



New South Wales

Passenger Transport Amendment Bill 2000

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Passenger Transport Act 1990* (*the Act*) to provide a revised legislative basis for the taxi-cab and hire car industries, and to make various machinery amendments. Hire cars are referred to in the Act as private hire vehicles.

The Bill:

- (a) regroups, rationalises and clarifies the provisions of the Act relating to taxi-cabs and private hire vehicles, and
- (b) imposes greater responsibilities on taxi-cab operators, networks and licensees in the delivery of taxi-cab services, and
- (c) enacts a number of provisions relating to advertising, return of documents and number-plates, the time within which proceedings for offences may be commenced and evidentiary matters.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Passenger Transport Act 1990* set out in Schedule 1.

Rearrangement of the Act—Schedule 1 [3], [4], [5], [6] and [11]

The Bill inserts new Parts 4 and 4A into the Act to deal comprehensively with taxi-cabs and private hire vehicles respectively. Part 2 of the Act is amended so that it no longer deals with any of these matters. Division 1 of the existing Part 4 is largely repealed, and Division 2 of the existing Part 4 is renumbered to become Part 4B. Licences and instruments of authorisation under the Act will continue to be issued by the Director-General of the Department of Transport (*the Director-General*).

The opportunity is also being taken to rationalise the language and structure of the relevant provisions.

Taxi-cab operators—Schedule 1 [6] (proposed Divisions 2 and 3 of Part 4)

These provisions set out the basic obligations imposed on taxi-cab operators in the provision of taxi-cab services. They replace certain provisions currently in Division 1 of Part 2, and Division 1 of Part 4, of the Act. The operator's basic obligations are that:

- (a) the operator must be authorised under the Act to carry on the taxi-cab service concerned, and
- (b) the taxi-cab or taxi-cabs used in the service must be licensed under the Act, and
- (c) the operator must be affiliated with a taxi-cab network authorised under the Act, and
- (d) the operator must comply with the terms and conditions of the operator's authorisation, and
- (e) the operator must comply with such of the terms and conditions of the taxi-cab licence or licences as are applicable to the operator.

Taxi-cab operators will be required to be “authorised” to carry on taxi-cab services, rather than “accredited” as at present. Proposed Division 3 contains provisions relating to applications for and the grant of authorisations.

Proposed sections 31D and 31E provide for the conditions of a taxi-cab operator's authorisation. Among these conditions is a statutory condition requiring the taxi-cab operator to comply with service standards determined by the Director-General, including an obligation to comply with directions given by the network with which the operator is affiliated and an obligation to comply with contract determinations applicable to taxi-cab drivers.

Taxi-cab licences—Schedule 1 [6] (proposed Division 4 of Part 4)

These provisions set out the procedures for the licensing of taxi-cabs. They replace certain provisions currently in Division 1 of Part 4 of the Act. Taxi-cabs will continue to be licensed under the Act. Proposed Division 4 contains provisions relating to applications for and the grant of licences.

Proposed section 32 continues the current arrangements under which, in the case of a taxi-cab licence that is let or sublet to another person, the authority of the licence inures to the benefit of the lessee or sublessee to the exclusion of the lessor or sublessor. However, the section enables regulations or conditions to provide for requirements to remain the responsibility of the licensee, either exclusively or jointly with the lessee or sublessee.

Taxi-cab drivers—Schedule 1 [6] (proposed Division 5 of Part 4)

These provisions set out the procedures for the authorisation of taxi-cab drivers. They replace certain provisions currently in Division 2 of Part 2 of the Act. Taxi-cab drivers will be required to be "authorised", rather than being required to be the holders of "authorities" as at present. Proposed Division 5 contains provisions relating to applications for and the grant of authorisations.

Proposed sections 33D and 33E provide for the conditions of a taxi-cab driver's authorisation. Among these conditions is a statutory condition requiring the taxi-cab driver to comply with certain kinds of directions given to the driver by a taxi-cab network with which the taxi-cab's operator is affiliated.

Taxi-cab networks—Schedule 1 [6] (proposed Division 6 of Part 4)

These provisions set out the procedures for the authorisation of taxi-cab networks. They replace the provisions currently in section 41 of the Act. Taxi-cab networks will be required to be "authorised", rather than being subject to "authorities" as at present. Proposed Division 6 contains provisions relating to applications for and the grant of authorisations.

Proposed sections 34D and 34E provide for the conditions of a taxi-cab network's authorisation. Among these conditions are statutory conditions regarding affiliation, and service standards determined by the Director-General. Standards will consist

of requirements with which networks must themselves comply, and standards that networks must ensure taxi-cab operators and drivers comply with. Particular emphasis is placed on the obligation of networks to supervise and monitor taxi-cab operators and drivers, and to provide facilities to assist the Director-General to monitor the network's performance in this area.

Private hire vehicle operators—Schedule 1 [6] (proposed Divisions 2 and 3 of Part 4A)

These provisions set out the basic obligations imposed on private hire vehicle operators in the provision of private hire vehicle services. They replace certain provisions currently in Division 1 of Part 2, and Division 1 of Part 4, of the Act. The operator's basic obligations are that:

- (a) the operator must be authorised under the Act to carry on the private hire vehicle service concerned, and
- (b) the private hire vehicle or private hire vehicles used in the service must be licensed under the Act, and
- (c) the operator must comply with the terms and conditions of the operator's authorisation, and
- (d) the operator must comply with such of the terms and conditions of the private hire vehicle licence or licences as are applicable to the operator.

Private hire vehicle operators will be required to be "authorised" to carry on private hire vehicle services, rather than "accredited" as at present. Proposed Division 3 contains provisions relating to applications for and the grant of authorisations.

Proposed sections 38D and 38E provide for the conditions of a private hire vehicle operator's authorisation and for the variation, suspension and cancellation of such authorisations.

Private hire vehicle licences—Schedule 1 [6] (proposed Division 4 of Part 4A)

These provisions set out the procedures for the licensing of private hire vehicles. They replace certain provisions currently in Division 1 of Part 4 of the Act. Private hire vehicles will continue to be licensed under the Act. Proposed Division 4 contains provisions relating to applications for and the grant of licences.

Proposed section 39 continues the current arrangements under which, in the case of a private hire vehicle licence that is let or sublet to another person, the authority of the licence inures to the benefit of the lessee or sublessee to the exclusion of the lessor or sublessor. However, the section enables regulations or conditions to

provide for requirements to remain the responsibility of the licensee, either exclusively or jointly with the lessee or sublessee.

Private hire vehicle drivers—Schedule 1 [6] (proposed Division 5 of Part 4A)

These provisions set out the procedures for the authorisation of private hire vehicle drivers. They replace certain provisions currently in Division 2 of Part 2 of the Act. Private hire vehicle drivers will be required to be “authorised”, rather than being required to be the holders of “authorities” as at present. Proposed Division 5 contains provisions relating to applications for and the grant of authorisations.

Proposed section 40D provides for the conditions of a private hire vehicle driver’s authorisation.

Relocation of sections 34A and 42—Schedule 1 [7], [10] and [22]

Section 34A (which deals with fares) is currently located in Part 4 of the Act. The Bill renumbers the section as section 60A and transfers it to Part 6 (which deals with miscellaneous matters).

Section 42 (which deals with the inspection of vehicles, premises, equipment and records) is currently located in Part 4 of the Act. The Bill renumbers the section as section 55A and transfers it to Part 6 (which deals with miscellaneous matters).

Advertising—Schedule 1 [15] (proposed section 53A)

Proposed section 53A makes it an offence to advertise a commercial service involving the operation of a vehicle if the service or vehicle is not accredited, authorised or licensed as required by the Act.

Requirement to return documents or number-plates—Schedule 1 [15] (proposed section 53B)

Proposed section 53B (1) makes it an offence not to return an authorisation, licence or other document that is suspended or cancelled. Proposed section 53B (2) makes it an offence not to return the number-plates allocated to a taxi-cab or private hire vehicle if the licence for the taxi-cab or vehicle is cancelled or suspended for more than 28 days, unless directed not to do so.

Proceedings for offences—Schedule 1 [17] (proposed section 60 (3))

Proposed section 60 (3) extends the period in which proceedings for offences under the Act may be commenced to 12 months.

Evidentiary matters—Schedule 1 [19] (proposed section 62 (4))

Proposed section 62 (4) facilitates proof of certain matters in legal proceedings under the Act, including matters relating to the nature and use of vehicles and to whether a person was the driver or owner of a vehicle.

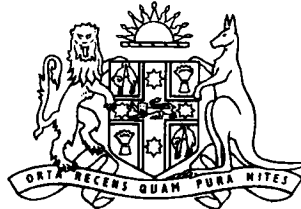
Savings and transitional provisions—Schedule 1 [23] and [24]

Certain licences and other instruments issued under the Act in relation to taxi-cabs and private hire vehicles before the commencement of the amendments will be treated as having been issued under the corresponding provisions of the amended Act. Also, regulations of a savings or transitional nature will be able to be made.

Minor, consequential or ancillary provisions—Schedule 1 [1], [2], [8], [9], [12], [13], [14], [16], [18], [20] and [21]

The Bill makes other provisions of a minor, consequential or ancillary nature.

First print



New South Wales

Passenger Transport Amendment Bill 2000

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New South Wales

Passenger Transport Amendment Bill 2000

No. , 2000

A Bill for

An Act to amend the *Passenger Transport Act 1990* in relation to public passenger services carried on by means of taxi-cabs and private hire vehicles; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Passenger Transport Amendment Act 2000</i> .	3
2 Commencement	4
This Act commences on a day or days to be appointed by proclamation.	5 6
3 Amendment of Passenger Transport Act 1990 No 39	7
The <i>Passenger Transport Act 1990</i> is amended as set out in Schedule 1.	8 9

Schedule 1	Amendments	1
	(Section 3)	2
[1]	Section 4 Objects	3
	Insert “or authorisation” after “accreditation” in section 4 (a).	4
[2]	Section 4 (d)	5
	Omit the paragraph.	6
[3]	Part 2, heading	7
	Insert “(other than taxi-cabs and private hire vehicles)” after “drivers”.	8
[4]	Section 9 Style of accreditation	9
	Insert “to which this Part applies” after “services” in section 9 (2) (a).	10
[5]	Part 2, Division 4	11
	Insert after Division 3:	12
Division 4	Application of Part	13
15A	Application of Part	14
	(1) The other Divisions of this Part do not apply to or in relation to taxi-cabs and private hire vehicles.	15 16
	(2) Accordingly, in this Part, references to public passenger vehicles do not include references to taxi-cabs or private hire vehicles, and references to public passenger services do not include references to public passenger services carried on by means of one or more taxi-cabs or one or more private hire vehicles.	17 18 19 20 21 22

[6] Parts 4 and 4A	1
Omit the heading to Part 4, the heading to Division 1 of Part 4, and sections 29–41 (other than section 34A).	2
Insert instead:	3
	4
Part 4 Taxi-cabs	5
Division 1 Preliminary	6
29 Application of Part	7
This Part applies to and in relation to taxi-cabs.	8
29A Definitions	9
In this Part:	10
<i>affiliation</i> means the affiliation of authorised taxi-cab operators with authorised taxi-cab networks, as referred to in Division 6.	11
	12
	13
<i>applicable contract determination</i> means:	14
(a) the <i>Taxi Industry (Contract Drivers) Contract Determination 1984</i> , as in force from time to time under the <i>Industrial Relations Act 1996</i> , or	15
	16
	17
(b) if that determination ceases to have effect, the contract determination, as in force from time to time under that Act, applying for the purpose of determining the amount of chargeable fares payable by contract drivers of taxi-cabs.	18
	19
	20
	21
	22
<i>authorised taxi-cab driver</i> means a person authorised under Division 5 to drive a taxi-cab.	23
	24
<i>authorised taxi-cab network</i> means a taxi-cab network carried on by an authorised taxi-cab network provider.	25
	26
<i>authorised taxi-cab network provider</i> means a person authorised under Division 6 to operate a taxi-cab network.	27
	28
<i>authorised taxi-cab operator</i> means a person authorised under Division 3 to carry on a taxi-cab service.	29
	30

service standard means a service standard determined under this Part for or with respect to taxi-cab operators or taxi-cab network providers. 1
2
3

taxi-cab booking service means the service of: 4

(a) accepting bookings for taxi-cabs from members of the public, and 5
6

(b) transmitting messages to taxi-cab drivers by telecommunication to appropriate receivers with which the taxi-cabs are fitted, 7
8
9

in order to facilitate the provision of taxi-cab services. 10

taxi-cab network means a facility provided for the delivery of taxi-cab services involving affiliated authorised taxi-cab operators, including a taxi-cab booking service. 11
12
13

taxi-cab service means a public passenger service carried on by means of one or more taxi-cabs. 14
15

Division 2 Taxi-cab services 16

30 Taxi-cab service requirements 17

(1) A person who carries on a taxi-cab service, being a service operating wholly or partly within New South Wales, by means of a taxi-cab is guilty of an offence if: 18
19
20

(a) the person is not authorised to carry on the service under Division 3, or 21
22

(b) the taxi-cab is not licensed under Division 4, or 23

(c) the person is not affiliated with a taxi-cab network authorised under Division 6, unless exempted by the Director-General from the provisions of this paragraph. 24
25
26

(2) A person who carries on a taxi-cab service, being a service operating wholly or partly within New South Wales, by means of a taxi-cab is guilty of an offence if: 27
28
29

(a) the service is carried on otherwise than in accordance with the terms and conditions of the person's authorisation under Division 3, or 30
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- (b) the service is carried on otherwise than in accordance with such of the terms and conditions of the taxi-cab's licence as are applicable to the person under Division 4. 1
2
3
- Maximum penalty: 1,000 penalty units. 4

Division 3 Taxi-cab operators 5

31 Authorisation 6

- (1) The Director-General may authorise persons to carry on taxi-cab services, subject to and in accordance with this Division. A person authorised under this Division is referred to in this Part as an "authorised taxi-cab operator". 7
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10
- (2) The purpose of authorisation under this Division is to attest: 11
 - (a) that the authorised person is (or, in the case of an authorised person that is a corporation, the designated directors and managers of the corporation are) considered to be of good repute and in all other respects fit and proper to be responsible for the operation of a taxi-cab service, and 12
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 - (b) that the authorised person has demonstrated the capacity to meet and continue to meet the appropriate requirements with respect to: 18
19
20
 - (i) financial viability, and 21
 - (ii) safety of drivers, passengers and the public, and 22
 - (iii) vehicle maintenance, 23to the degree and in the manner required in respect of services of the kind specified in the authorisation. 24
25
- (3) The appropriate requirements are: 26
 - (a) such requirements as may be prescribed by the regulations, and 27
28
 - (b) the standards determined under section 31E. 29

31A Application for authorisation 30

- (1) A person may apply to the Director-General for authorisation under this Division. 31
32
- (2) An applicant is required to pay any fee fixed by the regulations for consideration of the application. 33
34

(3)	An application made by a corporation is not to be considered by the Director-General unless the corporation nominates designated directors or managers (as referred to in section 35).	1 2 3
(4)	For the purposes of subsection (3), the Director-General may, from time to time, determine the number of persons who are to be nominated as designated directors and the number of persons who are to be nominated as designated managers. Such a determination may be made generally or in any particular case or class of cases.	4 5 6 7 8 9
(5)	Procedures for making and dealing with applications may be settled by the Director-General, subject to any provisions of the regulations.	10 11 12
31B	Grant or refusal of application	13
(1)	Having regard to the purpose of authorisation under this Division, the Director-General may grant an application and authorise the applicant to carry on a taxi-cab service, or may refuse the application.	14 15 16 17
(2)	Before an application is granted, the applicant must meet any criteria set forth in the regulations and must satisfy the Director-General as to any matter the Director-General considers relevant.	18 19 20 21
(3)	An applicant is required to pay any fee fixed by the regulations for the authorisation when first issued.	22 23
(4)	Particulars of an authorisation are to be given in writing by the Director-General to the authorised person.	24 25
(5)	An authorisation may be given so as to be general or limited, that is to say:	26 27
(a)	appropriate generally for a taxi-cab service, or	28
(b)	appropriate only for the service or services designated in the authorisation, or for a service or services having the scope or characteristics so designated.	29 30 31

31C	Term of and renewal of authorisation	1
(1)	An authorisation under this Division, unless sooner suspended or cancelled, remains in force for a period determined by the Director-General and specified in the particulars of the authorisation.	2 3 4 5
(2)	An authorisation is renewable from time to time on payment of the fee fixed by the regulations.	6 7
(3)	Procedures for renewal may be settled by the Director-General, subject to any provisions of the regulations.	8 9
31D	Conditions of authorisation	10
(1)	An authorisation under this Division is subject to:	11
(a)	the condition imposed by this Division, and	12
(b)	the conditions prescribed by the regulations, and	13
(c)	such additional conditions as the Director-General, having regard to the purpose of authorisation under this Division, may impose on the authorisation.	14 15 16
(2)	Conditions imposed by the Director-General may be varied (whether by amendment, addition, revocation or suspension of one or more conditions) by the Director-General from time to time by notice served on the authorised person.	17 18 19 20
(3)	An authorised taxi-cab operator who contravenes a condition of the operator's authorisation is guilty of an offence.	21 22
	Maximum penalty: 1,000 penalty units.	23
(4)	A variation of conditions imposed on an authorisation by the Director-General is, for the purposes of Division 3 of Part 5 (Reviews by Administrative Decisions Tribunal), a variation of the authorisation.	24 25 26 27
31E	Statutory condition regarding service standards	28
(1)	Each authorisation under this Division is subject to a condition that the authorised taxi-cab operator must comply with service standards determined under this section.	29 30 31
(2)	The Director-General may from time to time determine service standards with which authorised taxi-cab operators are required to comply.	32 33 34

(3) Without limitation, standards may make provision for or with respect to:	1 2
(a) requiring authorised taxi-cab operators to comply with such service requirements imposed by the taxi-cab network with which the operator is affiliated as are necessary to enable the network to comply with its obligations imposed by or under this Act, and	3 4 5 6 7
(b) enabling the Director-General to impose financial sanctions for contraventions of the standards by authorised taxi-cab operators (not exceeding an amount equal to 500 penalty units for any such contravention), and	8 9 10 11 12
(c) requiring authorised taxi-cab operators to comply with the applicable contract determination in respect of amounts of chargeable fares required to be paid to the operators by drivers to whom the determination applies.	13 14 15 16
(4) Any person may obtain from the Director-General a copy of the standards on payment of the fee (if any) prescribed by the regulations.	17 18 19
(5) The regulations may make provision for or with respect to:	20
(a) the procedures to be followed in making determinations under this section, and	21 22
(b) the publication of determinations under this section, and	23
(c) the imposition of financial sanctions under this Division.	24 25
(6) Nothing in this section limits the matters for or with respect to which regulations may be made under this Act.	26 27
31F Variation, suspension or cancellation of authorisation	28
(1) Having regard to the purpose of authorisation under this Division, the Director-General may at any time vary, suspend or cancel any person's authorisation under this Division.	29 30 31
(2) Without limiting subsection (1), the Director-General may vary, suspend or cancel a person's authorisation under this Division:	32 33
(a) for failure to comply with a service requirement imposed by the taxi-cab network with which the operator is affiliated, but only if the Director-General is	34 35 36

	satisfied that the requirement is reasonable and necessary to enable the network to comply with its obligations imposed by or under this Act, and	1 2 3
	(b) for failure to comply with a service standard requiring compliance with the applicable contract determination, and	4 5 6
	(c) for failure to pay a financial sanction imposed under the standards under this Division.	7 8
(3)	The authorisation of a corporation is automatically cancelled when there is no designated director or manager.	9 10
31G	Taxi-cab service to be linked to network booking service	11
	An authorised taxi-cab operator must ensure that, at all times while a taxi-cab is being used for the purposes of the operator's taxi-cab service:	12 13 14
	(a) arrangements are in force with a taxi-cab network for the provision of a taxi-cab booking service in respect of the taxi-cab, and	15 16 17
	(b) the taxi-cab is fitted with a receiver, appropriate for receipt of messages from the network, in working order,	18 19
	unless exempted by the Director-General from the provisions of this section.	20 21
	Maximum penalty: 1,000 penalty units.	22
Division 4	Taxi-cab licences	23
32	Licence	24
(1)	The Director-General may license motor vehicles as taxi-cabs, subject to and in accordance with this Division.	25 26
(2)	Subject to subsection (3):	27
	(a) the authority of a licence for a taxi-cab, if the licence is let or sublet, inures to the benefit of the lessee or sublessee to the exclusion of the lessor or sublessor, and	28 29 30
	(b) a reference in this Act or the regulations to the licensee of, or the holder of a licence for, a taxi-cab is a reference to the person having the benefit of the authority of the licence concerned.	31 32 33 34

(3) However:	1
(a) the regulations may provide that such a lessor is subject to specified provisions of this Act or of the regulations relating to licensed taxi-cabs, either to the exclusion of any lessee or sublessee or jointly with any lessee or sublessee, and	2 3 4 5 6
(b) the conditions of a licence may provide that such a lessor is subject to the provisions of specified terms and conditions of the licence, either to the exclusion of any lessee or sublessee or jointly with any lessee or sublessee.	7 8 9 10 11
The regulations or conditions referred to in this subsection may provide that the lessor and any lessee or sublessee are jointly and severally liable under any specified provisions or for any matters arising in connection with them.	12 13 14 15
(4) The following provisions have effect:	16
(a) the regulations may provide that specified kinds of terms and conditions of licences apply to authorised taxi-cab operators carrying on taxi-cab services by means of the taxi-cabs concerned, and	17 18 19 20
(b) the conditions of a licence may provide that specified terms and conditions of the licence apply to an authorised taxi-cab operator carrying on a taxi-cab service by means of the taxi-cab concerned.	21 22 23 24
The regulations or conditions referred to in this subsection may provide that such a term or condition applies to a taxi-cab operator to the exclusion of a licensee or may provide that the operator and licensee are jointly and severally liable in connection with such a term or condition.	25 26 27 28 29
32A Application for licence	30
(1) A person may apply to the Director-General for a licence under this Division.	31 32
(2) An applicant is required to pay any fee fixed by the regulations for consideration of the application.	33 34
(3) An application made by a corporation is not to be considered by the Director-General unless the corporation nominates designated directors or managers (as referred to in section 35).	35 36 37

(4)	For the purposes of subsection (3), the Director-General may, from time to time, determine the number of persons who are to be nominated as designated directors and the number of persons who are to be nominated as designated managers. Such a determination may be made generally or in any particular case or class of cases.	1 2 3 4 5 6
(5)	Procedures for making and dealing with applications may be settled by the Director-General, subject to any provisions of the regulations.	7 8 9
32B	Grant or refusal of application	10
(1)	The Director-General may grant an application and issue to the applicant a licence for the taxi-cab concerned, or may refuse the application.	11 12 13
(2)	Before an application is granted, the applicant must meet any criteria set forth in the regulations and must satisfy the Director-General as to any matter the Director-General considers relevant.	14 15 16 17
32C	Term of and renewal of licence	18
(1)	A licence, unless sooner suspended or cancelled, remains in force for a period determined by the Director-General and specified in the licence.	19 20 21
(2)	A licence is renewable from time to time on payment of the fee fixed by the regulations.	22 23
(3)	Procedures for renewal may be settled by the Director-General, subject to any provisions of the regulations.	24 25
(4)	This section does not apply to a short-term licence issued under this Division.	26 27
32D	Short-term licences	28
(1)	If an applicant for a licence requests a short-term licence, the Director-General may issue to the applicant a licence for a limited duration.	29 30 31
(2)	A short-term licence, unless sooner suspended or cancelled, remains in force for the period (not exceeding 6 years) determined by the Director-General and specified in the licence.	32 33 34 35

(3) Such a licence is not renewable and cannot be transferred except on the application of the holder's legal personal representative or of a trustee of the holder's estate.	1 2 3
32E Area of operation of licences	4
(1) A licence for a taxi-cab may specify the area of operation of the taxi-cab.	5 6
(2) If no area is specified, the taxi-cab may be used to carry on a taxi-cab service anywhere in New South Wales.	7 8
(3) A licence for a taxi-cab does not confer on any person an exclusive right to operate a taxi-cab in the area of operation specified in the licence.	9 10 11
32F Conditions of licence	12
(1) A licence is subject to:	13
(a) the conditions prescribed by the regulations, and	14
(b) such additional conditions as the Director-General may impose on the licence.	15 16
(2) Conditions imposed by the Director-General may be varied (whether by amendment, addition, revocation or suspension of one or more conditions) by the Director-General from time to time by notice served on the licensee.	17 18 19 20
(3) A licensee who contravenes a condition of the licence is guilty of an offence.	21 22
Maximum penalty: 1,000 penalty units.	23
(4) A variation of conditions imposed on a licence by the Director-General is, for the purposes of Division 3 of Part 5 (Reviews by Administrative Decisions Tribunal), a variation of the licence.	24 25 26
32G Variation, suspension or cancellation of licence	27
(1) The Director-General may at any time vary, suspend or cancel any licence if:	28 29
(a) owing to the default of the licensee, or the agents or employees of the licensee:	30 31
(i) the provisions of this Act or the regulations, or	32
(ii) the terms and conditions of the licence,	33
have not been or are not being complied with, or	34

(b)	the taxi-cab service carried on under the authority of the licence has been or is being conducted in such a manner as to cause danger to the public, or	1 2 3
(c)	the licensee is convicted of an offence against this Act or the regulations with respect to the furnishing of information concerning the service, or	4 5 6
(d)	the licensee does not have a policy of insurance covering third-party property damage in respect of the taxi-cab, being a policy:	7 8 9
	(i) issued by a corporation authorised under the <i>Insurance Act 1973</i> of the Commonwealth to carry on insurance business, and	10 11 12
	(ii) providing cover that in the opinion of the Director-General is sufficient for the taxi-cab, or	13 14
(e)	owing to the default of the licensee, or the agents or employees of the licensee, the applicable contract determination has not been complied with in respect of drivers of the taxi-cab concerned to whom the determination applies, or	15 16 17 18 19
(f)	owing to the default of the licensee, or the agents or employees of the licensee, the taxi-cab concerned is not made available in accordance with a service requirement imposed by the taxi-cab network provider with which the taxi-cab operator who operates the taxi-cab is affiliated, but only if the Director-General is satisfied that the requirement is reasonable and necessary to enable the network provider to comply with its obligations imposed by or under this Act.	20 21 22 23 24 25 26 27 28
(2)	A licence issued to a corporation is automatically cancelled when there is no designated director or manager.	29 30
32H	Licence fee	31
(1)	In addition to any application fee, a licence fee is payable to the Director-General when a licence is first issued.	32 33
(2)	The licence fee is payable by the person to whom the licence is issued in the manner determined by the Director-General.	34 35

32I	Licence fee for ordinary licence	1
(1)	The amount of the licence fee for a licence must be determined by inviting applicants for the licence to bid for it at a public auction or to submit sealed tenders for it or by using such other method chosen by the Director-General as will, in the Director-General's opinion, yield as the fee for the licence an amount equivalent to its current value on the open market.	2 3 4 5 6 7
(2)	The Director-General may, in the circumstances specified in the regulations, fix the licence fee at less than the current value of the licence on the open market or decide not to impose a licence fee for the licence.	8 9 10 11
(3)	This section does not apply to a short-term licence issued under this Division.	12 13
32J	Licence fee for short-term licences	14
	The amount of the licence fee for a short-term licence issued under this Division is an amount determined by the Director-General.	15 16 17
32K	Stand-by taxi-cabs	18
(1)	An authorised taxi-cab operator may, if a licensed taxi-cab used in the taxi-cab service is out of operation while undergoing repair or service, operate in place of that taxi-cab another motor vehicle even though no licence is in force for it, but only if that other motor vehicle complies with the requirements of this section.	19 20 21 22 23 24
(2)	A motor vehicle that is operated in place of a licensed taxi-cab must:	25 26
(a)	display the number-plates allocated to the taxi-cab by virtue of its being so licensed, and	27 28
(b)	be registered under the <i>Road Transport (Vehicle Registration) Act 1997</i> , and	29 30
(c)	in addition to the number-plates referred to in paragraph (a), display the number-plates allocated to that vehicle by virtue of its registration under the <i>Road Transport (Vehicle Registration) Act 1997</i> , and	31 32 33 34
(d)	comply, to the satisfaction of the Director-General, with the standards prescribed for taxi-cabs, and	35 36

- (e) except to the extent authorised by the Director-General, conform to the terms and conditions imposed by the licence for that taxi-cab, and 1
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 - (f) display a sign in accordance with the regulations identifying the vehicle as a stand-by taxi-cab, and 4
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 - (g) comply with such other requirements as are prescribed by the regulations for the purposes of this subsection. 6
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- (3) While a motor vehicle that is being operated in place of a licensed taxi-cab complies with the requirements of this section, that motor vehicle is taken, for the purposes of this Act, to be a taxi-cab for which a licence is in force. 8
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Division 5 Taxi-cab drivers 12

33 Authorisation 13

- (1) The Director-General may authorise persons to drive taxi-cabs, subject to and in accordance with this Division. A person authorised under this Division is referred to in this Part as an “authorised taxi-cab driver”. 14
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- (2) A person who drives a taxi-cab is guilty of an offence unless the person is an authorised taxi-cab driver. 18
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Maximum penalty: 100 penalty units. 20
- (3) The purpose of an authorisation under this Division is to attest: 21
- (a) that the authorised person is considered to be of good repute and in all other respects a fit and proper person to be the driver of a taxi-cab, and 22
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 - (b) that the authorised person is considered to have sufficient responsibility and aptitude to drive a taxi-cab: 25
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 - (i) in accordance with the conditions under which the taxi-cab service concerned is operated, and 27
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 - (ii) in accordance with law and custom. 29
- (4) The regulations may create categories or grades of authorisations. 30
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- (5) Without limitation, the regulations may provide that subsection (2) does not apply in specified circumstances, including, for example, when a taxi-cab is being driven to a place to have it repaired or serviced. 32
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33A	Application for authorisation	1
(1)	A person may apply to the Director-General for authorisation under this Division.	2 3
(2)	An applicant is required to pay any fee fixed by the regulations for consideration of the application.	4 5
(3)	Procedures for making and dealing with applications may be settled by the Director-General, subject to any provisions of the regulations.	6 7 8
33B	Grant or refusal of application	9
(1)	Having regard to the purpose of authorisation under this Division, the Director-General may grant an application and authorise the applicant to drive a taxi-cab, or may refuse the application.	10 11 12 13
(2)	Before an application is granted, the applicant must meet any criteria set forth in the regulations and must satisfy the Director-General as to any matter the Director-General considers relevant.	14 15 16 17
(3)	An applicant is required to pay any fee fixed by the regulations for the authorisation when first issued.	18 19
(4)	Particulars of an authorisation are to be given in writing by the Director-General to the authorised person.	20 21
(5)	The authorisation may specify the category or grade of the authorisation, and (without limitation) may specify the kind or kinds of vehicles for which the authorisation is granted.	22 23 24
33C	Term of and renewal of authorisation	25
(1)	An authorisation under this Division, unless sooner suspended or cancelled, remains in force for a period determined by the Director-General and specified in the particulars of the authorisation.	26 27 28 29
(2)	An authorisation is renewable from time to time on payment of the fee fixed by the regulations.	30 31
(3)	Procedures for renewal may be settled by the Director-General, subject to any provisions of the regulations.	32 33

33D	Conditions of authorisation	1
(1)	An authorisation under this Division is subject to:	2
(a)	the condition imposed by this Division, and	3
(b)	the conditions prescribed by the regulations, and	4
(c)	such additional conditions as the Director-General, having regard to the purpose of authorisation under this Division, may impose on the authorisation.	5 6 7
(2)	Conditions imposed by the Director-General may be varied (whether by amendment, addition, revocation or suspension of one or more conditions) by the Director-General from time to time by notice served on the authorised person.	8 9 10 11
(3)	An authorised taxi-cab driver who contravenes a condition of the driver's authorisation is guilty of an offence.	12 13
	Maximum penalty: 100 penalty units.	14
(4)	A variation of conditions imposed on an authorisation by the Director-General is, for the purposes of Division 3 of Part 5 (Reviews by Administrative Decisions Tribunal), a variation of the authorisation.	15 16 17 18
33E	Statutory condition regarding network directions	19
(1)	Each authorisation under this Division is subject to a condition that the authorised taxi-cab driver when in charge of a taxi-cab must comply with directions given by the relevant taxi-cab network to the driver, being conditions of a kind authorised to be given by or under the standards applying to the network.	20 21 22 23 24
(2)	The relevant taxi-cab network is the network with which the taxi-cab's authorised taxi-cab operator is affiliated under Division 6.	25 26 27
33F	Variation, suspension or cancellation of authorisation	28
	Having regard to the purpose of authorisation under this Division, the Director-General may at any time vary, suspend or cancel any person's authorisation under this Division.	29 30 31

Division 6	Taxi-cab networks	1
34	Requirement for authorisation	2
(1)	The Director-General may authorise persons to operate taxi-cab networks, subject to and in accordance with this Division. A person authorised under this Division is referred to in this Part as an “authorised taxi-cab network provider”.	3 4 5 6
(2)	A person who operates a taxi-cab network, being a network operating wholly or partly within New South Wales, is guilty of an offence unless the person is an authorised taxi-cab network provider. Maximum penalty: 1,000 penalty units.	7 8 9 10 11
(3)	The purpose of authorisation under this Division is to attest:	12
(a)	that the authorised person is (or, in the case of an authorised person that is a corporation, the designated directors and managers of the corporation are) considered to be of good repute and in all other respects fit and proper to be responsible for the operation of a taxi-cab network, and	13 14 15 16 17 18
(b)	that the authorised person has demonstrated the capacity to meet and continue to meet the appropriate requirements with respect to:	19 20 21
(i)	financial viability, and	22
(ii)	the delivery of taxi-cab services, including a taxi-cab booking service, and	23 24
(iii)	supervising and monitoring taxi-cab operators and taxi-cab drivers, to the degree and in the manner required in respect of a taxi-cab network.	25 26 27 28
(4)	The appropriate requirements are:	29
(a)	such requirements as may be prescribed by the regulations, and	30 31
(b)	the standards determined under section 34E.	32
34A	Application for authorisation	33
(1)	A person may apply to the Director-General for authorisation under this Division.	34 35

(2) An applicant is required to pay any fee fixed by the regulations for consideration of the application.	1 2
(3) An application made by a corporation is not to be considered by the Director-General unless the corporation nominates designated directors or managers (as referred to in section 35).	3 4 5
(4) For the purposes of subsection (3), the Director-General may, from time to time, determine the number of persons who are to be nominated as designated directors and the number of persons who are to be nominated as designated managers. Such a determination may be made generally or in any particular case or class of cases.	6 7 8 9 10 11
(5) Procedures for making and dealing with applications may be settled by the Director-General, subject to any provisions of the regulations.	12 13 14
34B Grant or refusal of application	15
(1) Having regard to the purpose of authorisation under this Division, the Director-General may grant an application and authorise the applicant to operate a taxi-cab network, or may refuse the application.	16 17 18 19
(2) Before an application is granted, the applicant must meet any criteria set forth in the regulations and must satisfy the Director-General as to any matter the Director-General considers relevant.	20 21 22 23
(3) An applicant is required to pay any fee fixed by the regulations for the authorisation when first issued.	24 25
(4) Particulars of an authorisation are to be given in writing by the Director-General to the authorised person.	26 27
(5) An authorisation may be given so as to be general or limited, that is to say:	28 29
(a) appropriate generally for taxi-cab services, or	30
(b) appropriate only for the service or services designated in the authorisation, or for a service or services having the scope or characteristics so designated.	31 32 33

34C	Term of and renewal of authorisation	1
(1)	An authorisation under this Division, unless sooner suspended or cancelled, remains in force for a period determined by the Director-General and specified in the particulars of the authorisation.	2 3 4 5
(2)	An authorisation is renewable from time to time on payment of the fee fixed by the regulations.	6 7
(3)	Procedures for renewal may be settled by the Director-General, subject to any provisions of the regulations.	8 9
34D	Conditions of authorisation	10
(1)	An authorisation under this Division is subject to:	11
(a)	the conditions imposed by this Division, and	12
(b)	the conditions prescribed by the regulations, and	13
(c)	such additional conditions as the Director-General, having regard to the purpose of authorisation under this Division, may impose on the authorisation.	14 15 16
(2)	Conditions imposed by the Director-General may be varied (whether by amendment, addition, revocation or suspension of one or more conditions) by the Director-General from time to time by notice served on the authorised person.	17 18 19 20
(3)	An authorised taxi-cab network provider who contravenes a condition of the provider's authorisation is guilty of an offence. Maximum penalty: 1,000 penalty units.	21 22 23
(4)	A variation of conditions imposed on an authorisation by the Director-General is, for the purposes of Division 3 of Part 5 (Reviews by Administrative Decisions Tribunal), a variation of the authorisation.	24 25 26 27
34E	Statutory conditions regarding affiliation and service standards	28
(1)	Each authorisation under this Division is subject to a condition that the authorised taxi-cab network provider must have arrangements in place for the affiliation of authorised taxi-cab operators with the taxi-cab network.	29 30 31 32

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- (2) Each authorisation under this Division is subject to a condition that the authorised taxi-cab network provider must comply with service standards determined under this section. 1
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 - (3) The Director-General may from time to time determine service standards with which authorised taxi-cab network providers are required to comply, being: 4
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 - (a) standards with which the network providers must themselves comply, and 7
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 - (b) standards that the providers must ensure taxi-cab operators and taxi-cab drivers comply with. 9
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 - (4) Without limitation, standards for an authorised taxi-cab network provider may make provision for or with respect to: 11
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 - (a) requiring the network provider to accept applications for affiliation by, and to maintain affiliation with, authorised taxi-cab operators, so long as they pay the network booking service fees and abide by the rules of the network, and 13
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 - (b) the rules of the network so far as they apply to taxi-cab operators and taxi-cab drivers, and 18
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 - (c) maintenance of vehicles used as taxi-cabs, and 20
 - (d) safety of taxi-cab drivers and of their passengers, and 21
 - (e) training of taxi-cab drivers, and 22
 - (f) requiring the network provider to ensure that specified service levels for the carrying out of services related to the network provider's taxi-cab booking service, and the provision of booked taxi-cabs, are met, and 23
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 - (g) requiring the network provider to ensure that a specified number or type of taxi-cabs, or a percentage of the total number or type of taxi-cabs, operated by taxi-cab operators affiliated with the network provider are on the road: 27
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 - (i) from time to time, or 32
 - (ii) at a specified location or locations, or 33
 - (iii) at a specified time or times or during a specified period or periods, or 34
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 - (iv) for the purpose of meeting demand arising from a specified event or events, and 36
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| (h) | authorising the kinds of directions that the network provider is authorised to give taxi-cab operators and taxi-cab drivers, and | 1
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| (i) | without limiting paragraph (h), authorising or requiring the network provider to impose such service requirements on individual taxi-cab operators and taxi-cab drivers, or groups of taxi-cab operators and taxi-cab drivers, as are necessary to enable the network provider to comply with its obligations imposed by or under this Act, and | 4
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| (j) | requiring the network provider to supervise and monitor taxi-cab operators and taxi-cab drivers in relation to compliance with service requirements and other matters, and | 11
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| (k) | requiring reports to be furnished to the Director-General, whether on a regular basis or in specified circumstances or classes of circumstances or both, and | 15
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| (l) | providing facilities, including electronic monitoring facilities, as required by the Director-General, for the purpose of enabling or assisting the Director-General to monitor the performance of the network, the delivery of taxi-cab services by the network and the network's supervision and monitoring of taxi-cab operators and taxi-cab drivers, and entering into arrangements with the Director-General for this purpose, and | 18
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| (m) | enabling the Director-General to impose financial sanctions for contraventions of standards on the network provider (not exceeding an amount equal to 500 penalty units for any such contravention), and | 26
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| (n) | any other aspect of or relating to taxi-cab services, or affiliation under this Division. | 30
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| (5) | Any person may obtain from the Director-General a copy of the standards on payment of the fee (if any) fixed by the regulations. | 32
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| (6) | The regulations may make provision for or with respect to: | 35 |
| (a) | the procedures to be followed in making determinations under this section, and | 36
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| (b) | the publication of determinations under this section, and | 38 |
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	(c) the imposition of financial sanctions under this Division.	1 2
	(7) Nothing in this section limits the matters for or with respect to which regulations may be made under this Act.	3 4
34F	Variation, suspension or cancellation of authorisation	5
	(1) Having regard to the purpose of authorisation under this Division, the Director-General may at any time vary, suspend or cancel any person's authorisation under this Division.	6 7 8
	(2) Without limiting subsection (1), the Director-General may vary, suspend or cancel a person's authorisation under this Division for failure to pay a financial sanction imposed on the person under the standards under this Division.	9 10 11 12
	(3) The authorisation of a corporation is automatically cancelled when there is no designated director or manager.	13 14
Division 7	Miscellaneous	15
35	Designated directors and managers of corporations	16
	For the purposes of this Part:	17
	(a) a corporation may nominate, and the Director-General may accept the nomination of, any number of its directors or managers as designated directors or managers, and	18 19 20 21
	(b) further nominations may be made and accepted from time to time, and	22 23
	(c) a person so nominated becomes a designated director or manager, but only when the Director-General certifies acceptance of the nomination.	24 25 26
35A	Exemptions regarding networks	27
	(1) The Director-General may, by order in writing or by the terms or conditions of an authorisation under this Division, exempt an authorised taxi-cab operator from the provisions of section 30 (1) (c) or section 31G or both.	28 29 30 31
	(2) Nothing in this section affects any other power of exemption under this Act.	32 33

Part 4A Private hire vehicles	1
Division 1 Preliminary	2
36 Application of Part	3
This Part applies to and in relation to private hire vehicles.	4
36A Definitions	5
In this Part:	6
<i>authorised private hire vehicle driver</i> means a person authorised under Division 5 to drive a private hire vehicle.	7
<i>authorised private hire vehicle operator</i> means a person authorised under Division 3 to carry on a private hire vehicle service.	8
<i>private hire vehicle service</i> means a public passenger service carried on by means of one or more private hire vehicles.	9
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Division 2 Private hire vehicle services	14
37 Private hire vehicle service requirements	15
(1) A person who carries on a private hire vehicle service, being a service operating wholly or partly within New South Wales, by means of a private hire vehicle is guilty of an offence if:	16
(a) the person is not authorised to carry on the service under Division 3, or	17
(b) the private hire vehicle is not licensed under Division 4.	18
(2) A person who carries on a private hire vehicle service, being a service operating wholly or partly within New South Wales, by means of a private hire vehicle is guilty of an offence if:	19
(a) the service is carried on otherwise than in accordance with the terms and conditions of the person's authorisation under Division 3, or	20
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- (b) the service is carried on otherwise than in accordance with such of the terms and conditions of the private hire vehicle's licence as are applicable to the person under Division 4. 1
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- Maximum penalty: 1,000 penalty units. 5

Division 3 Private hire vehicle operators 6

38 Authorisation 7

- (1) The Director-General may authorise persons to carry on private hire vehicle services, subject to and in accordance with this Division. A person authorised under this Division is referred to in this Part as an "authorised private hire vehicle operator". 8
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- (2) The purpose of authorisation under this Division is to attest: 12
 - (a) that the authorised person is (or, in the case of an authorised person that is a corporation, the designated directors and managers of the corporation are) considered to be of good repute and in all other respects fit and proper to be responsible for the operation of a private hire vehicle service, and 13
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 - (b) that the authorised person has demonstrated the capacity to meet and continue to meet the appropriate requirements with respect to: 19
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 - (i) financial viability, and 22
 - (ii) safety of drivers, passengers and the public, and 23
 - (iii) vehicle maintenance, 24to the degree and in the manner required in respect of services of the kind specified in the authorisation. 25
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- (3) The appropriate requirements are such requirements as may be prescribed by the regulations. 27
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38A Application for authorisation 29

- (1) A person may apply to the Director-General for authorisation under this Division. 30
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- (2) An applicant is required to pay any fee fixed by the regulations for consideration of the application. 32
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(3)	An application made by a corporation is not to be considered by the Director-General unless the corporation nominates designated directors or managers (as referred to in section 41).	1 2 3
(4)	For the purposes of subsection (3), the Director-General may, from time to time, determine the number of persons who are to be nominated as designated directors and the number of persons who are to be nominated as designated managers. Such a determination may be made generally or in any particular case or class of cases.	4 5 6 7 8 9
(5)	Procedures for making and dealing with applications may be settled by the Director-General, subject to any provisions of the regulations.	10 11 12
38B	Grant or refusal of application	13
(1)	Having regard to the purpose of authorisation under this Division, the Director-General may grant an application and authorise the applicant to carry on a private hire vehicle service, or may refuse the application.	14 15 16 17
(2)	Before an application is granted, the applicant must meet any criteria set forth in the regulations and must satisfy the Director-General as to any matter the Director-General considers relevant.	18 19 20 21
(3)	An applicant is required to pay any fee fixed by the regulations for the authorisation when first issued.	22 23
(4)	Particulars of an authorisation are to be given in writing by the Director-General to the authorised person.	24 25
(5)	An authorisation may be given so as to be general or limited, that is to say:	26 27
(a)	appropriate generally for a private hire vehicle service, or	28 29
(b)	appropriate only for the service or services designated in the authorisation, for a service or services having the scope or characteristics so designated.	30 31 32

38C	Term of and renewal of authorisation	1
(1)	An authorisation under this Division, unless sooner suspended or cancelled, remains in force for a period determined by the Director-General and specified in the particulars of the authorisation.	2 3 4 5
(2)	An authorisation is renewable from time to time on payment of the fee fixed by the regulations.	6 7
(3)	Procedures for renewal may be settled by the Director-General, subject to any provisions of the regulations.	8 9
38D	Conditions of authorisation	10
(1)	An authorisation under this Division is subject to:	11
(a)	the conditions prescribed by the regulations, and	12
(b)	such additional conditions as the Director-General, having regard to the purpose of authorisation under this Division, may impose on the authorisation.	13 14 15
(2)	Conditions imposed by the Director-General may be varied (whether by amendment, addition, revocation or suspension of one or more conditions) by the Director-General from time to time by notice served on the authorised person.	16 17 18 19
(3)	An authorised private hire vehicle operator who contravenes a condition of the operator's authorisation is guilty of an offence. Maximum penalty: 1,000 penalty units.	20 21 22
(4)	A variation of conditions imposed on an authorisation by the Director-General is, for the purposes of Division 3 of Part 5 (Reviews by Administrative Decisions Tribunal), a variation of the authorisation.	23 24 25 26
38E	Variation, suspension or cancellation of authorisation	27
(1)	Having regard to the purpose of authorisation under this Division, the Director-General may at any time vary, suspend or cancel any person's authorisation under this Division.	28 29 30
(2)	The authorisation of a corporation is automatically cancelled when there is no designated director or manager.	31 32

Division 4	Private hire vehicle licences	1
39	Licence	2
(1)	The Director-General may license motor vehicles as private hire vehicles, subject to and in accordance with this Division.	3 4
(2)	Subject to subsection (3):	5
(a)	the authority of a licence for a private hire vehicle, if the licence is let or sublet, inures to the benefit of the lessee or sublessee to the exclusion of the lessor or sublessor, and	6 7 8 9
(b)	a reference in this Act or the regulations to the licensee of, or the holder of a licence for, a private hire vehicle is a reference to the person having the benefit of the authority of the licence concerned.	10 11 12 13
(3)	However:	14
(a)	the regulations may provide that such a lessor is subject to specified provisions of this Act or of the regulations relating to licensed private hire vehicles, either to the exclusion of any lessee or sublessee or jointly with any lessee or sublessee, and	15 16 17 18 19
(b)	the conditions of a licence may provide that such a lessor is subject to the provisions of specified terms and conditions of the licence, either to the exclusion of any lessee or sublessee or jointly with any lessee or sublessee.	20 21 22 23 24
	The regulations or conditions referred to in this subsection may provide that the lessor and any lessee or sublessee are jointly and severally liable under any specified provisions or for any matters arising in connection with them.	25 26 27 28
(4)	The following provisions have effect:	29
(a)	the regulations may provide that specified kinds of terms and conditions of licences apply to authorised private hire vehicle operators carrying on private hire vehicle services by means of the private hire vehicles concerned, and	30 31 32 33 34

(b) the conditions of a licence may provide that specified terms and conditions of the licence apply to an authorised private hire vehicle operator carrying on a private hire vehicle service by means of the private hire vehicle concerned. 1
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The regulations or conditions referred to in this subsection may provide that such a term or condition applies to a private hire vehicle operator to the exclusion of a licensee or may provide that the operator and licensee are jointly and severally liable in connection with such a term or condition. 6
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39A Application for licence 11

(1) A person may apply to the Director-General for a licence under this Division. 12
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(2) An applicant is required to pay any fee fixed by the regulations for consideration of the application. 14
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(3) An application made by a corporation is not to be considered by the Director-General unless the corporation nominates designated directors or managers (as referred to in section 41). 16
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(4) For the purposes of subsection (3), the Director-General may, from time to time, determine the number of persons who are to be nominated as designated directors and the number of persons who are to be nominated as designated managers. Such a determination may be made generally or in any particular case or class of cases. 19
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(5) Procedures for making and dealing with applications may be settled by the Director-General, subject to any provisions of the regulations. 25
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39B Grant or refusal of application 28

(1) The Director-General may grant an application and issue to the applicant a licence for the private hire vehicle concerned, or may refuse the application. 29
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(2) Before an application is granted, the applicant must meet any criteria set forth in the regulations and must satisfy the Director-General as to any matter the Director-General considers relevant. 32
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39C	Term of and renewal of licence	1
	(1) A licence, unless sooner suspended or cancelled, remains in force for a period determined by the Director-General and specified in the licence.	2 3 4
	(2) A licence is renewable from time to time on payment of the fee fixed by the regulations.	5 6
	(3) Procedures for renewal may be settled by the Director-General, subject to any provisions of the regulations.	7 8
	(4) This section does not apply to a short-term licence issued under this Division.	9 10
39D	Short-term licences	11
	(1) If an applicant for a licence requests a short-term licence, the Director-General may issue to the applicant a licence for a limited duration.	12 13 14
	(2) A short-term licence, unless sooner suspended or cancelled, remains in force for the period (not exceeding 6 years) determined by the Director-General and specified in the licence.	15 16 17 18
	(3) Such a licence is not renewable and cannot be transferred except on the application of the holder's legal personal representative or of a trustee of the holder's estate.	19 20 21
39E	Area of operation of licences	22
	(1) A licence for a private hire vehicle may specify the area of operation of the private hire vehicle.	23 24
	(2) If no area is specified, the private hire vehicle may be used to carry on a private hire vehicle service anywhere in New South Wales.	25 26 27
	(3) A licence for a private hire vehicle does not confer on any person an exclusive right to operate a private hire vehicle in the area of operation specified in the licence.	28 29 30

39F	Conditions of licence	1
(1)	A licence is subject to:	2
(a)	the conditions prescribed by the regulations, and	3
(b)	such additional conditions as the Director-General may impose on the licence.	4
(2)	Conditions imposed by the Director-General may be varied (whether by amendment, addition, revocation or suspension of one or more conditions) by the Director-General from time to time by notice served on the licensee.	5
(3)	A licensee who contravenes a condition of the licence is guilty of an offence.	6
	Maximum penalty: 1,000 penalty units.	7
(4)	A variation of conditions imposed on a licence by the Director-General is, for the purposes of Division 3 of Part 5 (Reviews by Administrative Decisions Tribunal), a variation of the licence.	8
39G	Variation, suspension or cancellation of licence	9
(1)	The Director-General may at any time vary, suspend or cancel any licence if:	10
(a)	owing to the default of the licensee, or the agents or employees of the licensee:	11
(i)	the provisions of this Act or the regulations, or	12
(ii)	the terms and conditions of the licence,	13
	have not been or are not being complied with, or	14
(b)	the private hire vehicle service carried on under the authority of the licence has been or is being conducted in such a manner as to cause danger to the public, or	15
(c)	the licensee is convicted of an offence against this Act or the regulations with respect to the furnishing of information concerning the service, or	16
(d)	the licensee does not have a policy of insurance covering third-party property damage in respect of the private hire vehicle, being a policy:	17
(i)	issued by a corporation authorised under the <i>Insurance Act 1973</i> of the Commonwealth to carry on insurance business, and	18
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(ii)	providing cover that in the opinion of the Director-General is sufficient for the private hire vehicle.	1 2 3
(2)	A licence issued to a corporation is automatically cancelled when there is no designated director or manager.	4 5
39H	Licence fee	6
(1)	In addition to any application fee, a licence fee is payable to the Director-General when a licence is first issued.	7 8
(2)	The licence fee is payable by the person to whom the licence is issued in the manner determined by the Director-General.	9 10
39I	Licence fee for ordinary licence	11
(1)	The amount of the licence fee for a licence must be determined by inviting applicants for the licence to bid for it at a public auction or to submit sealed tenders for it or by using such other method chosen by the Director-General as will, in the Director-General's opinion, yield as the fee for the licence an amount equivalent to its current value on the open market.	12 13 14 15 16 17
(2)	The Director-General may, in the circumstances specified in the regulations, fix the licence fee at less than the current value of the licence on the open market or decide not to impose a licence fee for the licence.	18 19 20 21
(3)	This section does not apply to a short-term licence issued under this Division.	22 23
39J	Licence fee for short-term licences	24
	The amount of the licence fee for a short-term licence issued under this Division is an amount determined by the Director-General.	25 26 27
Division 5	Private hire vehicle drivers	28
40	Authorisation	29
(1)	The Director-General may authorise persons to drive private hire vehicles, subject to and in accordance with this Division. A person authorised under this Division is referred to in this Part as an "authorised private hire vehicle driver".	30 31 32 33

(2) A person who drives a private hire vehicle is guilty of an offence unless the person is an authorised private hire vehicle driver.	1 2 3
Maximum penalty: 100 penalty units.	4
(3) The purpose of an authorisation under this Division is to attest:	5
(a) that the authorised person is considered to be of good repute and in all other respects a fit and proper person to be the driver of a private hire vehicle, and	6 7 8
(b) that the authorised person is considered to have sufficient responsibility and aptitude to drive a private hire vehicle:	9 10 11
(i) in accordance with the conditions under which the private hire vehicle service concerned is operated, and	12 13 14
(ii) in accordance with law and custom.	15
(4) The regulations may create categories or grades of authorisations.	16 17
(5) Without limitation, the regulations may provide that subsection (2) does not apply in specified circumstances, including, for example, when a private hire vehicle is being driven to a place to have it repaired or serviced.	18 19 20 21
40A Application for authorisation	22
(1) A person may apply to the Director-General for authorisation under this Division.	23 24
(2) An applicant is required to pay any fee fixed by the regulations for consideration of the application.	25 26
(3) Procedures for making and dealing with applications may be settled by the Director-General, subject to any provisions of the regulations.	27 28 29
40B Grant or refusal of application	30
(1) Having regard to the purpose of authorisation under this Division, the Director-General may grant an application and authorise the applicant to drive a private hire vehicle, or may refuse the application.	31 32 33 34

(2) Before an application is granted, the applicant must meet any criteria set forth in the regulations and must satisfy the Director-General as to any matter the Director-General considers relevant.	1 2 3 4
(3) An applicant is required to pay any fee fixed by the regulations for the authorisation when first issued.	5 6
(4) Particulars of an authorisation are to be given in writing by the Director-General to the authorised person.	7 8
(5) The authorisation may specify the category or grade of the authorisation, and (without limitation) may specify the kind or kinds of vehicles for which the authorisation is granted.	9 10 11
40C Term of and renewal of authorisation	12
(1) An authorisation under this Division, unless sooner suspended or cancelled, remains in force for a period determined by the Director-General and specified in the particulars of the authorisation.	13 14 15 16
(2) An authorisation is renewable from time to time on payment of the fee fixed by the regulations.	17 18
(3) Procedures for renewal may be settled by the Director-General, subject to any provisions of the regulations.	19 20
40D Conditions of authorisation	21
(1) An authorisation under this Division is subject to:	22
(a) the conditions prescribed by the regulations, and	23
(b) such additional conditions as the Director-General, having regard to the purpose of authorisation under this Division, may impose on the authorisation.	24 25 26
(2) Conditions imposed by the Director-General may be varied (whether by amendment, addition, revocation or suspension of one or more conditions) by the Director-General from time to time by notice served on the authorised person.	27 28 29 30
(3) An authorised private hire vehicle driver who contravenes a condition of the driver's authorisation is guilty of an offence.	31 32
Maximum penalty: 100 penalty units.	33

(4)	A variation of conditions imposed on an authorisation by the Director-General is, for the purposes of Division 3 of Part 5 (Reviews by Administrative Decisions Tribunal), a variation of the authorisation.	1 2 3 4
40E	Variation, suspension or cancellation of authorisation	5
	Having regard to the purpose of authorisation under this Division, the Director-General may at any time vary, suspend or cancel any person's authorisation under this Division.	6 7 8
Division 6	Miscellaneous	9
41	Designated directors and managers of corporations	10
	For the purposes of this Part:	11
(a)	a corporation may nominate, and the Director-General may accept the nomination of, any number of its directors or managers as designated directors or managers, and	12 13 14 15
(b)	further nominations may be made and accepted from time to time, and	16 17
(c)	a person so nominated becomes a designated director or manager, but only when the Director-General certifies acceptance of the nomination.	18 19 20
[7]	Section 34A Fares or other remuneration	21
	Re-number section 34A (as in force immediately before the commencement of this item) as section 60A, and insert it after section 60.	22 23
[8]	Section 42 Inspection of vehicles, premises, equipment and records	24
	Insert "authorisation," after "authority," in section 42 (1).	25
[9]	Section 42 (3)	26
	Omit "section 41". Insert instead "section 29A".	27
[10]	Section 42 as amended (to be renumbered as section 55A)	28
	Re-number section 42 as section 55A, and insert it after section 55.	29

[11] Existing Part 4, Division 2 (to be renumbered as Part 4B)	1
Omit the heading to Division 2 of Part 4 (as in force immediately before the commencement of this item). Insert instead:	2 3
 Part 4B Taxi-cabs and private hire vehicles: transfer tax	 4 5
[12] Section 52 Applications to Administrative Decisions Tribunal	6
Insert “, 4 or 4A” after “Part 2” in section 52 (1).	7
[13] Section 52 (1)	8
Omit “or authority”. Insert instead “, authority or authorisation”.	9
[14] Section 52 (4)	10
Omit the subsection.	11
[15] Sections 53A and 53B	12
Insert before section 54:	13
53A Advertising	14
(1) A person must not cause to be published any advertisement that advertises a commercial service involving the operation of a vehicle if:	15 16 17
(a) the service is of a kind that requires the operator of the service to be accredited or authorised under this Act and the service is not so accredited or authorised, or	18 19 20
(b) the vehicle is of a kind that is required to be licensed under this Act and the vehicle is not so licensed.	21 22
Maximum penalty: 50 penalty units.	23
(2) A reference in this section to an advertisement includes a reference to any form of notice or statement in the nature of an advertisement.	24 25 26

53B Requirement to return documents or number-plates	1
(1) If an accreditation, authority, authorisation or licence under this Act is suspended or cancelled or otherwise ceases to be in force, the person to whom it was granted must immediately return it to the Director-General.	2 3 4 5
Maximum penalty: 25 penalty units.	6
(2) If a licence is cancelled, or is suspended for a period of more than 28 days, or otherwise ceases to be in force, the person to whom it was granted must, unless otherwise directed by the Director-General in writing, return any number-plates allocated to the taxi-cab or private hire vehicle by virtue of its being licensed to the Roads and Traffic Authority or the Commissioner of Police within 7 days of the cancellation, suspension or discontinuation taking effect.	7 8 9 10 11 12 13 14
Maximum penalty: 25 penalty units.	15
[16] Section 54 Offences involving credentials	16
Omit “or authority” wherever occurring.	17
Insert instead “, authority or authorisation”.	18
[17] Section 60 Proceedings for offences	19
Insert after section 60 (2):	20
(3) Despite the <i>Justices Act 1902</i> or any other Act, proceedings for an offence under this Act or the regulations may be commenced not later than one year after the date alleged to be the date on which the offence was committed.	21 22 23 24
[18] Section 62 Records and evidentiary matters	25
Insert “, authorisations” after “contracts” in section 62 (1).	26
[19] Section 62 (4)	27
Insert after section 62 (3):	28
(4) In any legal proceedings under this Act, proof is not required (until evidence is given to the contrary) of the following:	29 30

(a)	the fact that a vehicle is subject to a provision of this Act or the regulations in question,	1 2
(b)	the fact that the defendant is, or at any relevant time was, the driver of any vehicle in question,	3 4
(c)	the fact that the defendant is, or at any relevant time was, the owner or agent of the owner of any vehicle in question,	5 6 7
(d)	the fact that, at any relevant time, any vehicle was used for commercial purposes.	8 9
[20]	Section 63 Regulations	10
	Omit “and authorities” in section 63 (2) (g).	11
	Insert instead “, authorities and authorisations”.	12
[21]	Section 63 (5)	13
	Omit the subsection.	14
[22]	Schedule 1 Provisions relating to powers of authorised officers	15
	Omit “42” wherever occurring. Insert instead “55A”.	16
[23]	Schedule 3 Savings and transitional provisions	17
	Insert at the end of clause 2 (1):	18
	<i>Passenger Transport Amendment Act 2000</i>	19
[24]	Schedule 3, Part 4	20
	Insert after Part 3:	21
	 Part 4 Provisions consequent on enactment of Passenger Transport Amendment Act 2000	 22 23
	11 Definition	24
	In this Part:	25
	<i>the amending Act</i> means the <i>Passenger Transport Amendment Act 2000</i> .	26 27

12 Accredited operators: taxi-cab services	1
(1) A person accredited under Division 1 of Part 2 immediately before the insertion of Division 4 into that Part by the amending Act for a public passenger service carried on by means of a taxi-cab is taken to be a person authorised under Division 3 of Part 4 as inserted by that Act.	2 3 4 5 6
(2) Accordingly, the accreditation of that person is taken to be an authorisation of that person for that service under Division 3 of Part 4 as so inserted.	7 8 9
13 Drivers' authorities: taxi-cabs	10
(1) A person who was the holder of an authority under Division 2 of Part 2 immediately before the insertion of Division 4 into that Part by the amending Act authorising the person to drive taxi-cabs is taken to be a person authorised under Division 5 of Part 4 as inserted by that Act.	11 12 13 14 15
(2) Accordingly, the authority held by that person is taken to be an authorisation of that person under Division 5 of Part 4 as so inserted.	16 17 18
14 Licences: taxi-cabs	19
(1) A person who was the holder of a licence under Division 1 of Part 4 immediately before the omission of sections 29–41 (other than section 34A) by the amending Act for a taxi-cab is taken to be a person licensed under Division 4 of Part 4 as inserted by that Act.	20 21 22 23 24
(2) Accordingly, the licence held by that person is taken to be a licence issued under Division 4 of Part 4 as so inserted.	25 26
(3) Section 29 (3) as in force immediately before its repeal by the amending Act, and section 32 (2) (b) as inserted by that Act, do not apply to references in this clause to the holder of such a licence.	27 28 29 30
15 Taxi-cab networks	31
An authority in force under section 41 before its omission by the amending Act for a taxi-cab network is taken to be an authorisation granted under Division 6 of Part 4 as inserted by that Act.	32 33 34 35

16	Accredited operators: private hire vehicle services	1
(1)	A person accredited under Division 1 of Part 2 immediately before the insertion of Division 4 into that Part by the amending Act for a public passenger service carried on by means of a private hire vehicle is taken to be a person authorised under Division 3 of Part 4A as inserted by that Act.	2 3 4 5 6
(2)	Accordingly, the accreditation of that person is taken to be an authorisation of that person for that service under Division 3 of Part 4A as so inserted.	7 8 9
17	Drivers' authorities: private hire vehicles	10
(1)	A person who was the holder of an authority under Division 2 of Part 2 immediately before the insertion of Division 4 into that Part by the amending Act authorising the person to drive private hire vehicles is taken to be a person authorised under Division 5 of Part 4A as inserted by that Act.	11 12 13 14 15
(2)	Accordingly, the authority held by that person is taken to be an authorisation of that person under Division 5 of Part 4A as so inserted.	16 17 18
18	Licences: private hire vehicles	19
(1)	A person who was the holder of a licence under Division 1 of Part 4 immediately before the omission of sections 29–41 (other than section 34A) by the amending Act for a private hire vehicle is taken to be a person licensed under Division 4 of Part 4A as inserted by that Act.	20 21 22 23 24
(2)	Accordingly, the licence held by that person is taken to be a licence issued under Division 4 of Part 4A as so inserted.	25 26
(3)	Section 29 (3) as in force immediately before its repeal by the amending Act, and section 39 (2) (b) as inserted by that Act, do not apply to references in this clause to the holder of such a licence.	27 28 29 30

19 Reissue of authorisations or licences	1
Without limiting any functions of the Director-General, the Director-General may reissue any authorisations or licences referred to in this Part, with such alterations as the Director-General considers appropriate having regard to the provisions and operation of the amending Act.	2 3 4 5 6
20 Proceedings for offences	7
Section 60 (3) as inserted by the amending Act does not apply to offences committed before the commencement of the subsection.	8 9 10