

Sensitive: NSW Government

COMPLIANCE ACTIVITY PLAN

DATE: 16 - 18 FEBRUARY 2024



**BATHURST REPCO 12 HOUR
PARENT CASE – C-0193993**

Point to Point Transport Commission

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1. Situation

1.1. General Information

The CAP will predominantly concentrate on contraventions of the Point to Point Transport (Taxis and Hire Vehicles) Act 2016 (the **Act**) and the Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017 (the **Regulation**).

Salesforce and DVD data has been utilised as an Intelligence tool.

1.2. Background and Legislation

The Liqui-Moly 12 Hour event attracts a large number of people to the event. The NSW government encourages people attending these events to use public transport. Along with licensed and authorised service providers, intelligence has shown these kinds of events also attract illegal service providers.

Drivers of taxis and hire vehicles are known to attempt to gain advantage by circumventing the legislative requirements at these locations. Such breaches may include:

- **Clause 28(1) – Taxi driver identity document to be displayed.**
A driver of a taxi that plies or stands for hire on a road or road related area must ensure that the driver's identity document is displayed in the vehicle in accordance with clause 13.
- **Clause 13 – Driver identification – taxi drivers**
A driver of a taxi must be provided with a driver identity document in the form of a card or electronic document containing the following.
 - (a) a photograph of the driver
 - (b) an identification number provided by the provider of the taxi service,
 - (2) a taxi must be fitted with a device for displaying the driver identity document that enables it to be displayed so that it is clearly visible to any passenger in the taxi.
- **Clause 20(2) – Hire vehicles display of retroreflective sign.**
The driver of a hire vehicle (other than a motorcycle) that is being used to provide a passenger service must ensure that a retroreflective sign is displayed on or attached to the vehicle that:
 - (a) makes it apparent that the vehicle is a hire vehicle, and
 - (b) is located on or near the rear of the driver's side of the vehicle, and
 - (c) is clearly visible from the outside of the vehicle.
- **Clause 66 – No touting or soliciting for passengers.**
The driver of a passenger vehicle or any other person must not tout or solicit for passengers for, or for a hiring of, a vehicle.

Touting or soliciting for passengers generally involves a driver approaching prospective passengers and offering transport for reward, thereby circumventing the pre-booking requirements for hire cars, or the queuing in designated taxi-zone requirements for taxis.
- **Section 47(a) – Taxis must be licenced.**
A person must not use a motor vehicle to provide a taxi service unless:
 - the provider, or an employee, contractor, or affiliated provider of that provider, is the holder of a taxi licence for the motor vehicle.

- **Clause 77(1) – Driver of taxi to accept hiring.**
The driver of a taxi that is available for hire must accept a hiring immediately, when offered.
- **Clause 84 – No plying or standing for hire.**
The driver of a hire vehicle must not:
 - (a) ply, stand or park the hire vehicle for hire on any road or road related area, or
 - (b) use the hire vehicle to carry out a hiring other than for a booking made before the driver stops the vehicle at the place where the passenger is picked up, or stop, stand or queue in a taxi zone.

Plying or standing for hire contravenes the requirement for ride share vehicles to have a pre-arranged booking and constitutes an attempt by hire vehicles to operate in a manner akin to taxis.

- **Section 76(5)(a) - Demand fare exceeds fare determined under fares order.**
A person must not demand a fare for the provision of a service that—
 - (a) exceeds the amount of the fare determined for the service under a fares order, or
 - (b) contravenes arrangements for remuneration approved by a fares order.
- **Clause 81 - Operation of fare calculation device by taxi driver**
 - (1) The driver of a taxi to which a fare calculation device is fitted—
 - (a) must not start the device before the taxi is hired,
 - (b) as soon as the taxi is hired, must start the device, and
 - (c) during any hiring, must keep the device running

1.3. Resources

Based on the large number of people likely to the event, one team consisting of two (2) Inspectors will be tasked to the compliance activity in order to achieve the goal set out in 3.2.

1.4. External Resources – NIL

2. Mission

To ensure the safety of the public by assessing compliance and detecting contraventions of the Point to Point Transport (Taxis and Hire Vehicles) Act 2016 (the **Act**) and the Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017 (the **Regulation**).

This CAP will also identify security officers involved in providing security and customer service duties whilst working at the Secure Taxi Rank are complying with the Goods and Services Agreement between the security service provider and Point to Point Transport Commission.

3. Execution

3.1. General Outline

Team will consist of one team of two (2) Inspectors who will travel to location via car carry out compliance activities as listed below (3.2).

3.2. Group Details & Schedule

Below outlines the teams and proposed approximate timings (subject to change by the Senior Manager):

Lead Inspector: [REDACTED]

Team 1
[REDACTED]
[REDACTED]

Friday 16 February 2024: Travel – Dubbo – Bathurst

Saturday 17 February 2024: 7am – 12pm and 2pm – 5pm

Sunday 18 February 2024: 7am – 12pm and 12:30pm – 5pm

Monday 19 February: Travel – Bathurst – Dubbo.

Friday 16 February 2024 – Overtime	
Time	Activity/Location
7am – 12pm	Travel to Bathurst and Patrol Bathurst CBD
12pm – 12:30pm	Meal
12:30pm – 3pm	Patrol Bathurst CBD and Repco 12 Hour
3pm – 6pm	Break
6pm – 9pm	Patrol Bathurst CBD and Repco 12 Hour
9pm – 9:30pm	Meal
9:30pm – 12:00am	Patrol Bathurst CBD and Orange Secure Rank

Saturday 17 February 2024 – Overtime	
Time	Activity/Location
8am – 12pm	Patrol Bathurst CBD and Repco 12 Hour.
12pm – 12:30pm	Meal
12:30pm – 5pm	Patrol Bathurst CBD and Repco 12 Hour.

Sunday 18 February 2024 – Overtime	
Time	Activity/Location
7am – 12pm	Patrol Bathurst CBD and Repco 12 Hour.
12pm – 12:30pm	Meal
12:30pm – 5pm	Patrol Bathurst CBD and Repco 12 Hour.

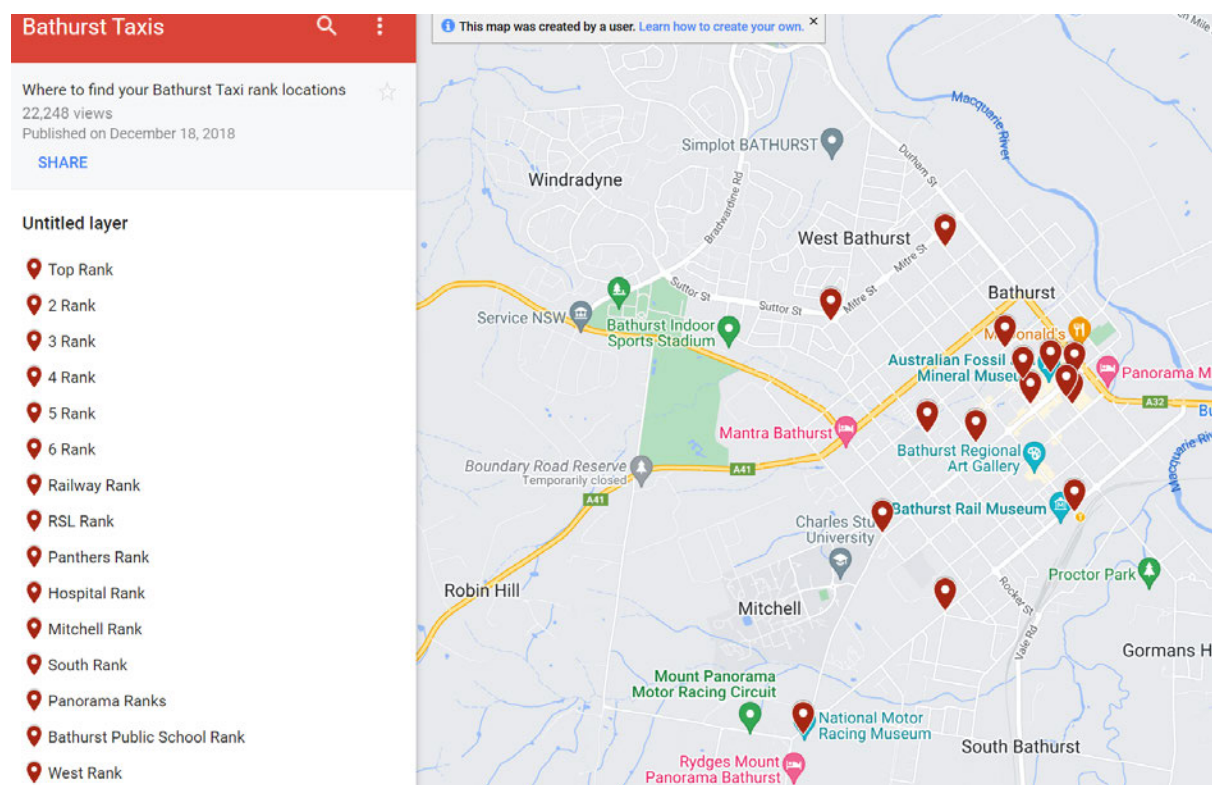
3.3. Locations of Interest

CBD

Bathurst Repco 12 Hour CAP will focus on TSP's and BSP's located in the township of Bathurst. This CAP will also focus activity within the precinct of Bathurst CBD and The Mount Panorama Racing Precinct.

Passenger vehicle inspection locations

Bathurst CBD is in the area surrounding William, George, Howick, Russell and Durham Streets, Bathurst. There are many designated Taxi Zones in this area. There is a taxi rank located at the Mount Panorama Circuit located on Panorama Avenue, Mount Panorama. See attached map.



4. Administration & Logistics

4.1. Work Health & Safety

All Inspectors will wear suitable clothing to provide protection from the weather conditions.

Inspectors to ensure they bring their own water to the location and are to remain well hydrated. Hi-Vis vests are required for this activity as this CAP will require the Inspector's to conduct work where moving traffic is on the roadway. Should any changes arise during the activity that may warrant reconsideration of this situation this should firstly be discussed with the Senior Inspector.

Given this is a regional compliance activity, fatigue management is paramount and is the responsibility of all Inspectors; not only for themselves.

4.2. Dress & Equipment

All Inspectors will ensure they have their Authorisation ID Card, Hi-Vis Vest, Torch, Body Worn Camera, Official Notebook, Mobile Phone, Two-Way Radio and Body Worn Camera (BWC) on them always during the Compliance Activity.

Full P2P uniform must be worn to ensure a high level of professionalism is perceived by the public and stakeholders.

Each team should access their full Inspector kit as required, including wet weather gear and any other gear deemed necessary.

4.3. Briefings

A briefing will occur on Friday 16 February 2024 and at the commencement of each day, as outlined above in 3.2 Group Details & Schedule.

4.4. De-Briefing

If there is time a de-briefing will occur at the end of each day.

A larger de-briefing will occur on 19 February 2024 on return to the Dubbo Office

4.5. Activity Reports

The senior inspector will obtain all relevant activity outcomes from the teams in preparation for the de-briefing with the Senior Manager.

4.6. Medical

If any injury occurs, the Senior Inspector must be notified as soon as practicable. First aid is to be administered immediately – and First aid equipment is available in P2P vehicles. Injuries of a serious or indeterminate nature will be dealt with by way of NSW Ambulance Service, local medical centres, or Hospital.

4.7. Meals

All meals will be the responsibility of the respective team involved in the Compliance Activity. Meals will be taken during the shift within the first five hours.

4.8. Enforcement Action

Any interactions with persons suspected of contravening the Act or Regulation are to be dealt with as per Commission procedures.

1. Inspectors are to operate at locations nominated by the Senior Inspector.
2. Should any non-compliance activity be observed the drivers should be approached and the situation discussed.
3. Officers must announce their office and produce their P2P Authorised Officers' identification. Officers must then ask for the driver's NSW drivers Licence.
4. The following information should then be recorded in the officers' contemporaneous notebook.
 - Date and time of the alleged offence

- Driver's name and D.O.B
 - NSW Driver Licence Number
 - Description of driver
 - The type of vehicle.
 - The make and model of vehicle if possible.
 - The registration plate of the vehicle.
 - Position where the alleged offence occurred
 - Any other identifying features
 - Conversation held with the driver in the first person ('he said/she said'),
 - Fare charged for transport (if required).
5. Inspectors should then advise the driver they may receive a penalty notice for the breach or be contacted to provide additional information.
 6. Inspectors should then depart the location to conduct a short debrief with the Senior Inspector if available and await further instructions.
 7. A corroborating inspector may observe the activity from a distance, and may take photographs, but if doing so, may not interact in any way with the driver and must remain in a public place, to avoid the possibility of activating responsibilities under surveillance legislation. Corroborating inspectors may overhear conversations but may not electronically record them.

It is imperative that the proofs of the offence are obtained and recorded at the time of the offence and that Inspectors exercise their powers in accordance with the Legislation.

Once a breach has been detected, the Inspector will advise the driver of the breach and inform the driver that he/she is required to comply with legislation before the driver is able to re-commence duties.

At the conclusion of the activity each inspector will advise the senior inspector of the number and type of offences detected during the activity. All matters where a potential contravention of the legislation is detected should be detailed fully in the Inspector's notebook and include the details of all evidence collected, observations, photos, etc.

All follow up action including the issuing of Improvement / Prohibition or Penalty Notices is the responsibility of the identifying inspector unless otherwise directed by the Senior Inspector. Where it is identified that a notice might be appropriate this must be discussed with the Senior Inspector in the first instance prior to issue.

Follow up actions must be finalised within a timely manner after the conclusion of the activity.

4.9. Media and Professional Conduct

During this compliance activity, Inspectors will report any media attention immediately to the Senior Inspector, who will advise the Senior Manager. At all times, inspectors will conduct themselves in a professional manner and abide by the Code of Conduct, applicable to TfNSW.

4.10. Liaison

Any liaison between agencies or the community are to be done adhering to the NSW Transport Code of Conduct, always displaying professionalism.

4.11. Risk Assessment

A risk assessment will be conducted by the Senior Inspector upon arrival at the CAP location to identify if there are any risks present that were not anticipated. The Senior Inspector will take the lead to eliminate or control any such risks. If this is not possible then the Senior Inspector will direct the activity to take place at another location or alternate date.

Emergency Procedures

In the event of a declared emergency all Inspectors are to meet at the emergency meeting point which will be the Grass Area, Corner of Panorama Ave, and Lloyds Road, approximately 100 metres from the central activity point.

Managing the risk of COVID-19

All Inspectors must:

1. Always comply with the Safe Work Method Statement (SWMS) – P2P Program Team Offsite Tasks.
2. Comply with national and state public health directions.
3. Promote effective social distancing and hygiene measures.
4. Raise any concerns about the risk of contracting COVID-19 immediately with the LAO.
5. Monitor the extent of COVID-19 in Bathurst throughout the activity.

Assess the risk of COVID-19

The activity will include looking for ways to minimise the spread of the virus. This will include:

- SWMS
- Ceasing the activity that will involve close personal contact (less than 1.5m)
- Implementing controls to reduce direct contact with drivers which include social distancing of at least 1.5 meters.
- Ensuring vehicle sanitation procedures are implemented as per TfNSW Motor Vehicle Sanitisation Standard

5. Communications

5.1. Contacts

Lead Inspector – [REDACTED]

Senior Manager – [REDACTED]

Manage – [REDACTED]

Bathurst Police – Front Desk – [REDACTED]

5.2. Central Activity Locations

Township of Bathurst and Mount Panorama Precinct

5.3. Communications

The Senior Inspector will keep the Senior Manager updated throughout the compliance activity as required with mobile phones and two-way radios to be utilised throughout this CAP.

The times and conditions of the shift may only be adjusted with the approval of the Senior Inspector. The activity is intelligence based and the targeted areas may be changed dependant.