

**Sensitive: NSW Government**

# **COMPLIANCE ACTIVITY PLAN**

**DATE: 22 NOVEMBER – 1 DECEMBER 2024**



**BYRON BAY SCHOOLIES 2024**

**PARENT CASE C-0246890**

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## 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 Byron Bay and Tweed Coast area welcomes a large population of school leavers every year for the Schoolies Celebrations. The event attracts a large number of 17-19 year olds who are heavily reliant on Point to Point Transport and very engaged with rideshare applications and uses. Along with licensed and authorised service providers, intelligence and previous Compliance Activity Plans in the area have shown these kinds of events also attract illegal service providers.

Surrounding areas around the Byron Bay, such as Tweed Heads, Kingscliff, Lismore and Ballina are well frequented by patrons from attending events as many stay in private accommodation in these areas.

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.*
- **14 Clause 14 Fare calculation devices—taxis**
  - (1) *A taxi that plies or stands for hire on a road or road related area must be fitted with a fare calculation device that complies with this clause.*
  - (2) *All fares and other figures displayed on the fare calculation device must be clearly visible at all times to all persons in the taxi, whether on the device itself or by means of an auxiliary device.*
  - (3) *The fare calculation device must be resistant to tampering and vandalism and must be in working order.*
- **Clause 20(2) – Hire vehicles display of retroreflective sign**



*The driver of a hire vehicle (other than a motor cycle) 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 27 Provider of taxi service or booking service must be authorised**

*(1) A person must not provide a taxi service or booking service unless the person is authorised to provide that service. Maximum penalty: \$110,000.*

*(2) An affiliated provider is not required to be authorised to provide a taxi service if the provision of that service is facilitated by another authorised provider of a taxi service.*

*(3) A person who provides a passenger service must ensure that bookings for that service are not taken from the provider of a booking service unless the provider is authorised to provide that service under this Act. Maximum penalty: \$110,000.*

*(4) A driver who drives a motor vehicle used for a passenger service must not take bookings for the passenger service from the provider of a booking service unless the provider is authorised to provide that service under this Act. Maximum penalty: 100 penalty units.*

- **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.*

***\*\*This Subsection does not apply as a result of circumstances where Subsection (2) applies.***

- **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 in particular 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 number of people likely to the area in over the period Two (2) team 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 Inspectors travelling to the Byron Bay/Ballina/Tweed Heads/Kingscliff area by car midweek and on Fridays and returning to base locations on scheduled below. Inspectors will be rostered and 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]

Date	Time	Location	Officers	Tasking+
Friday 22/11/2024	11:00am to 5:00pm +30 Min Meal break	Ballina/Byron + Airport	[REDACTED]	As per CAP
Friday 22/11/2024	11:00am to 5:00pm +30 Min Meal break	Byron Bay area	[REDACTED]	As per CAP
Friday 22/11/2024	8:00pm to 2:00am + 30 Min Meal Break - O	Byron Bay	[REDACTED]	As per CAP
Friday 22/11/2024	8:00pm to 2:00am + 30 Min Meal Break - OT Covet	Byron Bay	[REDACTED]	[REDACTED] per CAP
Saturday 23/11/2024	12:00pm to 5:00pm - OT	Ballina/Byron + Airport	[REDACTED]	As per CAP
Saturday 23/11/2024	12:00pm to 5:00pm - OT		[REDACTED]	As per CAP
Saturday 23/11/2024	8:00pm to 12:00am	Byron Bay	[REDACTED]	As per CAP
Saturday 23/11/2024	8:00pm to 2:00am + 30 Min Meal Break - OT	Byron Bay	[REDACTED]	As per CAP
Sunday 24/11/2024	10:00pm to 2:00pm	Ballina Airport	[REDACTED]	As per CAP

Lead Inspector TBA

Date	Time	Location	Officers	Tasking+
Friday 22/11/2024	11:00am to 5:00pm +30 Min Meal break	Ballina/Byron + Airport		As per CAP
Friday 22/11/2024	11:00am to 5:00pm +30 Min Meal break	Byron Bay area		As per CAP
Friday 22/11/2024	8:00pm to 2:00am + 30 Min Meal Break - O	Byron Bay		As per CAP
Friday 22/11/2024	8:00pm to 2:00am + 30 Min Meal Break - OT Covet	Byron Bay		As per CAP
Saturday 23/11/2024	12:00pm to 5:00pm - OT	Ballina/Byron + Airport		As per CAP
Saturday 23/11/2024	12:00pm to 5:00pm - OT			As per CAP
Saturday 23/11/2024	8:00pm to 2:00am	ByronBay		As per CAP
Saturday 23/11/2024	8:00pm to 2:00am + 30 Min Meal Break - OT	ByronBay		As per CAP
Sunday 24/11/2024	10:00pm to 2:00pm	Ballina Airport		As per CAP

### 3.3. Locations of Interest

Byron Schoolies 2024 will focus on TSPs and BSPs in the area surrounding Byron Bay and Tweed Coast areas (including Ballina airport and surrounds) This CAP will also focus on Lismore secure rank due to proximity to location. Various active licensed premises are circled on the below map. Each venue has scheduled activities each night of the schoolies 3 weeks.

Secure rank inspections are to be recorded in the IAuditor Mobile application and any issues reported to the Lead Inspector at weekly debrief or raised immediately if of significant concern.



## Orange – The Railway Hotel



**Secure Ranks** - Below are the locations of the Secure Ranks within the township of Byron Bay and Lismore

**Jonson Street Byron Bay - Start 11pm**



Woodlark Street x Keen Street Lismore Fridays 10:30pm – 03:00am Saturdays 10:30pm – 4:00am



This activity will detect the following:

- *Security Officer have arrived 15 minutes early to commence shift*
- *Security officers are to be always wearing a distinctive safety vest with the words "Taxi Security" clearly labelled on the back of the vest*
- *Security Officers are to be wearing a full clean and pressed security uniform at all times*
- *Security Officers are displaying their NSW Security Licence*
- *Security officers are carrying a fluorescent wand, torch, cones, a functioning mobile phone and security logbook/device and wet weather gear at all times whilst providing taxi rank security (Security Officers are expected to utilise hand wands to guide taxi drivers)*
- *Security officers whilst on a break or using bathroom facilities are ensuring their Hi Vis vests are removed and stored appropriately. Hi Vis vests should be worn again when recommencing duties*
- *Whilst on duty, Security Officers are not smoking in any capacity*
- *Polite and professional language is being used at all times*
- *Rank is clear of rubbish*
- *Security Officers are ensuring they are actively watching for drunken / disorderly behaviour*
- *Passengers are queuing in an orderly manner and do not allow passengers to cut into the queue. The only time passengers can change their position in the queue is when the Security rank Supervisor organises multiple hiring for a taxi*
- *Security Officers are remaining onsite for the duration of their shift and are not leaving the site until their shift has finished. **Site is to be manned for the entire duration of the shift with no exceptions.***

#### **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 Lead Inspector.

Given this is a regional compliance activity, fatigue management is paramount and is the responsibility of all Inspectors; not only for themselves. Activities may be adjusted to allow



for fatigue management or for altering conditions/activities at the site as advised by the Lead Inspector.

#### **4.2. Dress & Equipment**

All Inspectors will ensure they have their Authorisation ID Card, Hi-Vis Vest, Official Notebook, Mobile Phone, Body Worn Camera and Two-Way Radio on them at all times during the Compliance Activity. Any covert activities are to be discussed with the Lead Inspector and subject to approval. Clothing work by Inspectors needs to meet WHS safety guidelines and be respectable. Whilst working covert activities, Inspectors will have Authorisation ID Card, Official Notebook and Mobile phone in their possession at all times

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 21 November 2024 and each Friday of the CAP as well as 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 weekly assessment and de-briefing will occur each Monday post activities at a time to be set.

A full de-briefing will occur on Monday 11 December 2024 at a time to be set.

#### **4.5. Activity Reports**

The Lead Inspector will obtain all relevant activity outcomes from the teams in preparation for the de-briefing with the Regional Manager.

#### **4.6. Medical**

If any injury occurs, the Lead 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 Lead 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' Official Notebook:
  - Date and time of the alleged offence
  - Drivers 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 Lead 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, so as 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 Lead Inspector of the number and type of offences detected during the activity. All statistics for non-compliance are to be entered into the Report Spreadsheet prior to the completion of the shift. If this is unable to be conducted, the Inspector must report statistics to the Lead Inspector at earliest convenience. All matters where a potential contravention of the legislation is detected should be detailed fully in the Inspector's Official 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 Lead Inspector. Where it is identified that a notice might be appropriate this must be discussed with the Lead Inspector in the first instance prior to issue.



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

All Cases for this CAP are to be associated with the Parent Case of **C-0182396** on Salesforce..

#### **4.9. Media and Professional Conduct**

During this compliance activity, Inspectors will report any media attention immediately to the Lead 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 Transport for NSW.

#### **4.10. Liaison**

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

#### **4.11. Risk Assessment**

A risk assessment will be conducted by the Lead Inspector upon arrival at the target 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 Lead Inspector will direct the activity to take place at another location or alternate date.

### **5. Communications**

#### **5.1. Contacts**

Lead Inspector – As per schedule and roster

Manager – [REDACTED]

Senior Manager – [REDACTED] [REDACTED]

#### **5.2. Central Activity Locations**

Township of Byron Bay/Ballina/Tweed Coast/Lismore/Kingscliff

#### **5.3. Communications**

The Lead 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 Lead Inspector. The activity is intelligence based and the targeted areas may be altered to suit subject to approval.