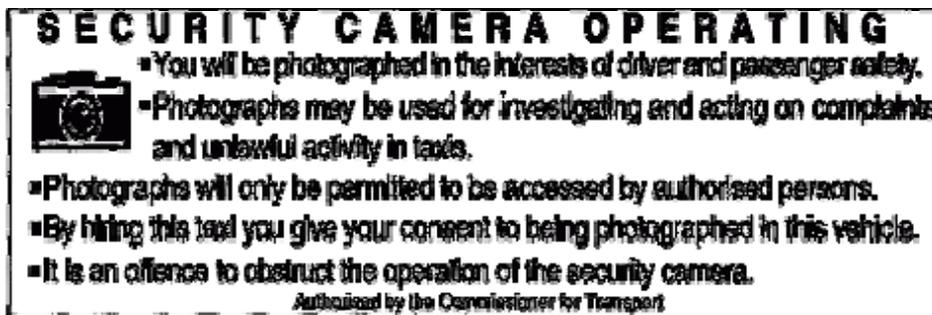
(b) must not be obscured or covered.

Penalty:
Fine not exceeding 5 penalty units.

SCHEDULE 2 ITEM 3. Security camera signs

A security camera sign –

- (a) is to be located –
- (i) immediately above each external door handle if the taxi is a sedan or station wagon; or
 - (ii) adjacent to each external door handle, including the external rear-door handle if the vehicle has rear access for wheelchairs, if the taxi is a van; and
- (b) is to be at least 50 millimetres high and at least 150 millimetres wide and be in the following form:

**28E. Testing of security camera system**

- (1) ...
- (2) ...
- (3) ...
- (4) A driver, or responsible operator, of a taxi must display in the taxi written evidence of the most recent testing of the security camera system that complies with item 4 of Schedule 2.

Penalty:
Fine not exceeding 5 penalty units.

- (5) The written evidence of the most recent testing of a security camera system displayed under item 4 of Schedule 2 –

- (a) must be able to be read from inside the vehicle; and
- (b) must not be obscured or covered.

Penalty:
Fine not exceeding 5 penalty units.

SCHEDULE 2 ITEM 4. Security camera test label

A security camera test label –

- (a) is to be located on the upper left-hand side of the inside of the front windscreen; and
- (b) is to be attached to the front windscreen; and
- (c) is to be in the following form:

SECURITY CAMERA LABEL	
Camera Make	Serial Number
Vehicle Registration	
Tested By	Date Tested
Authorised by the Commissioner for Transport	

28N. Distinguishing number-plates and labels

- (1) The Commission may issue a WAT licensee with a distinctive licence number-plate or label, or both, for the vehicle to which the licensee's licence applies.
- (2) A licence number-plate or label so issued may be in such form as the Commission determines.
- (3) A licence number-plate or label so issued may be in addition to, or in substitution for, any other plate, label or form of identification issued by the Commission in respect of the vehicle.
- (4) A licence number-plate so issued remains the property of the Commission.
- (5) If the Commission exercises its power under subregulation (1), it must also issue the WAT licensee with written instructions for affixing the licence number-plate or label on the vehicle for which the licence has been issued.
- (6) The registered operator of the vehicle must –
 - (a) affix the licence number-plate or label to the vehicle in accordance with the Commission's written instructions; and
 - (b) keep the licence number-plate or label affixed to the vehicle in accordance with the Commission's written instructions for so long as the person holds a WAT licence in respect of the vehicle; and
 - (c) cause the licence number-plate or label to be completely covered up during any period during which the person's WAT licence in respect of the vehicle is suspended; and

(d) remove the licence number-plate or label from the vehicle within 14 days after the day on which the person's WAT licence in respect of the vehicle expires, is surrendered or is cancelled; and

(e) return the licence number-plate to the Commission within 30 days after the day on which the person's WAT licence expires, is surrendered or is cancelled.

Penalty:

Fine not exceeding 10 penalty units.

(6A) It is a defence in proceedings for an offence under subregulation (6)(b) if the defendant establishes that, when the offence allegedly occurred –

(a) the licence number-plate was –

(i) lost; or

(ii) unusable because of damage sustained in an accident; and

(b) he or she had notified the Commission in writing as soon as practicable after –

(i) the loss was discovered; or

(ii) the licence number-plate sustained the damage.

(7) The Commission may issue a WAT licensee with a replacement licence number-plate or label on payment of a prescribed fee.

(8) The Commission may, by written notice, request a WAT licensee to return a licence number-plate issued to that licensee under subregulation (1) within such time as the Commission specifies in the notice.

(9) The WAT licensee must comply with a request under subregulation (8).

Penalty:

Fine not exceeding 10 penalty units.

32. Advertising material in or on taxis

A responsible operator or driver of a taxi must not use or drive the taxi if it contains any advertising matter that –

(a) is unsafe or distracting to other drivers; or

(b) detracts from the comfort and convenience of the passengers.

Penalty:

Fine not exceeding 5 penalty units.

Daily vehicle checks – taxi equipment, including meter, tariff lights and security cameras

23. Taximeters and taxi signs

(1) The responsible operator of a taxi must ensure that the taxi is fitted with –

- (a) a taximeter that complies with the requirements of this Part; and
- (b) a taxi top-light that complies with the requirements of Schedule 2; and
- (c) if the taxi is required to operate on more than one tariff, external tariff indicator lights that comply with Schedule 2.

Penalty:

Fine not exceeding 10 penalty units.

(2) Subregulation (1)(b) does not apply if the taxi is being used –

- (a) for the carriage of passengers in order to attend a wedding or funeral;
or
- (b) for the carriage of passengers under a contract or agreement that is –
 - (i) in a form approved by the Commission; and
 - (ii) entered into between the licensee or his or her agent and any other person; or
- (c) for the carriage of passengers in accordance with a term of an accreditation agreement; or
- (d) to provide a limited passenger service in accordance with the *Passenger Transport Act 1997*.

SCHEDULE 2 ITEM 1. Taxi top lights

A taxi top-light –

- (a) must be affixed to the roof of the taxi; and
- (b) must have at least one light enclosed capable of illuminating the top-light by day or night; and
- (c) must display to the front of the taxi the word "taxi" or similar words to indicate that it is a taxi; and
- (d) must be switched on when the vehicle is operating as a taxi, and switched off when the taxi is not available for hire, but need not be switched on when the vehicle is standing for hire on a public rank during daylight hours.

SCHEDULE 2 ITEM 2. External tariff indicator lights

External tariff indicator lights must:

- (a) be yellow or amber in colour; and

- (b) be mounted one on each side of the taxi sign and, in the case of a wheelchair-accessible taxi, centrally on top of the taxi sign; and
- (c) each be fitted with a globe of not less than 4 and not more than 6 watts; and
- (d) not be fitted with reflectors; and
- (e) be wired so that when the taximeter is operating –
 - (i) in the first tariff, the light on the left or near-side is illuminated; and
 - (ii) in the second tariff, the light on the left or nearside and the light on the right or far side are illuminated; and
 - (iii) in the third tariff, the central light and the light on the left or nearside are illuminated; and
 - (iv) in the fourth tariff, all the lights are illuminated.

25. Approval, testing and setting of taximeters

(1) A taximeter is to be –

- (a) of a type approved by the Commission; and
- (b) installed in a manner approved by the Commission; and
- (c) mounted so as to be clearly visible to passengers; and
- (d) capable of displaying the figures relating to –
 - (i) the standard fares and charges as set out in Schedule 4; and
 - (ii) if a discount fare is registered by the Commission under regulation 24A in respect of the taxi, that discount fare; and
- (e) capable of being switched to a position so that the figure relating to the charge for the hire of that taxi is held constant; and
- (f) tested and sealed in accordance with regulation 26; and
- (g) capable of being set in motion by the driver of a taxi immediately a hiring commences.

(3) Where in respect of the use of a taxi it is desired to calculate fares on more than one tariff specified in Schedule 4, the taxi's taximeter is to be adjusted so that each position on the meter operates as follows:

- (a) the first position is to be used for the first tariff;
- (b) the second position is to be used for the second tariff;
- (c) the third position is to be used for the third tariff for wheelchair-accessible taxis;

- (d) the fourth position is to be used for the fourth tariff for wheelchair-accessible taxis;
- (e) the fifth position, if any, is to be used to record extra charges;
- (f) the sixth position, if any, is to be used for any applicable discount fare.

26. Evidence of testing

(1) A taximeter installed in a taxi is to be tested under regulation 27 before it is used under these regulations.

(1A) If sealing, testing or calibrating a taximeter, a taximeter sealer is to provide to the responsible operator of the taxi a test certificate, or similar document, that –

- (a) states whether or not the taximeter is correctly calculating, measuring and displaying fares and charges in accordance with –
 - (i) the standard fares and charges as set out in Schedule 4; and
 - (ii) if a discount fare is registered by the Commission under regulation 24A in respect of the taxi, that discount fare; and
- (b) sets out any other information that the taximeter sealer considers relevant.

(1B) A taximeter sealer is to provide a copy of a test certificate, or other document, provided under subregulation (1A) to the Commission on the request of the Commission.

(2) A responsible operator must produce the most recent test certificate, or similar document, provided under subregulation (1A) if requested to do so by an authorised officer or police officer within 7 days after receiving that request.

Penalty:
Fine not exceeding 2 penalty units.

(3) A taximeter that is tested and found to be correct must be sealed by that authorised officer, police officer or taximeter sealer in such a manner so as to prevent any interference with the internal parts without breaking the seal.

27. Testing and sealing of taximeters

(1) The responsible operator of a taxi must –

- (a) ensure that the taximeter is correctly calculating, measuring and displaying fares and charges in accordance with –
 - (i) the standard fares and charges as set out in Schedule 4; and
 - (ii) if a discount fare is registered by the Commission under regulation 24A in respect of the taxi, that discount fare; and
- (b) submit the taximeter to an authorised officer, police officer or taximeter sealer for testing at a time specified by the Commission.

Penalty:

Fine not exceeding 10 penalty units.

(2) The Commission, an authorised officer or police officer may require a person to produce a taxi at any time and place the Commission, authorised officer or police officer directs, for the purpose of inspecting and testing the taximeter fitted to it.

(3) In testing a taximeter, the authorised officer, police officer or taximeter sealer may allow a limit of error not exceeding 1.5 per cent.

(4) The responsible operator must pay to the Commission the appropriate fee specified in Schedule 1 on every occasion on which the taximeter affixed to the taxi is tested under this Part by an authorised officer or police officer.

(5) A person must not test, seal or calibrate a taximeter unless that person is an authorised officer, police officer or taximeter sealer.

Penalty:

Fine not exceeding 10 penalty units.

28. Interference with taximeters

The responsible operator or driver must not operate a taxi if the affixed taxi meter is not registering correctly, is out of order or has a broken seal.

Penalty:

Fine not exceeding 10 penalty units.

PART 5A - Security Camera Systems

28A. Interpretation

In this Part –

"download" means to copy a video recording from a security camera system to another storage device, including a disk or tape, to print an image from a security camera system;

"operating taxi" means a licensed taxi and includes a vehicle operating in substitution of that taxi;

"police officer" has the same meaning as in the *Police Regulation Act 1898*;

"security camera system" means a camera system specified in regulation 28C;

"Ulverstone taxi area" is the Ulverstone taxi area specified in Schedule 1 to the *Taxi Industry (Taxi Areas) Regulations 1996*;

"unauthorised purpose" means a purpose that is not connected with –

(a) the investigation of an alleged offence by a police officer or an authorised officer; or

(b) the prosecution of, or the issue of a notice in respect of, an alleged offence; or

(c) the testing of a security camera system in accordance with these regulations;

"video recording" includes –

- (a) electronically stored material from which a recorded image or recorded sound can be generated or reproduced; and
- (b) a printed image from such material.

28B. Duty and power to install security camera system

(1) The responsible operator of an operating taxi that is licensed to operate in a metropolitan taxi area or the Ulverstone taxi area must ensure that a security camera system is installed in the taxi.

Penalty:

Fine not exceeding 20 penalty units and, in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.

(1A) The driver of a taxi that is licensed to operate in a metropolitan taxi area or the Ulverstone taxi area must not operate the taxi unless a security camera system is installed in the taxi.

Penalty:

Fine not exceeding 20 penalty units.

(2) The responsible operator of an operating taxi that is licensed to operate in a taxi area not mentioned in subregulation (1) may fit a security camera system in the taxi.

(3) A person must not install a security camera system under subregulation (2) unless the system is a camera system specified in regulation 28C.

Penalty:

Fine not exceeding 10 penalty units.

28C. Security camera systems

The following camera systems are security camera systems for the purpose of these regulations:

- (a) the Arkive as manufactured by AMSD Pty Ltd – Bitron Video Australia;
- (b) the Cabcam Dv as manufactured by Martin Meters;
- (c) the RDC 3020 as manufactured by Raywood Communications Pty Ltd;
- (d) the Sigtec Verifeye Camera – Mk2 as manufactured by Sigtec Pty Ltd;
- (e) the Cabcam DVR 300 as manufactured by Cabcam Pty Ltd.

28D. Installation

(1) A person installing a security camera system in a taxi must install that system in accordance with Schedule 5.

Penalty:

Fine not exceeding 20 penalty units.

(2) If a security camera system is installed in an operating taxi, the responsible operator of the taxi must also display signs that comply with item 3 of Schedule 2.

Penalty:
Fine not exceeding 5 penalty units.

- (3) A sign displayed under item 3 of Schedule 2 –
- (a) must be able to be read from outside the vehicle; and
 - (b) must not be obscured or covered.

Penalty:
Fine not exceeding 5 penalty units.

28E. Testing of security camera system

(1) After a security camera system is installed, the system is to be tested by the manufacturer to ensure that the system is fully operational.

(2) If an authorised officer or a police officer requires the testing of the security camera system, the driver or responsible operator of a taxi must present the taxi at a time and place specified by the officer.

Penalty:
Fine not exceeding 10 penalty units.

- (3) When having the security camera system tested, the driver or responsible operator is to –
- (a) have the system tested by the manufacturer in accordance with the test regime specified by the manufacturer of the camera system installed; and
 - (b) cause the system to be readjusted if an adjustment is required for the system to be fully operational.

(4) A driver, or responsible operator, of a taxi must display in the taxi written evidence of the most recent testing of the security camera system that complies with item 4 of Schedule 2.

Penalty:
Fine not exceeding 5 penalty units.

- (5) The written evidence of the most recent testing of a security camera system displayed under item 4 of Schedule 2 –
- (a) must be able to be read from inside the vehicle; and
 - (b) must not be obscured or covered.

Penalty:
Fine not exceeding 5 penalty units.

(6) The responsible operator of a taxi must ensure the security camera system installed in the taxi has been tested by the manufacturer in accordance with these regulations within the preceding 12-month period.

Penalty:
Fine not exceeding 20 penalty units.

(7) Nothing in this regulation prevents the responsible operator of a taxi from voluntarily submitting a security camera system for testing.

28F. Operation of security camera system

(1) A driver of a vehicle with a security camera system installed must not use that vehicle as a taxi unless the security camera system indicates it is fully operational.

Penalty:

Fine not exceeding 20 penalty units.

(2) A driver of a vehicle with a security camera system installed must not use the vehicle as a taxi if the camera lens of the security camera system is obstructed in any way.

Penalty:

Fine not exceeding 20 penalty units.

(3) A person must not prevent or impede the operation of a security camera system by –

(a) interfering with any part of the system; or

(b) causing or permitting such interference.

Penalty:

Fine not exceeding 20 penalty units.

28G. Downloading recordings

(1) A person must not download a video recording from a security camera system unless –

(a) the person has received a copy of a police incident report, or a police incident number, of a matter reported to a police officer and in respect of which the video recording may be relevant; or

(b) the person is acting at the direction of a police officer, an authorised officer or the Commissioner of Transport; or

(c) the person is acting pursuant to an order or direction of a court or tribunal constituted by law; or

(d) it is necessary to reset the security camera system; or

(e) it is required as part of the installation or testing of the security camera system.

Penalty:

Fine not exceeding 20 penalty units.

(2) If a video recording is downloaded under subregulation (1)(d) or (e) and is not required for police investigations, or legal proceedings, under regulation 28H, the person downloading the video recording must –

(a) keep the video recording for 60 days after the video recording was downloaded; and

(b) at the end of those 60 days, dispose of the video recording in accordance with regulation 28K.

Penalty:

Fine not exceeding 20 penalty units.

(3) A video recording is required for police investigations, or legal proceedings, if a police officer requests a copy of that recording under regulation 28H within the 60 days referred to in subregulation (2).

28H. Video recordings used for legal proceedings

(1) A person downloading a video recording under regulation 28G(1)(a), (b) or (c) must –

- (a) forward a copy of that recording to police as soon as possible; and
- (b) keep the original recording and any copy of the recording until notified to dispose of the recording under subregulation (5).

Penalty:
Fine not exceeding 20 penalty units.

(2) A police officer may request a copy of a video recording downloaded under regulation 28G(1)(d) or (e) if a copy of that recording is required for police investigations or legal proceedings.

(3) If a police officer requests a copy of a video recording under subregulation (2), the person with the original video recording must –

- (a) comply with that request; and
- (b) keep the original recording and any other copy of the recording until notified to dispose of the recording under subregulation (5).

Penalty:
Fine not exceeding 20 penalty units.

(4) The Commissioner of Police is to –

- (a) store a video recording received under subregulation (1) or (2); or
- (b) dispose of that video recording, and any copy of that video recording, in accordance with regulation 28K.

(5) The Commissioner of Police is to issue a notice in writing to a person keeping a video recording under subregulation (1) or (3) informing the person that the original recording, and any copy of the recording, held by the person is to be disposed of.

(6) A person who has received a written notice issued under subregulation (5) must comply with the notice.

Penalty:
Fine not exceeding 20 penalty units.

28J. Use and storage of video recordings

(1) A person must not use a video recording made by, or downloaded from, a security camera system, or a copy of such a video recording, for an unauthorised purpose.

Penalty:
Fine not exceeding 20 penalty units.

(2) A person in possession of a video recording made by, or downloaded from, a security camera system, or a copy of such a video recording, must ensure that the recording or copy is not misplaced or used for an unauthorised purpose.

Penalty:

Fine not exceeding 20 penalty units.

28K. Disposal of video recording

A video recording or a copy of a video recording may be disposed of by –

- (a) deleting the original recording or copy; or
- (b) permanently removing any trace of the recording or copy from its storage device; or
- (c) destroying the recording or copy so that it is no longer possible to access the recording or copy.

SCHEDULE 5 - Installation of Security Camera System

PART 1 - General

1. Interpretation

(1) In this Schedule –

"rear-vision camera" means an internal camera that is positioned above the rear-vision mirror in a taxi.

(2) A word not defined in this Schedule has the same meaning as it has for the purposes of Part 5A.

PART 2 - Installation

1. A security camera system must be installed in accordance with the manufacturer's instructions.

2. A security camera system includes all cameras installed in the taxi and must include at least one rear-vision camera.

3. The rear-vision camera must provide a clear view of the taxi driver and all seated passengers.

4. The rear-vision camera must be able to capture all occupants of the vehicle in any image taken by the camera.

5. An internal camera must be readily visible to all vehicle occupants.

6. All cameras must be mounted in such a manner so as to readily prevent misalignment of the field of view, except in the case of a vehicle accident or other severe impact.

7. The first external camera, if at least one is installed, should be positioned to provide a view of any person standing at the window of the driver's door.

8. An external camera, if fitted, may be concealed or not identifiable to persons outside the taxi.

9. Internal and external cameras additional to the rear-vision camera may be fitted to the taxi but the additional cameras –
- (a) must be at least the same standard in all aspects as the rear-vision camera; and
 - (b) must be fitted in accordance with this Part.
10. The installation of the security camera system must not affect the compliance of the taxi with the Vehicle and Traffic Act 1999.
11. The cameras and all system components must be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operations of the vehicle.
12. The security camera system must not inappropriately interfere with another system on board the taxi, and must itself not be affected by any sources of interference likely to be encountered in the taxi.
13. Apart from the internal camera referred to in item 5, all other internal components of the security camera system must be concealed.
14. The security camera system must be installed in a manner that enables the system to be easily tested to ensure that all features are operating and that images are being recorded as required under these regulations.
15. The security camera system must be installed in a manner that enables the easy download of a video recording from the camera system.

Appendix 6: Extract from Code of Practice for the Operating of Taxis (1997)

The Vehicle

1. All vehicles operating as perpetual or temporary taxis, or cabs, will display a current inspection label on the rear windscreen.
2. Both the interior and exterior of the vehicle will be kept clean, and the interior shall be free of unpleasant odours. When at times through unavoidable circumstances or bad weather a vehicle becomes dirty, the operator will at the first opportunity restore that vehicle to a clean condition.
3. Both the interior and exterior of the vehicle should be free of damage, dents, scratches and excessive wear and tear.
4. Vehicles shall be kept in good mechanical condition at all times and if a mechanical or other failure renders that vehicle unsafe, then the vehicle will be removed from service until the problem is rectified.
5. Seat belts shall be accessible to all passengers and should be in a serviceable and clean condition.
6. A taxi shall be fitted with a sealed taxi meter.
7. There will be displayed in each vehicle a schedule of the current fare rates.
8. Vehicles belonging to radio networks will display network identification and a taxi radio number for specific identification purposes.

The Driver

The driver of a taxi shall:

- Be polite and courteous.
- Provide reasonable assistance to their passengers.
- Be of neat appearance.
- Be neatly and cleanly attired.
- Not smoke in a taxi and will advise any passenger who is smoking that it is an offence under the Regulations.
- While on a public vehicle stand or while disengaged, accept all hirings offered to him or her, unless he or she suspects that the passenger will not comply with Regulations of this Code of Practice.
- Carry out punctually a hiring that he or she has agreed to take.
- Ensure that the hirer of the taxi consents to all other persons being carried in that taxi.

- Wait with his or her taxi for a passenger who, having been conveyed therein, has instructed the driver to do so.
- As soon as the taxi is hired, and not before, set in motion the taxi meter.
- Immediately on termination of the hiring, stop the taxi meter.
- Ensure that the taxi is operating under the correct tariff for that time and that day.
- Not carry more passengers than the particular vehicle is licensed to carry.
- Travel by the route directed by the passenger and, in the absence of such a direction, must travel by the most direct or practicable route from the point at which the taxi was hired to the intended destination of the passenger.
- Accept Transport Access Scheme vouchers when being used legitimately.
- Carry guide dogs or the blind when requested to do so.
- Report property found in a taxi to the radio network and hand that property to the Police Lost Property section unless the owner is identified.
- Not tout for business or otherwise solicit a person to use his or her taxi.
- Drive in a professional manner and in accordance with the traffic Regulations.
- Issue a receipt when requested to do so.
- While standing on a public vehicle stand, ensure that their vehicle is standing in the foremost vacant space.
- Be aware of any driver assistance and trauma counselling programs available, either through the Association or other sources.

The Passenger

A passenger shall

- NOT hire a taxi unless he or she has the ability to pay the driver the full cost of the hiring. The passenger is entitled to an estimate from the driver of the cost of the journey.
- NOT, at the end of a journey, make off without paying the fare for that journey.
- NOT hire or attempt to hire a taxi if that passenger is under the influence of alcohol or drugs, or who is noisy, violent, or misbehaving to such an extent as to cause annoyance to the driver or any other passengers.
- NOT abuse or threaten a driver with violence.
- NOT smoke or consume alcohol or food in a taxi.
- Be aware that, if he or she soils a taxi, the driver may request the passenger to pay the driver, or make arrangements to pay the driver, a cleaning fee which shall be limited to twice the taxi hourly detention rate. This fee is incurred if, as a result of an

action of a passenger, the taxi must be removed from use until cleaned, dried and/or deodorised before it can again be available for hire.

- Comply with requirements relating to the using of seatbelts.
- Be aware that the taxi industry accepts the practice of the driver at his discretion immediately terminating the hire if he or she believes that the passenger is in breach of the preceding.
- Be aware that the passenger upon termination of hire must pay the full cost of hire to the point of termination.
- Be aware that in some instances above drivers may, and do, obtain the assistance of the Police.

Lost Property

An accredited Radio Operation may, if it wishes to, hold lost property for a period of seven days before handing it to the Police.

A radio network will make every endeavour to find or give information about lost property, however the current requirement for unidentifiable lost property is to hand that property to Police Lost Property.

If the owner of an item is identifiable then an attempt will be made to contact the owner within a reasonable period of time. In most cases the radio network does not hold any lost property.

Again it is important to be able to identify the taxi, or at least the taxi radio network in which you may have lost the item.

Complaints

Any member of the public, a driver or an operator has the right to lodge complaints and is invited to do so. Complaints let a responsible person know that a problem may exist and therefore they have the opportunity to remedy that situation.

It is important to remember that in most cases it is necessary to be able to identify the person involved, so to assist the person hearing your complain you should endeavour to:

- Identify the radio network in which the taxi is operating.
- Identify the taxi by the vehicle registration plate.
- State as near to possible the time and day that the problem occurred.
- State the address that the journey commenced from.

Remember that radio networks keep records of all bookings made through their system but do not have records of taxis taken from taxi ranks or booked direct with the driver personally or by mobile phone.

Complainants should be aware that in most cases the taxi is not owned by the radio network, however in the case of a motor vehicle accident the radio network will be able to advise the name of the owner.

To assist complainants the following order of contact is suggested, but it is appreciated in extremely serious complaint situations it may be necessary to advise the Police or the Department of Transport in the first instances as soon as possible.

- The taxi radio network – which will investigate the complaint, identify whether the complaint is sustained and advise the Taxi Industry Association of Tasmania Limited
- The operator of the taxi – this may be an individual or a taxi management operation
- The Taxi Industry Association of Tasmania Limited
- The Department of Transport
- The Taxi Industry Advisory Board
- Tasmania Police

In the case of a serious complaint, ring 000 statewide.

Road Trauma Support

The Taxi Industry Association of Tasmania Limited recognises the potential for trauma to affect all involved in the taxi industry, either through accident injury, passenger assault, or otherwise, and that there may be occasions where expert trauma counselling is required.

In addition to normal trauma counselling available, if necessary and at cost to the recipient, through Motor Accident Insurance Board and Workers Compensation insurance, the Association has links with the Road Trauma Support Team Limited.

The Team is a Statewide, voluntary, non-profit organisation, providing professional support, counselling and befriending services to road incident or accident victims, their families and friends. The Team do not charge of the service, but are grateful for donations to assist them in providing their service.

Appendix 7: Examples of Codes of Conduct

Northern Territory Taxi Drivers and Operators Code of Conduct (August 2004)¹¹⁷

Introduction

What is the Code of Conduct?

The Code of Conduct is a set of guidelines designed to set minimum taxi industry protocol and standards of customer service.

These are service standards that can be improved upon by licensed operators, drivers and communication networks as they seek to differentiate themselves from other competitors in the commercial passenger vehicle industry. To do this the Northern Territory Taxi Industry is expected to maintain high standards and provide a high quality of service to the hirer.

The impression visitors often gain of the Northern Territory can be influenced by the quality of service received from the driver of a commercial passenger vehicle.

Why have a Code?

This Code of Conduct has been developed through consultation between the Taxi Industry and the Road Transport Branch of the Department of Planning and Infrastructure and other user groups. The Code of Conduct is designed to advise drivers and operators of their responsibilities and obligations to comply with the applicable legislation.

This Code of Conduct is also available to members of the general public to advise them of the minimum standard of service they can expect from the taxi industry.

Taxi drivers are expected to be professional in their approach to the industry and to drive SAFELY AND DEFENSIVELY in all weather and traffic conditions.

It is in the interest of owners and operators to provide professional training for all drivers to ensure a high quality of service is provided to all customers. It is essential that operators and drivers are aware of the legislative requirements applicable to their industry and that they manage any taxi operation in accordance with these requirements.

In addition to this Code of Conduct, drivers and operators are required to comply with all the conditions set out in the Commercial Passenger Vehicle Licence (CPVL).

What status does the Code have?

The Director, Commercial Passenger (Road) Transport, pursuant to section 72(1) of the Commercial Passenger (Road) Transport Act, has approved this Code of Conduct. Drivers and operators of a taxi are required to comply with this Code of Conduct when carrying passengers for hire or reward. Contravention of this Code of Conduct when carrying passengers for hire or reward, may result in fines (up to \$2000) and possible restrictions of the taxi operation.

¹¹⁷ NT Department of Planning and Infrastructure Website: <http://www.ipe.nt.gov.au/whatwedo/taxis/codes-conduct.html>, accessed 21 February 2006.

Other relevant legislation is, but not restricted to:

- Motor Vehicles Act
- Traffic Regulations
- Taxi Regulations
- Commercial Passenger (Miscellaneous) Regulations
- Hire Car Regulations

Copies of the relevant Acts and Regulations are available at the Government Printing Office in Darwin and the Town Library in Alice Springs. The Code of Conduct is available from all Motor Vehicle Registry Offices in the Northern Territory.

Passenger Expectations

Conditions relating to the carriage of passengers

Passengers travelling in a taxi expect the operator and driver to conduct themselves in a professional and courteous manner and to comply with all the relevant legislation. Passengers expect a high level of service in accordance with the appropriate standards prescribed in this Code of Conduct.

These expectations are, but not restricted to:

- Set the taximeter in operation only at the commencement of the hiring or at the agreed pre-arranged time.
- Disengage the taximeter at the end of the hiring.
- Informed about the conditions of operation of a taxi.
- Timely response to all hirings
- Clean and presentable driver and vehicle.
- Good knowledge of local routes, major and tourist destinations.
- Friendly, courteous and helpful driver behaviour.
- Assistance with luggage and doors.
- A sense of safety while travelling.
- Road rules to be observed at all times.

If a passenger believes they did not receive the appropriate standard of service from a taxi driver or operator, they may lodge a complaint to the relevant authority. In the first instance this would be the taxi network provider which that taxi is operating for, Police or the Commercial Compliance Section of the Department of Planning and Infrastructure. The complaint will be investigated and if the allegations are proven appropriate action will be taken.

Passengers with Special Needs

Passengers with special needs are to be given all reasonable assistance based on consideration of their specific needs. Passengers in wheelchairs must be transported in accordance with all safety guidelines and recommendations specifically appropriate to the use of wheelchair restraint.

Passengers with disabilities who are members of the Northern Territory Taxi Subsidy Scheme may use approved vouchers as part payment of the prescribed fare. Passengers in the scheme are entitled to pay up to 50% of the metered fare using vouchers when travelling in a standard taxi, and up to 75% of the metered fare using vouchers when the passenger is required to travel in a taxi that has been modified to carry wheelchairs. Drivers cannot demand that these passengers pay the full fare with vouchers only.

All States and Territories issue members of their Taxi Subsidy Schemes with special vouchers to use when travelling interstate. Conditions for the use of each of these interstate vouchers are printed on each voucher. All vouchers are green and gold in colour. The Northern Territory provides mutual recognition for these interstate vouchers and all Northern Territory taxi drivers must accept them.

The Taxi

The Traffic Regulations require all vehicles, including taxis, to be in a roadworthy and safe condition at all times. Taxis are required to be maintained to a standard, approved by the Registrar of Motor Vehicles, while registered and operating as a taxi.

The Registrar, or his delegates, may inspect or require a taxi to be inspected at any time. If a vehicle is found to be unroadworthy, unsafe, cosmetically poor or dirty in appearance remedial action may be taken against the driver or operator. The operation of that vehicle may be restricted until the situation is rectified.

A driver operating a vehicle with mechanical defects may be issued with a Defect Notice and/or a summons may be issued. A vehicle under such a notice will not be able to operate for hire or reward until the identified mechanical faults are repaired and the Defect Notice removed by Transport Inspectors or Northern Territory Police in some remote areas.

A driver operating a vehicle that does not achieve the approved minimum cosmetic standard may be issued a traffic infringement notice or a summons may be issued. Vehicles that do not meet the minimum standards will not be able to operate for hire or reward until the condition of that vehicle is such that it meets the required standards.

Driver Appearance

Taxi drivers shall maintain a neat and tidy appearance. The minimum allowable standard of dress is:

Male:

1. Full covered shoes and socks.
2. Shirt with collar and sleeves.
3. Tailored slacks, shorts, full-length denim pants or tailored denim shorts.

Female:

1. Shoes with flat heel, less than 50mm.

2. Tailored slacks, skirt, full-length denim pants or denim shorts.
3. Shirt with collar and sleeves.
4. Dress.

Interpretations:

Neat and Tidy; Clean and free from stains and wrinkles. Not frayed, torn or holed, or having loose threads detracting from the original condition when new. All buttons are to be done up except for the top collar button, which is optional.

Tailored; Tailored clothing is generally designed to present a higher standard of dress. Sports or fitness clothing, standard stubby type shorts, cut off denim shorts and Lycra etc are not acceptable.

An operator or network provider may introduce a company/network uniform. The uniform must meet the minimum dress requirements and requires approval by the Director. Drivers operating within that network or company are required to wear that uniform at all times, unless that uniform is unavailable from that company or network.

General:

Individual companies may submit their uniform to the Director for approval. The Director may approve that dress standard as the minimum standard of dress for that company.

Comment:

Drivers and operators of taxis working with a company or network, which has had a uniform approved, are to comply with that company or network's uniform standard. Negotiations relating to supply and or costing of these uniforms are the responsibility of the drivers, operators and networks.

Certificate of Identity

All drivers must be appropriately licensed under the *Motor Vehicles Act*. That driver then requires a "h" endorsement on their licence prior to commencing work as a commercial passenger driver. Taxi drivers require a certificate of identity, commonly known as an ID Card. This card must be displayed in a prominent location clearly visible to all passengers at all times. Drivers who fail to display their ID card as required or who drive a taxi without obtaining one may be subject to remedial action.

If a driver fails to display or has not obtained an ID card, that driver will not be able to drive any taxi for hire or reward until the situation is rectified. Only the identification card belonging to the driver operating the taxi should be displayed.

Driver and Vehicle Performance

The taxi industry should endeavour to employ drivers who have the ability, maturity and high degree of professionalism, to enable them to deal with all types of people and situations.

It is expected that drivers will:

- Have a good knowledge of the *Commercial Passenger (Road) Transport Act, Taxi Regulations* and Code of Conduct and observe these at all times.

The driver of a taxi is required to comply with all the relevant road rules when driving that vehicle.

The driver is also required to drive the vehicle in such a way that the passengers are afforded a smooth and stress free ride with a feeling of safety.

Comments:

This Code of Conduct is designed to assist in providing a high quality of service to all taxi passengers. The Code of Conduct is not intended to provide for all the required actions, which will ensure that the passenger leaves the taxi satisfied with the service received. All operators and drivers should strive to improve the quality of service at all times.

It should be noted that the taxi industry has an important road safety role to encourage persons who have been drinking alcohol, not to drive. They are, however, entitled to judge whether the prospective passenger is likely to cause a nuisance or hazard. An understanding of the relevant legislation will assist the driver in appropriate action.

Industry Training

Requirements

Operators are required to provide professional training for drivers, and drivers are required to undertake such training to ensure high quality of service is provided to all taxi customers.

It is essential that drivers entering the taxi industry are properly trained to provide high levels of service. Similarly it is important that drivers already in the industry are provided with regular refresher training to ensure they keep up with changing customer expectations and legislation. Shortcomings in a driver's behaviour may require that driver to undertake complete re-training or specific sections of re-training at that driver's own expense. Operators and network providers may set a training or refresher training schedule for all drivers. They may also request an individual driver to undertake full or part re-training if shortcomings are identified in that driver's behaviour or conduct.

Taxi drivers will enter the industry in one of the Gazetted taxi areas and may then relocate to one of the other gazetted areas. It is the responsibility of a taxi operator and or network provider to ascertain each relocating driver's knowledge of the local taxi area. Relocating drivers may be required to undergo location re- training to improve their knowledge of the new taxi area.

Fatigue Management

Under the Work Health legislation all employees have a duty of care to provide a safe workplace. The Commercial Passenger Industry is no different.

Employers have a duty of care to identify the hazards in the workplace, assess the risks and control the risks. In this case the hazard is the effect of fatigue, which can be caused by extended periods drivers spend behind the wheel of the taxi transporting passengers and themselves from location to location. The risk assessment can be high and the control is to implement a fatigue management system in accordance with the Northern Territory Fatigue Management Code Of Practice.

The Code

Operators and drivers are required to follow this Code of Conduct at all times when carrying passengers for hire or reward.

Driver Obligations and Behaviour

1. Carry a current street directory for the area of operation noted on the Commercial Passenger Licence issued to that taxi.

2. A driver must display his/her own driver's identification card in a conspicuous position clearly visible to passengers sitting in all seating positions in the vehicle.
3. Be polite and courteous to customers and provide assistance in loading and unloading luggage.
4. Be understanding and sensitive to customer needs, including the needs of people with disabilities as noted elsewhere in this code of conduct.
5. Comply with Northern Territory and Interstate Taxi Voucher Scheme conditions as set down in this code of conduct.
6. Carry a copy of the *Taxi Regulations*, and Taxi Operators Code of Conduct in the vehicle for reference at the request of a hirer or intending hirer or an Inspector acting in the execution of that Inspector's duty.
7. In relation to fares and meters:
 - 7.1 Give correct change at the termination of the hiring and have sufficient change to do so to the value of \$50.00.
 - 7.2 Additional surcharges are not permitted, unless approved by the Director.
 - 7.3 For multiple hirings, the fare shall be calculated at 75% of the appropriate tariff and the driver is only to multi hire if the meter is equipped to multi-hire.
8. Whenever the taxi has more than one person (driver being one person) in the taxi, the taximeter is to be engaged, or the meter is to be switched off and the network notified that the taxi is off air and not operating as a taxi.
9. Maintain the vehicle to the approved minimum standard.
10. Drivers must maintain the minimum dress standard stated elsewhere in this document.
11. Where the taxi company or network has submitted a uniform and that uniform has been approved, it must be worn by the driver of that company or network at all times while the vehicle is being used for hire or reward. A driver that is not employed by that company or network shall not wear that company's or network's approved uniform.
12. A driver shall not to use a communication device, including a mobile phone, to co-ordinate or control any other commercial passenger vehicle, regardless if the driver is using a hand free device.
13. Drivers are not to use a communication device, including a mobile phone, for personal conversations when carrying passengers, this includes a hand free device (emergency situations excepted).
14. Drivers are not to hold or take any passenger's cash as credit in advance for future journeys, booked or otherwise, unless a receipt is issued and the communication network is notified.
15. Drivers are not to hold or take any form of passenger's credit/debit or savings card, or other electronic cash transaction card, for any reason other than handling a card during the process of performing a transaction for the payment of travel that has just ceased.
16. Drivers are not to hold or take any items or goods as bond until the passenger has furnished the driver with the prescribed fee as noted on the taximeter, unless a receipt for that item is issued and the communication network is notified.

Victoria**Taxi driver rights and responsibilities¹¹⁸****Driver rights**

Taxi drivers have the right to:

Request proof of ability to pay or request a deposit:

A taxi driver has the right to ensure that passengers have the ability to pay the expected fare or request a deposit up to the estimated fare before starting the trip

Refuse or terminate a hiring:

Drivers are not required to accept or continue with a taxi trip when passengers are violent, noisy, misbehaving, filthy or offensive.

Driver responsibilities

Taxi drivers must abide by the following requirements:

Courtesy and helpfulness

The taxi industry recognises that, as service providers, taxi drivers represent the public face of the industry. Drivers in the metropolitan taxi zone are required to undertake a Course in Taxi Driving. This includes an emphasis on the need for drivers to be courteous and helpful in the performance of their duties.

Knowledge and observance of traffic laws

Drivers should know, obey and respect the road rules and other road users.

The Victorian Taxi Directorate takes seriously complaints about drivers who may endanger the public by breaking traffic laws.

Acceptance of fares

Once hailed, a driver cannot refuse a fare that is too short or inconvenient. Drivers may indicate at the end of a shift that they will only accept fares to destinations that are on the way to the taxi-cab's home base. The driver will display a sign that indicates the relevant destination.

Knowledge of major routes and destinations

Taxi drivers should know and use major routes. Furthermore, drivers are expected to know of major destinations within their zone. These include airports, major railway stations, major hotels and sporting and cultural facilities.

Understanding of and ability to speak English

Drivers are required to meet English literacy comprehension standards, which are set down in the approved Course in Taxi Driving.

Taking the most direct practicable route

Drivers are required to take the most direct, practicable route from when they pick up a customer to the requested destination, unless otherwise directed by the customer. The driver can and should briefly consult a street directory when in doubt.

¹¹⁸ Department of Infrastructure website:

www.doi.vic.gov.au/DOI/Internet/transport.nsf/AllDocs/856269B1DDE3A707CA256E150013E673?OpenDocument
accessed 21 February 2006

The driver must take the passenger to the designated place and not to any alternative destination.

Neatness, cleanliness and tidiness

Passengers have a right to expect taxi drivers to be neat, clean and tidy in appearance and without offensive body odour.

Wearing of an approved uniform

While on duty, all taxi drivers are required to wear the approved uniform of the taxi company with which the taxi is affiliated.

Assistance to passengers

A taxi driver is required to provide reasonable assistance with a customer's luggage. This includes assistance with getting luggage into and out of the cab, taking reasonable care while in the taxi, and immediately reporting any found items to their depot or the Victorian Taxi Directorate.

Taxi drivers are not expected to manoeuvre luggage when it may cause injury to them or others. Neither are they expected to carry more luggage than the reasonable capacity of the storage facilities of the vehicle.

Passengers with special needs (such as people with disabilities, tourists, children and elderly people) can expect that the driver will act with understanding and patience.

Taxi customer rights and responsibilities ¹¹⁹

This page details the rights and responsibilities of customers when hiring or travelling in a taxi in Victoria.

Customer rights

When travelling in a taxi, customers have the right to:

A licensed and certified driver

Taxi drivers at all times must hold a current Driver's Certificate and a full Victorian Driver's Licence.

The driver must display a driver number identification so that passengers can readily identify the driver to their satisfaction. In the metropolitan taxi zone, drivers must also display a recent colour photograph.

Their choice of a preferred route

A passenger can specify the route to be taken to reach the stated destination. If a route is not specified, the taxi driver is required to take the most direct, practicable route available. The driver may use a street directory to establish the appropriate route.

Access to view the metered fare

When a passenger starts a taxi ride, the meter must be turned on at the correct tariff rate. It is not permitted to operate a taxi with a defective meter. The meter must be in clear view and show the fare to be paid. Tolls, where applicable, may be an addition to the metered fare.

¹¹⁹ Department of Infrastructure website:
www.doi.vic.gov.au/DOI/Internet/transport.nsf/AllDocs/95DBC35E3112A0ADCA256E150013AE11?OpenDocument,
accessed 21 February 2006.

A clean and roadworthy cab

It is a basic right of the customer to expect to travel in a clean, safe, tidy and roadworthy cab.

Air conditioning

Taxis are required to have a properly working air conditioner fitted.

A customer has the right to have air conditioning in the taxi turned on or off. However, taxi drivers are not expected to meet unreasonable requests which may impair their ability to provide a safe ride, such as setting air conditioning to levels which create discomfort.

No music or conversation

A customer has the right to request a ride to their expected comfort level. This includes the right to have a music system or radio turned off or down. Customers may also advise the driver if they wish to complete the taxi ride without conversation.

Accompanying guide dogs or hearing dogs

Guide dogs and hearing dogs for people with a vision or hearing impairment must be accepted by the taxi driver for carriage within the cab.

All other animals are not permitted in the cab and drivers must refuse a request for them to be carried.

Refuse multiple hiring

Customers who have hired a taxi are entitled to exclusive use of the taxi for the course of their trip.

If a customer does consent to a multiple hiring (sharing the taxi with other people), the first and subsequent hirers must be travelling in the same general direction. The fare for each destination is 75 per cent of the metered fare.

Use an EFTPOS facility where one is available

Taxi drivers must provide customers with access to EFTPOS facilities where these facilities are installed and online.

Use valid credit or debit cards as displayed in the cab

A driver must provide customers with the ability to pay by credit or debit cards which are displayed in the taxi.

A receipt or tax invoice

On request, the driver must provide a receipt that is legible and contains the following details:

- signature of the driver
- number of the taxi-cab
- the Driver's Certificate number
- all items which make up the total fare
- total amount paid
- payment date
- drivers' ABN.

The driver is obliged to explain to the customer how the fare was calculated if requested at the end of the journey.

Customer responsibilities

Customers must abide by the following requirements:

Fare payment

When hiring a taxi-cab, a customer has entered into a legal agreement to pay the metered fare and any tolls incurred in providing the services. The basis and cost of any tolls incurred that are not recorded on the meter must be prominently displayed within the cab.

Wearing of seat belts

All passengers must wear seat belts and ensure that any person under their control who is 16 years old or younger is also wearing a seat belt or appropriate restraint.

Number of passengers permitted to be carried in the taxi

A taxi driver is not permitted to carry more passengers than the number which the cab is licensed to carry. This number will be indicated on the vehicle. Therefore, a passenger cannot request the driver to carry more than the permitted number of passengers.

Western Australian Taxi Driver Code of Conduct¹²⁰

Revised November 2004

Introduction

As a taxi driver, you provide an important personalised transport service to the public. The way you drive, dress, talk and act affects the way passengers feel about each taxi trip they take with you.

To encourage passengers to want to keep using your service, you must provide good customer service and conduct yourself in a way that makes them comfortable and at ease.

If you and all other taxi drivers act by the Code, the result will be greater customer satisfaction and increased confidence in the taxi industry.

The Department for Planning and Infrastructure (DPI) developed the WA Taxi Driver Code of Conduct to clearly describe:

- behaviour that customers expect from taxi drivers,
- behaviour that is always unacceptable, and
- Taxi Driver rights.

DPI will ensure all taxi drivers follow the Code. Drivers who behave in an 'unacceptable' manner will have action taken against them. Action will be in the appropriate form - either cautions, fines, prosecution, retraining or removal from the taxi industry. It is important that you read this document very carefully and understand what it means for you as a taxi driver. If you are unsure about any part of the Code and would like someone to explain it to you in more detail, contact DPI's Passenger Services on 9216 8000.

¹²⁰ WA Department for Planning and Infrastructure Website: <http://www.dpi.wa.gov.au/taxis/1563.asp>, accessed 21 February 2006

Behaviour customers expect from taxi drivers

1. Demonstrating professionalism and providing good customer service

- Make all passengers feel welcome in your taxi by being polite and friendly. (Refer Regulation 16.)
- Always be courteous to all other road users.
- Communicate clearly with your passengers.
- Listen carefully to passengers, in order to find out their needs.
- Ensure that you always look neat and well groomed, and wear your approved taxi driver uniform. (Refer Regulation 17B.)
- Always keep your taxi clean and free of rubbish.
- Accept all passengers, regardless of their race, religion, gender, age, disability, distance of journey, or any other factor, unless you have the right to refuse or terminate the fare. (Refer Regulation 13.)

See 'Taxi Driver Rights' at the end of this document.

- Always transport guide dogs that accompany visually impaired passengers. (Refer Regulation 14.)
- Offer assistance to passengers according to their needs (for example, getting in and out of the taxi, loading and unloading luggage, shopping, wheelchairs/walking aids and prams) whether or not you are requested to do so. (Refer Regulation 16(1)(c).)
- Comply with all reasonable passenger requests regarding, for example, air-conditioning on/off, radio on/off, amount of conversation, preferred route. (Refer Regulation 16(2).)
- Know your job. Keep up to date with changes in the industry, for example, Perth geography, taxi technology, new policies and procedures.

2. Acting ethically and increasing customer confidence in the taxi industry

- Take the most economical route, unless otherwise directed by your passenger. (Refer Regulation 11.)
- Apply the correct tariff, charge the correct fare and give your passenger the correct change. (Refer Regulation 8(1).)
- Always accept vouchers for people with disabilities or financially disadvantaged (for example, TUSS) and complete them correctly, before the passenger leaves the taxi. (Refer Regulation 8(2).)
- Be identifiable to your passengers. Always display your taxi driver identification card in a prominent position, so that your passengers can read it from the front or back seats. (Refer Regulation 15.)
- Treat all passengers in a non-discriminatory manner and make allowances for your passengers' social and cultural differences.

- Drive the taxi in a safe, smooth and controlled manner, according to the road rules.
- Always be in an alert state when you drive your taxi, free from the influence of fatigue, alcohol or drugs that affect your driving ability.
- Advise passengers to wear seatbelts.
- Ensure luggage, shopping, wheelchairs and walking aids are properly secured in the taxi.
- Remind all passengers not to leave any belongings in the taxi. Assist in the return of passengers' property that has been left in the taxi, by handing it in at your nearest police station as soon as possible. Any information regarding pick up and drop off points will help Police find the owner
- Contribute to your passengers' safety by suggesting they exit the taxi at a safe location.

Behaviour that is always unacceptable from taxi drivers

1. Acting in an Unprofessional Manner

- Refusing a hiring, terminating a hiring or ejecting passengers from the taxi unless permitted. (Refer Regulation 13.)
- Refusing to transport a guide dog that is accompanying a blind or vision impaired passenger. (Refer Regulation 14.)
- Ignoring passengers' calls for attention or not complying with any reasonable request from the passenger, unless their requests breach your rights as a taxi driver. (Refer Regulation 16(2).)
- Refusing to display your identification card to customers. (Refer Regulation 15.)
- Not wearing your approved uniform. (Refer Regulation 17B.)

2. Threatening Behaviour

- Dealing with passengers in a discriminatory or intimidating manner. (Refer Regulation 16.)
- Verbal abuse of passengers. (Refer Regulation 16.)
- Using rude, aggressive or offensive language or gestures towards passengers. (Refer Regulation 16.)
- Physical abuse/assault of passengers. (Refer Criminal Code.)

3. Inappropriate Behaviour

- Touching passengers in an inappropriate manner. (Refer Criminal Code.)
- Initiating discussions of a sexual nature with passengers. (Refer Regulation 16.)
- Initiating discussions that may be sensitive or offensive to the passenger. (Refer Regulation 16.)

- Making sexual advances towards passengers or sexually propositioning passengers for reasons of desire, payment of the fare, or any other reason. (Refer Regulation 16.)
- Engaging in any type of sexual behaviour in the presence of passengers. (Refer Regulation 16.)

4. Unethical Behaviour

- Overcharging passengers, incorrect use of the taxi-meter or applying tariffs incorrectly. (Refer Regulation 8.)
- Fraudulent use of TUSS vouchers or encouraging TUSS members to use their vouchers in a fraudulent manner. (Refer Regulation 8(2).)

5. Increasing Risk to Passengers

- Driving in an illegal, dangerous or reckless manner. (Refer Traffic Code.)
- Driving under the influence of alcohol or other drugs that impair your driving ability. (Refer Traffic and Criminal Code.)
- Terminating the journey and telling the passenger to leave the taxi at an unsafe location, unless you believe your personal safety is threatened. (Refer Regulation 13.)

6. Smoking in the Workplace

- Smoking in a taxi is not allowed at any time. (Refer *Occupational Safety and Health Regulations 1996*.)

Taxi Driver Rights

Your passengers expect to be treated in the appropriate manner. However, taxi drivers also have certain rights.

As a taxi driver, you have the right to:

- A safe journey.
- Be treated in a respectful manner by passengers.
- Ask passengers not to eat, drink or smoke in the taxi, and have your request complied with.
- Receive payment in full for the service provided, according to the fare schedule (including payments for waiting times and cleaning the taxi) or pre-agreed 'contract fare'. (Refer Regulation 9A.)
- Request and receive prepayment of the estimated fare – and refuse passengers who will not pay in advance. (Refer Regulation 12.)
- Not accept a voucher for payment or part-payment of the fare, if the published guidelines are ignored (e.g. if TUSS voucher book and current membership card is not given to you before the trip starts.) (Refer Regulation 8(2).)
- Refuse a hiring, according to Taxi Regulation 13 [1] and [2], if the passenger:

- a) Is in such an unclean condition that he/she will soil the taxi, or if in the taxi, begins to soil it.
 - b) Is abusive, or becomes abusive during the journey.
 - c) Is under the influence of alcohol or drugs to such an extent that he/she is likely to become abusive or soil the taxi.
 - d) Has evaded or attempted to evade the payment of a fare
 - e) Has been asked to prepay and does not.
- Refuse a hiring to or from an address where your Taxi Dispatch Service has a record of violent incidents or dangerous behaviour or non-payment of fares relating to them or their address.

If you are in a situation where your rights are not respected, your safety is threatened or your passenger becomes unconscious, you are entitled to take appropriate action. Follow accepted taxi industry procedures such as described in 'CabAlert' information provided by the WA Police Service during your Taxi Driver Training.

For example:

- Passengers who refuse to leave the taxi or pay the fare – call for police on the CabAlert number.
- Passengers who become abusive or hostile – activate the emergency button to alert the taxi dispatch service and operate the security camera (M99 or Mayday procedures).
- Passengers who become unconscious – try to wake them and if there is no response, lie the person in the coma position, call St John Ambulance and inform base of the situation.
- If a disagreement or misunderstanding occurs between you and the passenger that you feel may result in an unfair complaint against you, inform your taxi dispatch service of the incident as soon as practicable.

Further information

Further information can be obtained from the DPI Passenger Services. Telephone: (08) 9216 8000

Postal address:

Department for Planning and Infrastructure
 Passenger Services
 GPO Box C102
 PERTH WA 6839

Email: Passenger.Services@dpi.wa.gov.au

Website: www.dpi.wa.gov.au

Referenced *Taxi Regulations 1995* (reproduced below)

Copies of the *Taxi Act 1994* and *Taxi Regulations 1995* can be found online at: <http://www.slp.wa.gov.au/statutes/swans.nsf>

Extracts from Taxi Regulations 1995 (WA) as at February 2004**7. Fare schedule to be displayed** (Failure to ensure display of fare schedule Modified Penalty \$100)

(1) Where a vehicle is being operated as a taxi the driver, the plate holder, the operator and the person providing the taxi dispatch service involved, if any, shall ensure that the fare schedule is displayed in an approved position from where it is clearly visible from the outside of the front passenger window and from the front passenger seat.

(2) The name of the taxi dispatch service involved is to be included on the fare schedule displayed under this regulation.

8. Fares (Modified Penalties \$200)

(1) A driver shall charge not more than -

- (a) the fare which is shown on the meter at the termination of the hiring; or
- (b) where the hiring involves travelling outside the control area, a fare calculated in the manner set out in the fare schedule in relation to such travelling.

(1a) A driver shall not select a tariff for a passenger that is not the appropriate tariff as set out in the fare schedule required to be displayed in the taxi under regulation 7.

(2) A driver shall not refuse to accept a voucher as payment or part-payment of a fare in accordance with guidelines published by the Director General.

(2a) A driver who accepts a voucher shall not enter on the voucher any information that the driver knows to be false or misleading.

(2b) A driver shall not accept a voucher that contains information that the driver knows or ought to know to be false in a material particular.

(2c) A person shall not tender a voucher to which they are not entitled, or that contains information that is false in a material particular.

(3) A plate holder, an operator or a person providing a taxi dispatch service shall not direct a driver to charge a fare other than a fare authorized by subregulation (1) or to refuse to accept a voucher referred to in subregulation (2).

(4) In this regulation "voucher" means a voucher issued under an approved State or Commonwealth Government scheme which is intended to make taxi travel available to persons who have a disability or who are financially disadvantaged.

9A. Hirer shall pay fare at termination of hiring or as otherwise agreed (Penalty: \$1 000)

The hirer of a taxi who is obliged to pay for carriage in the taxi any fare that is in accordance with the Act commits an offence if -

- (a) at the termination of the hiring; or
- (b) contrary to an agreement made with the driver at the commencement of the hiring,

the hirer fails to pay the fare.

11. Route to be taken (Driver failing to use most economical route Modified Penalty \$100)

Unless otherwise directed by the hirer, a driver shall take the hirer to his or her destination by the most economical route, once the hirer has informed the driver of the destination.

12. Driver may require a deposit

Prior to accepting a hiring, a driver may require a hirer to pay a deposit equal to the anticipated fare as estimated by the driver.

13. Driver must accept a hirer except under certain circumstances (Driver failing to accept hiring Modified Penalty \$200)

(1) At any time during which a driver is plying for hire that driver must accept any hirer, and any person accompanying a hirer, as a passenger in the taxi he or she is driving unless -

- (aa) the driver has reasonable grounds to believe that -
 - (i) the hirer or a person accompanying the hirer; or
 - (ii) the place at which the hiring is to commence or terminate, poses a threat to the driver's safety;
- (a) the hirer or a person accompanying the hirer is in such an unclean condition that he or she will soil the taxi;
- (b) the hirer or a person accompanying the hirer is abusive or aggressive;
- (c) the hirer or a person accompanying the hirer appears to be under the influence of alcohol or drugs to such an extent that he or she is likely to soil the taxi or become abusive or aggressive;
- (d) the driver has reasonable grounds to believe that the hirer, or a person accompanying the hirer, has evaded or attempted to evade the payment of a fare for hiring a taxi; or
- (e) the driver requires the hirer to pay a deposit under regulation 12, and the hirer does not pay it.

(2) If at any point during the period of a hiring a person begins to soil the taxi or become abusive or aggressive, the driver may terminate the hiring and require the hirer to pay -

- (a) the fare that would have been due if the hiring had terminated at that point in the normal course of events; and
- (b) a charge to cover the cost of cleaning the taxi, as set out in the fare schedule.

(3) A driver shall not terminate a hiring before reaching the agreed destination, for reasons other than those set out in subregulation (2).

14. Guide dogs (Driver failing to transport a guide dog Modified Penalty \$300)

A driver shall transport a guide dog which is accompanying a passenger who is visually impaired.

15. Display of driver identification (Driver failing to display approved identification card Modified Penalty \$200)

A driver shall display an approved identification card, in the form and manner directed by the Director General, -

- (a) in a prominent position in the taxi he or she is driving; and
- (b) in a position and in a manner that allows a passenger in the taxi to be able to read it from the front and the back seat.

16. Conduct of drivers Regulation (Offences relating to the conduct of drivers Modified Penalty \$200)

- (1) A driver shall, at all times while engaged as a driver or when plying for hire -
 - (a) conduct himself or herself in an orderly manner;
 - (b) behave in a courteous manner to passengers and prospective passengers; and
 - (c) offer reasonable assistance to assist passengers to enter or leave the taxi or to load or unload their luggage.
- (2) A driver shall, while engaged as a driver or when plying for hire, comply with any lawful and reasonable request by the hirer relating to the hirer's comfort, if that request would not interfere with the safe operation of the taxi.

17B. Drivers to wear uniforms (Driver failing to wear uniform, uniform not clean etc. Modified Penalty \$200)

- (1) In this regulation approved uniform~ means a uniform approved by the Director General under regulation 17A.
- (2) A driver must wear the approved uniform of:
 - (a) the taxi dispatch service shown on the fare schedule required to be displayed under regulation 7; or
 - (b) the independent operator whose vehicle the driver is using as a taxi, at all times while engaged as a driver of a taxi or when plying for hire.
- (3) A driver must :
 - (a) ensure that the driver's approved uniform is clean and in good repair; and
 - (b) must wear the approved uniform in a neat and tidy manner.
- (4) A driver may wear other items of clothing, in addition to the approved uniform, if :
 - (a) the approved uniform does not include items of that nature; and
 - (b) those items are in keeping with the approved uniform.

Appendix 8: Extract from the *Taxi Industry Regulations 1996* (Drivers' Responsibilities)

21A. Charging of fares

(1) In this regulation –

"fare" includes extra charges;

"passenger" means a person hiring a taxi;

"standard fare" includes extra charges allowable under regulation 21.

(2) A driver must not charge a passenger more than the standard fare for a hiring unless –

(a) a higher fare is authorised by a fare agreement; or

(b) a higher fare is authorised by a special agreement entered into, and approved by the Commission, before the hiring.

Penalty:

Fine not exceeding 10 penalty units.

(3) A driver operating under a fare agreement must not charge a passenger more for a hiring than the fare authorised by that agreement.

Penalty:

Fine not exceeding 10 penalty units.

(4) A driver must not charge a passenger for any period during which the taxi is delayed because of any of the following causes:

(a) a lack of fuel for the taxi;

(b) a mechanical breakdown of the taxi;

(c) a traffic accident involving the taxi;

(d) the lawful closure of a road or bridge, being a closure that was publicly notified in a newspaper before the hiring;

(e) the directions or other actions of a police officer or authorised officer who is investigating the commission or possible commission of an offence involving the driver or taxi;

(f) an event that the driver, with reasonable foresight, could have prevented or avoided.

Penalty:

Fine not exceeding 10 penalty units.

(5) A driver may, before accepting any hiring, request the payment of a deposit not exceeding the expected cost of the hiring.

22. Duties of responsible operators and drivers

(1) . . .

(2) . . .

(3) A driver who accepts a hiring must travel by –

(a) the route nominated by the passenger; or

(b) if no route is nominated, the most direct route that may reasonably be used from the point at which the taxi was hired to the destination stated by the passenger.

Penalty:

Fine not exceeding 10 penalty units.

23. Taximeters and taxi signs

(1) . . .

(2) . . .

(3) If a taxi is required to operate on more than one tariff, the driver must not operate the taxi while the taximeter is operating in the wrong tariff for the time of operation.

Penalty:

Fine not exceeding 10 penalty units.

(4) The driver of a taxi must not operate the taxi while the taximeter is operating on the third or fourth tariff if the taxi is not operating under a WAT licence.

Penalty:

Fine not exceeding 10 penalty units.

24. Use of taxis

(1) A driver must not, without lawful excuse, operate a taxi from a taxi zone that is not within the taxi area to which the taxi licence number-plate affixed to the taxi relates.

Penalty:

Fine not exceeding 10 penalty units.

(1A) A driver must not, without lawful excuse, operate a taxi so that a hiring is commenced and completed wholly outside the taxi area to which the taxi licence number-plate affixed to the taxi relates.

Penalty:

Fine not exceeding 20 penalty units.

(2) Subject to subregulations (3) and (4), if a taxi is hired for the carriage of passengers, the driver –

(a) as soon as the taxi is hired and not before, must start the taximeter;
and

(b) immediately at the end of the hiring, must stop the taximeter or operate it to hold the reading constant.

Penalty:

Fine not exceeding 10 penalty units.

- (3) Subregulation (2) does not apply to a taxi being used for the carriage of passengers –
- (a) in order to attend a wedding or funeral; or
 - (b) under a contract or agreement that is –
 - (i) in a form approved by the Commission; and
 - (ii) entered into between the licensee or his or her agent and any other person; or
 - (c) in accordance with a term of an accreditation agreement.
- (4) Subregulation (2) does not apply to a taxi that is being used to provide a limited passenger service in accordance with section 15A of the *Passenger Transport Act 1997*.
- (5) A driver must not stand a taxi in a public street when the taxi is not being used for the carriage of passengers under the authority of a licence unless –
- (a) the place where the taxi is standing is a taxi zone within the taxi area for which the taxi is licensed; or
 - (b) in any other case, a sign with the words "not for hire" is prominently displayed on the taxi and neither the driver nor any person known to the driver solicits or accepts any immediate hiring of the taxi.

Penalty:

Fine not exceeding 10 penalty units.

- (6) A driver must not –
- (a) refuse to accept a hiring while the driver's taxi is in a taxi zone; or
 - (b) permit a person to ride in or on the driver's taxi without the consent of the hirer of the taxi; or
 - (c) when the driver's taxi is in a taxi zone, fail to stand the taxi in the foremost vacant space within that zone; or
 - (d) leave his or her taxi unattended in a taxi zone without reasonable grounds for doing so.

Penalty:

Fine not exceeding 10 penalty units.

- (7) It is a defence in proceedings under subregulation (6)(a) for the defendant to show that he or she had reasonable grounds for believing that the intending hirer –
- (a) would not be able to pay for the hiring; or
 - (b) represented a real or potential threat to the defendant's physical safety or to the safe operation of the defendant's taxi.

- (8) The responsible operator or driver of a taxi must not solicit, in a public place, a person to hire that taxi.

Penalty:

In the case of –

- (a) a first offence – a fine not exceeding 10 penalty units; and
- (b) a second or subsequent offence – a fine not exceeding 20 penalty units.

(9) The responsible operator or driver of a taxi must not cause or permit a person to solicit, in a public place, another person to hire that taxi.

Penalty:

In the case of –

- (a) a first offence – a fine not exceeding 10 penalty units; and
- (b) a second or subsequent offence – a fine not exceeding 20 penalty units.

(10) Nothing in subregulation (8) or (9) is to be taken as preventing a taxi from being hired when it is standing for hire on a taxi zone, or from being hailed.

31. Lost property

If any property left in a taxi remains unclaimed for 7 days, the driver or responsible operator of the taxi must deliver the property as soon as possible to the nearest police station.

Penalty:

Fine not exceeding 2 penalty units.

Appendix 9: Resources

ACT Road Transport Authority: *Australian Capital Territory Taxi Service Standards for Accreditation to Operate a Taxi Service*, November 2004. (sourced from [www.transport.act.gov.au/publictransportpolicy/taxi/industry - taxi accreditation](http://www.transport.act.gov.au/publictransportpolicy/taxi/industry-taxi-accreditation) accessed 21 February 2006).

ACT Road Transport Authority: *Operator Service Standards – Information about the application kit* (sourced from [www.transport.act.gov.au/publictransportpolicy/taxi/industry - taxi accreditation](http://www.transport.act.gov.au/publictransportpolicy/taxi/industry-taxi-accreditation) accessed 21 February 2006).

Department of Infrastructure, Energy and Resources: *Passenger Transport Operator Accreditation Scheme: Accreditation Guidelines for Operators of Taxis and Luxury Hire Cars*, Version 1.0, 31 August 2005.

NSW Ministry of Transport: *Taxi-Cab Operator Accreditation Package*, December 2004 (sourced from www.transport.nsw.gov.au/licensing/taxis/operators.html accessed 22 February 2006).

Northern Territory Government, Department of Planning and Infrastructure: *Information Bulletin CPV1 Operator Accreditation Commercial Passenger Vehicles*, effective 30 November 2005 (sourced from www.ipe.nt.gov.au/whatwedo/taxis/information-bulletins.html accessed 21 February 2006).

Queensland Transport: *Information Bulletin Pt 203/11.05 Operator Accreditation for Taxis* (sourced from www.transport.qld.gov.au/qt/PubTrans.nsf/index/OADAOperatorHandout accessed 21 February 2006).