



Point to Point
Transport Commissioner

Sensitive: NSW Government

COMPLIANCE ACTIVITY PLAN

XMAS / NYE - 2024



OPERATION SAFE
P2P Transport Commission

21 Nov 2024 – 1 Jan 2025

Salesforce Parent Case: C-0248119

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1. Situation

1.1. General Information

This compliance operation forms part of the P2P strategy aimed at improving compliance with the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016* (the **Act**), the *Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017* (the **Regulation**) during the lead up to New Years Eve being performed between 21st November 2024 and 1st January 2025.

The CAP will predominantly concentrate on contraventions of (the Act) and (the Regulation) by passenger vehicles operating during the event with a focus on the following:

- Driver of taxi to accept hiring.
- Operation of fare calculation device by taxi driver.
- Drivers of hire vehicles, stop, standing or queuing in a taxi zone.
- Taxi drivers not ensuring that their driver's identity document is displayed.
- Hire vehicle drivers not ensuring a retroreflective sign is displayed on or attached to the hire vehicle.
- Hire vehicles and taxi-cabs - no touting or soliciting for passengers or the hiring of a vehicle or plying or standing for hire.
- Observing if the driver of a motor vehicle being used for a passenger service takes reasonable care that his or her own acts or omissions do not adversely affect the health and safety of other persons.

1.2. Background and Legislation

The purpose of the operation is to inspect taxis and hire vehicles and observe driver behaviour to ensure compliance relating to the *Point to Point Transport (Taxis and Hire Vehicles) Act* and *Regulation*.

Drivers of passenger vehicles are known to attempt to gain advantage by circumventing the legislative requirements. Such breaches may include:

Section 76 Fares orders

(1) TfNSW may, by order published on the NSW legislation website (a fares order), determine the following for all or any of the services provided by 1 or more passenger services—

- (a) the maximum fares for the service or services,
- (b) specified maximum fares or classes of fares for the service or services.

(2) TfNSW may have regard to any recommendation of IPART under this Part when making a fares order.

(3) A fares order may specify a fare or specify the manner in which a fare is to be calculated.

(4) A fares order may also approve other arrangements for remuneration in connection with the service.

(5) 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 77 – Driver of taxi to accept hiring

- (1) The driver of a taxi that is available for hire must accept a hiring immediately when offered.
- (2) However, the driver of a taxi may refuse to accept a hiring in any of the following circumstances:
 - (a) if acceptance would result in a breach of the Road Rules 2014,
 - (b) in the case of a driver who is proceeding to a destination for the purpose of terminating a driving shift, if the intending passenger indicates that he or she wishes to be taken to a location that is not on the way to that destination,
 - (c) if the intending passenger indicates that he or she wishes to be taken to a location that is outside the taxi's area of operation,
 - (d) if the intending passenger is smoking, or drinking alcohol, and refuses to stop doing so,
 - (e) if the intending passenger is a person who is, or who is carrying a thing that is, likely to soil or damage the taxi or the clothing or luggage of other passengers, or to otherwise cause inconvenience, a nuisance or annoyance to other passengers or to the driver,
 - (f) if one of the intending passengers is under the age of 1 year and neither the driver of the taxi nor any other intending passenger is carrying a child restraint that complies with the applicable requirements of rule 266 of the Road Rules 2014,
 - (g) if the intending passenger cannot, on request, satisfy the driver that the person is able to pay the estimated fare,
 - (h) if the intending passenger, on request in accordance with clause 56, refuses to pay the deposit in accordance with that clause.

Clause 56 - Pre-payment scheme for taxi fares

- (1) The pre-payment scheme set out in this clause does not apply to a hiring that results from a booking.
- (2) The driver of a taxi may, before a hiring starts or at any time during a hiring, require the hirer to pay a deposit of not more than an amount equal to the driver's reasonable estimate of the authorised fare for the proposed journey or the agreed fare (if the driver and passenger have agreed the fare is to be less than the authorised fare).
- (3) A driver who receives payment of a deposit under this clause must, on the request of the hirer, give the hirer a receipt for the deposit.
- (4) A driver who receives payment of a deposit based on an estimate of the authorised fare under this clause must, on the termination of the hiring (or on the hirer leaving the taxi in compliance with a direction to do so), refund to the hirer any amount by which the deposit exceeds the authorised fare for the journey.
- (5) After the termination of a hiring (or on leaving the taxi in compliance with a direction to do so), a hirer who paid a deposit based on an estimate of the authorised fare under this clause must pay to the driver of the taxi the amount (if any) by which the authorised fare exceeds the deposit.

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, and
 - (b) as soon as the taxi is hired, must start the device, and
 - (c) during any hiring, must keep the device running, and
 - (d) during any hiring, must stop the device for as long as may be necessary to prevent it from registering a charge in any period during which—
 - (i) a hirer is paying the fare for his or her hire and getting out of the taxi, or
 - (ii) the taxi is delayed because of any shortage of fuel or any accident to the tyres mechanism or any other portion of the taxi, or
 - (iii) the taxi is delayed for any reason that may be prevented by the driver.

1.3. Resources

The compliance activity team will comprise of members of the Compliance Team.

2. Mission

- To detect breaches of the Legislation with the focus on breaches of Point to Point Transport legislation

Execution

2.1. General Outline

The operation will be conducted as outlined in the attached annexure.

All personnel involved in the operation will perform duties in pairs and will be dressed in full P2P uniform or casual attire as required.

During the operation, inspectors that detect an offence and wish to further question the driver in relation to the breach must ensure a “caution” is provided to the driver before asking questions and advise the driver that giving false or misleading information to an Authorised Officer is a serious offence.

While conducting the operation, inspectors should take the following steps to ensure that procedural fairness is afforded to any driver in breach, and to ensure there can be no accusation of ‘entrapment’ on the part of P2P which may render evidence in prosecution liable to be excluded as inadmissible under ss.135 to 138 of the Evidence Act 1995.

1. Inspectors must announce their office and produce their P2P Authorised Officers’ identification and badge. Officers must ask the driver to produce their driver’s licence and their driver identity document issued to them by the Taxi Service Provider if the driver is driving a taxi at the time.

Clause 71 - Driver to provide driver licence for inspection

- (1) If an authorised officer requests a driver of a passenger vehicle to produce the driver’s driver licence, the driver must—
- (a) hand the driver’s driver licence to the authorised officer for inspection, or
 - (b) display the driver’s digital driver licence.

driver includes a person who—

- (a) is occupying the driver seat of a vehicle that is on a road or road related area, or
- (b) is otherwise apparently in charge of such a vehicle.

Note: This clause applies to all drivers of passenger vehicles, irrespective of whether the vehicle is hired or not available for hire.

2. The following information should then be recorded in the Inspectors contemporaneous notebook as soon as practical after, a conversation or observation has taken place
 - Date and time of the alleged offence
 - Drivers name and D.O.B
 - NSW Driver Licence Number
 - The type of vehicle;
 - The make and model of vehicle if possible;
 - The registration plate of the vehicle;
 - Any other identifying features
 - Conversation held with the driver in the first person ('he said/she said'),
 - Destination and fare quoted for transport.
3. Inspectors should then advise the driver they may receive a penalty notice in the mail for the breach or be contacted to provide additional information.
4. Corroborating Inspectors 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.

The times and conditions of the shift may only be adjusted with the approval of the Lead Inspector. This compliance activity is intelligence based and the targeted areas may be changed to accommodate any new information obtained.

3. Administration & Logistics

3.1. Work Health & Safety

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

Inspectors are to ensure they remain well hydrated.

Should any changes arise during the activity that may warrant reconsideration of this situation this should firstly be discussed with the Lead Inspector.

3.2. Dress & Equipment

All Inspectors will ensure they wear their Hi-Vis Vest during the operation (if required) and have their Authorisation ID Card (Badge), Official Notebook, Mobile Phone, Two-Way Radio and also have their body worn camera on them at all times.

3.3. Briefings

A briefing will occur at the commencement of every shift at the Rozelle Office, [REDACTED] Road ROZELLE [REDACTED] as outlined above in 2.1 and 2.2 Group Details & Schedule.

3.4. De-Briefing

A de-briefing will occur on the first Monday after the completion of the CAP with the Senior Manager or Manager – Inspections (Metro) –via Teams.

3.5. Activity Reports

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

3.6. 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 center's or Hospital. The Senior Manager should be notified ASAP of any injury occurring to any team member.

3.7. Meals

A 30 minute meal break will be taken during the shift only if the working hours exceed 5 hours.

3.8. Enforcement Action

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 Officer will advise the owner of the vehicle / driver of the breach and inform them that he/she is required to comply with legislation.

At the conclusion of the activity each officer 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.

Before follow up action is taken, participating inspectors will attend the debrief (refer 3.4) to discuss and determine which offences that have been detected during the activity that require follow up action including the issuing of Improvement / Prohibition/ Penalty Notices or prosecution. It is the responsibility of the identifying inspector unless otherwise directed by the Senior Manager to complete the follow-up action as required.

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

3.9. 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 TfNSW.

3.10. Liaison

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

3.11. Risk Assessment

The Lead 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.

Managing the risk of COVID-19

All Inspectors must:

1. Comply with at all times 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. Where social distancing of 1.5 meters is not practicable, a mask must be worn by all P2P Inspectors.
5. Raise any concerns about the risk of contracting COVID-19 immediately with the Senior Inspector.
6. Monitor the extent of COVID-19 in the CBD area 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:

- 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.

Communications

3.12. Contacts

Manager–Inspections (Metro) [REDACTED]

Senior Manager – [REDACTED]

3.13. Central Activity Locations

Sydney Airport + CBD

3.14. Communications

The Lead Inspector will keep the Senior Manager - Inspections updated throughout the compliance activity.

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 changed to accommodate any new information obtained. Mobile phones and two-way radios must be utilised throughout this CAP if issued.