



**Regulation Review Committee
Parliament of New South Wales**

**Report on regulatory controls
relating to
taxi-cab child restraints**

**Report No 19/51
January 1999**

28 JAN 1999

Regulation Review Committee

Members:

Mr D Shedden MP (Chairman)
Ms D Beamer MP
Mr R Harrison MP
Dr E Kernohan MP
Mr P Lynch MP
Mr R Oakeshott MP
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Hon J Saffin MLC (Vice Chairman)
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Chairman's Foreword

This report usefully clarifies the current regulatory controls applying to child restraints in taxis and makes various recommendations relating to their future operation. There have been a number of changes to the regulations over several years, giving rise to concerns from the industry, interest groups and parents. The report sets out the current position relating to the availability of taxis with child restraints, driver training, on-going compliance, cleanliness of child restraints, liability and research.

The Minister has advised the Committee that New South Wales currently leads Australia in providing for the safe carriage of children in motor vehicles, with requirements that all children under the age of 14 be suitably restrained.

To ensure that the taxi industry complies with these provisions, it is essential that taxi operators and drivers understand their obligations and taxi drivers are familiar with the correct installation and use of the child restraints they carry in their vehicles.

If they are aware of the taxi industry's obligations to provide clean, correctly-fitted child restraints for infants, parents can help ensure that high standards of service are maintained.

Doug Shedden MP
Chairman
Regulation Review Committee

1 Introduction

The objective of this report is to:

- summarise the current regulations applying to child restraints in taxis;
- identify the concerns of relevant interest groups in regard to the operation of those regulations; and
- make certain recommendations to the Minister in the interests of promoting the more effective operation of the regulatory scheme.

2 Motor Traffic Amendment (Taxi-cab child restraints) Regulation 1996¹

This regulation came into force on 10 October 1996 and removed an exemption for taxi-cabs from the requirement to provide child restraints for children under one year of age. Clause 110GA of the Motor Traffic Regulations 1935 requires a child under one to be suitably restrained if travelling in a vehicle equipped with a child restraint anchorage. The child restraint must conform to standard AS 1754 of the Standards Association of Australia and be suitable for the child's age, weight or height.

Children aged one to 14 years travelling in motor vehicles must be restrained by a suitable child restraint which is properly adjusted and securely fastened. A suitable child restraint can be a seat belt, but only if the child concerned is not under the age of 1 year (clause 110G, Motor Traffic Regulations 1935).

3 Briefing of the Committee by the RTA, the NSW Taxi Council and Kidsafe NSW

On 30 September 1996 the Minister for Roads provided the Committee with the following details relating to the availability of child restraints in taxis:

The Department of Transport and the Roads and Traffic Authority (RTA) have been working with the taxi industry to ensure that as of 1 October 1996 child restraints will be available for use in taxis.

The RTA has provided child restraint anchorage bolts to all taxis in NSW so that all

Annexure 1

taxis are able to take all styles of Australian Standard child restraints.

The NSW Taxi Council has agreed that the most appropriate system for provision of child restraints will be to have a fleet of station wagons which permanently carry the restraints. Parents will then be able to book these taxis in advance. The taxi companies will be responsible for purchasing the restraints.

In terms of monitoring, the RTA will continue to monitor crash and seat belt/child restraint offence data from taxis, and carry out observational surveys of restraint use in taxis.

After the exemption was lifted in October 1996, the Committee became aware of a number of community and industry concerns which suggested that there were serious problems in the practical application of the regulation. The concerns centred around:

- the appropriateness of restraints for the age of the infant and their correct installation in taxis;
- the cleanliness and hygiene of capsules;
- the practical difficulties drivers had when carrying capsules or picking up capsules from a central location; and
- problems parents experienced trying to hail or book taxis with child restraints.

The Committee wrote to the Minister, passing on these concerns and requesting that a cost/benefit analysis of the regulation be made and an investigation conducted into the various options available to resolve the problems, including driver compliance.

The Minister for Roads, in his reply of 3 February 1997, said:

I have asked the RTA to seek a more permanent solution to the safe travel of children and infants in taxis. The RTA has commenced a project to assist the development of adult seats incorporating integrated foldaway child restraints. Such devices are already available in some overseas markets (for example North America), however, further development is needed to ensure compliance with the much higher safety requirements of the Australian Standard for child restraints.

On 18 June 1997 the Committee wrote to the Staysafe Committee asking it to inquire into the operation of the regulation including both the safety aspects of it and any related issues of its practicality and hygiene including the issue of whether child restraint protection should be extended to children above the age of one year. Because the Staysafe Committee was not in a position to convene an inquiry in the short term, its Chairman suggested the Regulation Review Committee continue with its examination of the regulation's operation.

At a meeting on 16 October 1997 the Committee resolved to request the Minister for Roads and the NSW Taxi Council to nominate representatives to speak with the Committee about the working of the regulation and any new developments that might be under consideration.

The briefing was held on Thursday 4 June 1998 at Parliament House. The Roads and Traffic Authority of NSW was represented by Mr James Holgate, Manager, Road Environment and Vehicle Safety, the NSW Taxi Council was represented by Mr Howard Harrison, Assistant Executive Officer and Mrs Chris Gowdie, Executive Officer, represented Kidsafe NSW. Mr Colin Markham MP and Mr Ian Faulks, Director of Staysafe, were in attendance.

Mr Holgate informed the Committee of the initiatives undertaken by the Authority in the areas of performance improvement, development of standards, education and enforcement of the regulations.

Mr Howard Harrison from the NSW Taxi Council said that the existing system was difficult and impractical. This was significant because Mr Holgate had indicated that the number of children now wearing restraints in taxis had more than doubled since 1994. Some of the considerable problems in providing appropriate child restraints in taxis raised during the briefing were:

1. Restraints:

- Too bulky to carry in sedans;
- Too time-consuming and costly for a driver to pick up from a specific location; and
- Able to accommodate only one baby per trip (thus precluding parents from sharing a cab).

2. Adjustment of restraints

- Correctly installing restraints and adjusting straps can be difficult and time-consuming; and
- Need for driver training in correct fitment of restraints.

3. Health/ infection issues

- Keeping restraints hygienic.

4. Availability of taxis with child restraints appropriate for under-one year olds

- Considerable delays or no-shows when parents book taxis; and
- Difficult to hail a cab with suitable restraints from the roadside.

5. Lap-only belts

- Cause more abdominal injuries than lap/sash belts, raising concerns over their continuing suitability as restraints in taxis for children over one year of age.

6. Liability

- Could a parent successfully sue a taxi driver for injuries to a child arising from an accident where the belt was not properly adjusted?

7. Cost/ benefit analysis

- Commercial viability of inbuilt, convertible restraints (seen by the Taxi Council

and Kidsafe as providing a solution to most problems)

- Has the RTA undertaken a cost/benefit analysis of the provision of child restraints by the taxi industry?

8. Research

- Are figures available on the number of children killed or injured since October 1996 while travelling in taxis as well as comparable figures compiled when child restraints were not compulsory?
- What is the position in other Australian states, the United Kingdom and the United States of America with regard to the use of child restraints in taxis?

4 Passenger Transport (Taxi-cab services) Amendment Regulation 1998²

As from 31 July 1998 each taxi-cab network authority must ensure that between the hours of 8am and 6pm (except on a Saturday and Sunday) at least one taxi-cab out of every ten carries the child restraint specified in the regulation; that is, a child restraint that complies with the requirements of the Australian/New Zealand Standard entitled *Child restraint systems for use in motor vehicles* and numbered AS/NZS 1754:1995, as published in 1995 by Standards Australia and Standards New Zealand, for both a type A1 and a type B child restraint³.

This regulation was gazetted on 26 June 1998 and came into effect on 1 July 1998. It was not referred to by Mr Holgate from the RTA during the briefing he gave the Committee. Mr Holgate subsequently advised the Committee that he was totally unaware of the proposal until Mr Philip Simpson, Manager, Operational Policy and Regulation, NSW Department of Transport, rang him to seek advice on a definitional issue connected with the regulation. Mr Howard Harrison, Assistant Executive Officer, NSW Taxi Council, said he also was unaware of the proposal at the date of the Parliamentary briefing.

It appears that Mr Simpson, from the Department of Transport, had the carriage of preparing the regulation in association with the Parliamentary Counsel. He told the Director of the Committee's Secretariat that the regulation had been discussed with Mr Kermode, President of the Taxi Council, and that Mr Kermode had said there were no problems arising from the regulation. Mr Simpson said that the major taxi networks were already meeting the requirements of the regulation with between 10% and 12% of their fleet carrying the approved capsules. He said the regulation's main impact would fall on

² Annexure 2

³ A type A1 restraint is rearward-facing with a harness or other means of retaining the occupant, suitable for infants who weigh up to 9 kg and measure up to 700mm when supine. A type B restraint is a forward-facing chair with harness, suitable for children who weigh 8-18 kg.

the smaller carriers who were carrying insufficient child restraints.

On 24 July 1998 the Chairman of the Regulation Review Committee wrote to the Minister expressing his concern that the RTA officer selected to brief the Committee was not even aware of the regulatory proposal going forward elsewhere in the administration. The Chairman said that it was also unclear whether there was sufficient consultation with the Taxi Council in view of the critical comments made of the current arrangement by Mr Harrison, its Assistant Executive Officer.

The Chairman in his letter asked the Minister to arrange for either the Department of Transport or the RTA to prepare a detailed statement addressing each of the issues that had been raised during the briefing and to outline any proposed action in respect of them.

5 Response of the Minister for Transport and Roads to issues raised by the Committee⁴

5.1 Introduction

The Minister provided the following introductory comments:

The RTA found that over a period of ten years there had been an average of one injury a year sustained by children under one year of age travelling in taxis.

Moreover, a study by Dr Michael Henderson, a road safety expert, found that 68% of children in the study who were unrestrained suffered an injury rated as moderate or worse, compared with 18% of children using restraints. In other words, children are three times more likely to suffer serious injury if they are not fitted into a child restraint.

In May 1987, the Government announced that all metropolitan taxis would be required to have anchorage systems for child restraints to allow parents to use their own child restraint. The Department of Motor Transport supplied the taxi industry with anchorages to equip every taxi in Sydney, Newcastle and Wollongong.

From March 1988 it became mandatory that children in private motor vehicles must travel in a child restraint. There was an exemption for children travelling in taxis and this was intended to last until an equitable solution could be found and the practical problems associated with the availability of suitable child restraints in taxis were resolved.

The RTA had the Motor Traffic Regulations 1935 amended in 1996 to remove the child restraint exemption for taxis. This was endorsed by the NRMA, the Motor Accidents Authority, the Children's Hospital and the Child Accident Prevention Foundation of

⁴ Letter dated 2 December 1998 and attachment

Australia (Kidsafe).

In order to reduce waiting times and to facilitate the use of taxis by parents with children without access to their own child restraint, it is now a regulatory requirement that at least 10% of a taxi network's fleet must carry a child restraint.

5.2 Availability of taxis with child restraints

Minister's response:

The taxi networks in Sydney currently exceed the 10% fleet requirement as imposed by the regulation ie 526 or 12% of the fleet are equipped with child restraints. In addition, the availability of child restraints in taxis will increase as the recently announced wheelchair accessible taxis come on line. Over the next twenty months there will be 400 additional taxis carrying child restraints.

Initially it was agreed between the Department of Transport and the NSW Taxi Council that in order to address demand for service for child restraints the majority of restraints would be carried in taxis that were station wagons. Whilst the 10% average was achieved a number of the taxi networks indicated that they were willing to provide a quality customer service by ensuring that a higher percentage of their fleet carried child restraints.

Comment of Regulation Review Committee:

In her evidence to the Committee in the June 1998 briefing Ms Gowdie of Kidsafe NSW said that her organisation had received complaints from parents "that when they do book, the wait is unconscionably long, or that the taxi fails to arrive at all". This comment was referring to the situation before the introduction of the 10% fleet requirement.

In order to ensure the ready availability of taxis carrying appropriate restraints, the Department might raise public awareness and expectations of the service, by advertising it in Baby Health and Child Care Centres and on the RTA internet site, together with the Taxi Hotline number should parents be dissatisfied with the service they receive.

5.3 Consultation with the taxi industry

Minister's response:

Senior staff with the Department of Transport undertook discussions with the NSW Taxi Council in respect of the proposed review of the Passenger Transport Act 1990. One of the proposals was to make amendments allowing standards to be prescribed for taxi networks in regard to the safety of passengers. These amendments commenced on 1 September 1997.

In May 1998 the Minister for Transport approved a regulatory amendment requiring every network to have at least 10% of their vehicles so equipped. For those taxi networks which have less than ten taxis in their fleet (eg in regional NSW) the regulations were amended to provide for at least one taxi in the fleet to be equipped with a child restraint.

As noted in your letter, Mr R Kermode of the Taxi Council and Mr J Holgate of the Authority were consulted in the ensuing month or two by the Department and the regulatory amendment took effect from 31 July 1998. As president of the Taxi Council, Mr Kermode is regularly consulted on a wide range of significant matters affecting the taxi industry. Mr Harrison, on the other hand, is a quite recent appointment to the staff of the NSW Taxi Council and was not consulted on this issue.

5.4 Types of restraints

Minister's response:

The regulatory amendments to the Passenger Transport Act in 1998 gazetted the type of restraint to be used. The regulations define a child restraint as being a child restraint that complies with the requirements of the Australian/New Zealand Standard called "Child Restraint Systems for use in Motor Vehicles" and numbered AS/NZ 1754:1995, as published in 1995 by Standards Australia and Standards New Zealand, for both a Type A1 and a Type B child restraint.

This means that the type of child restraints installed in taxis are designed to enable children up to 18 kilograms or approximately 4 years old to be carried restrained. This restraint is designed so that children under the age of six months are carried whilst lying down and facing the rear of the vehicle. For children older than six months of age the restraint is designed so that the child can sit in the restraint facing the front of the vehicle.

5.5 Driver training

Minister's response:

As a result of on-going monitoring of service provision the Department of Transport is conscious of the need for on-going training to ensure that operators and drivers are aware of their obligations.

In this regard the Minister for Transport wrote to the NSW Taxi Council to establish an arrangement whereby the drivers and operators are trained to an appropriate standard so as to ensure that they understand their obligations to the travelling public.

The Minister also directed that training be included in the operator accreditation course for new operators.

In the interim, the Department of Transport will reinforce to the networks their

obligations to monitor drivers and operators of the relevant standards. The Department has formally notified the networks of their obligations and the required reporting arrangements to address this.

Comment of the Regulation Review Committee:

Restraints are carried in the luggage compartment of vehicles until required. It is therefore vital that taxi drivers are familiar with the correct procedure for installing and adjusting the child restraints they carry. Parents may not own a child restraint themselves or may have had their restraint fitted at an RTA approved Safety Restraint Fitting Station and so be unfamiliar with the process.

5.6 On-going compliance

Minister's response:

To ensure on-going compliance the Department of Transport is developing new performance standards for taxi networks. Performance monitoring was established as a result of regulatory amendments in 1996. The standards will include performance standards relating to child restraints in taxis with appropriate penalties for non-compliance. It is anticipated that these draft standards will be circulated to the industry for comment during November 1998.

It should be noted that during the period 6 August to 26 September 1998 the Department received a total of three complaints relating to child restraints in taxis in Sydney.

Comment of the Regulation Review Committee:

Parties with the most interest in monitoring compliance are parents and carers, who can ring the Taxi Hotline operated by the Department if they are dissatisfied with the installation or condition of a child restraint. The Hotline number is given in the Taxi Users Charter of Rights, which each taxi should display. They will need to state the taxi's number plate, the driver's number, the network and the time and date of the journey.

Information about the obligations of the taxi industry for the provision of child restraints could be included in the RTA internet site and in any pamphlets or brochures about infant restraints and child seat belt use.

5.7 Cleanliness of child restraints

Minister's response:

The responsibility for the cleanliness of child restraints rests with the operator. Any complaints regarding this issue are dealt with by the network and followed up by the

Comment of the Regulation Review Committee:

During the Committee's briefing Mr Howard Harrison from the NSW Taxi Council stated that keeping child restraints clean is a major concern for taxi operators. Ensuring that a child restraint is clean and intact could be part of the routine maintenance check list for those taxis carrying restraints. Under the provisions of clause 40 (6) of the Passenger Transport (Taxi-Cab Services) Regulation 1995, a taxi driver is entitled to collect a cleaning fee, equivalent to one hour of the waiting time fee, from a passenger responsible for soiling a taxi-cab.

5.8 Lap-only belts

Minister's response:

The RTA has advised that it is important that all children over 12 months of age should be restrained in a motor vehicle. They have indicated that whilst a lap/sash seatbelt is safer than a lap-only belt, both are safer than no seat belt. The RTA has further indicated that the safest seat for a child to sit in a motor vehicle is the middle passenger seat.

5.9 Liability

Minister's response:

The RTA has indicated that the issue of liability is quite complex. The RTA has indicated that they have not sought legal advice from the Crown Solicitor on this matter, as liability is dependent on the circumstances of each situation. The actions of drivers, parents, other road users, and others may impact differently on the situation.

The Department of Transport and the RTA believe that parents need to take some responsibility for oversighting drivers in the installation and monitoring of child restraints. Should any parent experience difficulties with a driver undertaking these tasks they should lodge a complaint with the Taxi Hotline operated by the Department. These complaints will enable the Department of Transport to monitor this aspect of service provision and follow up on training deficiencies.

The Taxi Hotline telephone number is 1 800 648 478 and is staffed Monday to Friday between 7:00 am — 9:00 pm. Outside of these hours a message service operates.

Comment of Regulation Review Committee

In a radio interview with Mr Alan Jones on 29 September 1998 the Minister for Transport, Mr Carl Scully, stated that, although he expected drivers to have some

knowledge about securing babies in restraints, “at the end of the day it is a parental matter... and that’s got to be given greater weight”.

The Committee agrees that in most cases a parent would be responsible for placing the infant in a restraint and ensuring that the harness straps were appropriately adjusted, but lack of familiarity with a particular model of restraint may mean that the parent has to rely on the expertise of the taxi driver, particularly with regard to installation.

Clause 110G of the Motor Traffic Regulations 1935 requires a driver to ensure that a child passenger is restrained by a suitable child restraint⁵ which is properly adjusted and securely fastened. Clause 110GA requires that all children under the age of 12 months travelling in vehicles fitted with child restraint anchorage points be provided with approved safety restraints suitable for their age. This seems to imply that there is a residual obligation on taxi drivers to take responsibility for the installation and adjustment of appropriate child restraints.

Although the legal issues in a particular case might be complex, the Crown Solicitor may still be able to provide some general guidance on the responsibilities arising under the regulations. The Minister should arrange for his department to take the matter up with the Crown Solicitor so as to be in a better position to advise the public and the taxi industry as to their respective obligations.

5.10 Cost benefit analysis

Minister’s response:

The RTA has indicated that there is no commercially available integrated child restraint integrated in a seat back, as it is not currently commercially viable to manufacture.

The RTA is aware that a number of manufacturers have examined the feasibility for the design and construction of an integrated child restraint in a seat back. The manufacture of such an item will be dependent on commercial viability primarily in motor vehicles generally and not taxis specifically. Should a formal proposal be received from a manufacturer the RTA will assist facilitate standard and regulation changes to enable these items to be used.

The Minister for Transport has requested that the Taxi Advisory Committee examine the feasibility of the construction and manufacture of a vehicle designed for taxi-specific uses. The design of an integrated child restraint may be incorporated in these standards.

⁵ “Suitable child restraint” can mean a seat belt, but only if the child concerned is not under the age of 1 year.

5.11 Research

Minister's response:

New South Wales is the leader with regard to having children appropriately restrained in a motor vehicle. Research indicates that children are safe, if restrained.

A comparison of data in America indicates that in 1997 two children were killed in taxis as a result of improper use of child restraints. In comparison a total of 33 children out of 604 motor vehicle deaths were killed in the same period for improper use of child restraints.

Data from other Australian states and territories are currently not available. However a request has been made for this comparative data.

Comment of the Regulation Review Committee:

Inquiries by the Committee indicate that no other Australian state makes provision for children under one year of age to be appropriately restrained while travelling in a taxi. The RTA might compare NSW accident statistics for children travelling in taxis with those of other states for use in a cost/benefit analysis of child restraint use.

Motor Traffic Amendment (Taxi-cab child restraints) Regulation 1996

under the

Traffic Act 1909

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Traffic Act 1909*.

MICHAEL KNIGHT, MP
Minister for Roads

Explanatory note

The object of this Regulation is to remove an exemption for taxi-cabs from the requirement to provide child restraints for children under one year of age.

This Regulation is made under the *Traffic Act 1909*, including section 3 (the general regulation-making power, in particular, section 3 (1) (a), (i), (q) and (u)).

Clause 1 Motor Traffic Amendment (Taxi-cab child restraints) Regulation 1996

Motor Traffic Amendment (Taxi-cab child restraints) Regulation 1996

1 Name of Regulation

This Regulation is the *Motor Traffic Amendment (Taxi-cab child restraints) Regulation 1996*.

2 Commencement

This Regulation commences on 1 October 1996.

3 Amendment of Motor Traffic Regulations 1935

The *Motor Traffic Regulations 1935* are amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment of Motor Traffic Regulations 1935

(Clause 3)

[1] Regulation 110GA Children under 1 year must be suitably restrained

Omit "Regulation 110G; or" from Regulation 110GA (2) (b).
Insert instead "Regulation 110G."

[2] Regulation 110GA (2) (c)

Omit the paragraph.

Passenger Transport (Taxi-cab Services) Amendment Regulation 1998

under the

Passenger Transport Act 1990

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Passenger Transport Act 1990*.

CARL SCULLY, M.P.,
Minister for Transport

Explanatory note

The objects of this Regulation are as follows:

- (a) to require certain taxi-cabs to be fitted with security screens (Schedule 1 [1]),
- (b) to provide that the holder of a taxi-cab network authority must ensure that a specified number of taxi-cabs using the network's booking service during certain hours are capable of being fitted with and carry certain child restraints (Schedule 1 [2]),
- (c) to change (from 1 July 1998 to 1 July 1999) the date by which taxi-cabs are to be painted in their radio network colours (Schedule 1 [3]),
- (d) to create offences in relation to the use of advertisements within or on the outside of taxi-cabs without the approval of the Director-General and to provide for the issue of penalty notices in respect of the offences (Schedule 1 [4] and [6]),

Passenger Transport (Taxi-cab Services) Amendment Regulation 1998

Explanatory note

-
- (e) to increase (from \$20 to \$100) the fee for an application for an authority as a taxi-cab driver under the *Passenger Transport Act 1990* and to prescribe the fee for the renewal of any such authority (the \$100 fee for an application for accreditation as an operator is not changed) (Schedule 1 [5]).

This Regulation adopts the standards for certain child restraints specified in the Australian/New Zealand Standard *Child restraint systems for use in motor vehicles* numbered AS/NZS 1754:1995.

This Regulation is made under the *Passenger Transport Act 1990*, including sections 11A (Issue and renewal of authority), 41 (Taxi-cab networks) and 63 (the general regulation-making power).

Passenger Transport (Taxi-cab Services) Amendment Regulation 1998 Clause 1

Passenger Transport (Taxi-cab Services) Amendment Regulation 1998

1 Name of Regulation

This Regulation is the *Passenger Transport (Taxi-cab Services) Amendment Regulation 1998*.

2 Commencement

This Regulation commences on 1 July 1998.

3 Amendment of Passenger Transport (Taxi-cab Services) Regulation 1995

The *Passenger Transport (Taxi-cab Services) Regulation 1995* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Passenger Transport (Taxi-cab Services) Amendment Regulation 1998

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 7B

Omit the clause. Insert instead:

7B Security screens

- (1) This clause commences:
 - (a) in relation to taxi-cabs operating within the Metropolitan transport district, on 31 July 1998, and
 - (b) in relation to taxi-cabs operating within:
 - (i) the Newcastle or Wollongong transport district, or
 - (ii) the Gosford or Wyong local government area,on 31 January 1999.
- (2) The operator of a taxi-cab must ensure that the taxi-cab is fitted with an approved driver protection screen.
Maximum penalty: 10 penalty units.
- (3) In this clause, *approved driver protection screen* means a screen that protects the driver of a taxi-cab from attack by other persons in the taxi-cab, being a screen that complies with the requirements established for the time being by the Director-General by order published in the Gazette.

[2] Clause 10A

Insert after clause 10:

10A Certain child restraints to be carried in taxi-cabs

- (1) This clause commences on 31 July 1998.
- (2) For the purposes of section 41 (5) of the Act, subclause (3) is prescribed as a condition to which a taxi-cab network authority is subject.

Passenger Transport (Taxi-cab Services) Amendment Regulation 1998

Amendments

Schedule 1

-
- (3) The holder of a taxi-cab network authority must ensure that between the hours of 8 am and 6 pm on any day that is not a Saturday or Sunday:
- (a) in the case of a taxi-cab network that has less than 10 taxi-cabs using its booking service during those hours—at least one of the taxi-cabs, or
 - (b) in the case of a taxi-cab network that has 10 or more taxi-cabs using its booking service during those hours—at least one taxi-cab out of every 10 taxi-cabs using the service during those hours (disregarding any number less than 10),

is capable of being fitted with and carries a child restraint.

Maximum penalty: 200 penalty units.

- (4) In this clause:

child restraint means a child restraint that complies with the requirements of the Australian/New Zealand Standard entitled *Child restraint systems for use in motor vehicles* and numbered AS/NZS 1754:1995, as published in 1995 by Standards Australia and Standards New Zealand, for both a Type A1 and a Type B child restraint.

taxi-cab network authority has the same meaning as in section 41 of the Act.

[3] **Clause 11A Network decals and livery**

Omit "1 July 1998" from clause 11A (1) (b).

Insert instead "1 July 1999".

[4] **Clause 11B**

Insert after clause 11A:

11B Advertisements within or on outside of taxi-cabs

- (1) The operator of a taxi-cab must not display, affix or install, or permit a person to display, affix or install, any advertisement within or on the outside of the taxi-cab unless the advertisement has been approved by the Director-General.

Maximum penalty: 5 penalty units.

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Passenger Transport (Taxi-cab Services) Amendment Regulation 1998

Schedule 1 Amendments

- (2) The driver of a taxi-cab must not display, affix or install, or permit a person to display, affix or install, any advertisement within or on the outside of the taxi-cab unless the advertisement has been approved by the Director-General.

Maximum penalty: 5 penalty units.

[5] Clause 58

Omit the clause. Insert instead:

58 Fees

- (1) For the purposes of section 11A (1) of the Act, the prescribed fee for the renewal of an authority to drive a taxi-cab is \$45.
- (2) For the purposes of section 15 of the Act, the prescribed fee for consideration of an application is \$100.

[6] Schedule 1 Penalty notice offences

Insert in Part 2 after the matter relating to clause 11 (7):

Clause 11B (1)	taxi operator displays/affixes/ installs advertisement/permits display/affixing/installation of advertisement	\$150
Clause 11B (2)	taxi driver displays/affixes/ installs advertisement/permits display/affixing/installation of advertisement	\$150

**MINUTES OF THE MEETING OF
THE REGULATION REVIEW COMMITTEE
held at Parliament House
on Thursday 19 November 1998 in Room 1136 at 9.30am**

MEMBERS PRESENT: Mr Doug Shedden (Chairman)
 Ms Diane Beamer
 Dr Liz Kernohan
 Hon John Ryan
 Hon Janelle Saffin (Vice Chairman)

APOLOGIES Mr Bob Harrison
 Mr Paul Lynch
 Mr Robert Oakeshott
 Mr Ian Slack-Smith

1. MINUTES

Resolved on the motion of Mr Ryan and seconded by Ms Saffin that the minutes of the meeting held on Thursday 12 November 1998 be taken as read and confirmed.

2. BUSINESS ARISING FROM THE MINUTES

The Project Officer drew the Committee's attention to the introduction of the Sydney Water Catchment Management Bill by the Minister for Urban Affairs and Planning which implements certain of the recommendations of the McLellan Reports.

3. INDUSTRIAL RELATIONS (GENERAL) REGULATION 1996

Mr Ray Modini, Manager, Legal Services Branch, Department of Industrial Relations, addressed the Committee and responded to questions from Members. Secretariat to prepare a report on the discussions for consideration by the Committee as to any further action.

4. CORRESPONDENCE:

- a. Letter dated 26 October, 1998 from the Director General, Attorney General's Department concerning the Technical and Further Education Commission (Student Discipline) Regulation 1994 (Committee Paper No. 2225E).
- b. Letter dated 12 October, 1998 from the Attorney General concerning the Crimes (Detention after Arrest) Regulation 1998. (Committee Paper No. 2817A).
- c. Letter dated 1 October, 1998 from the Premier concerning Fisheries Management (General) Amendment Regulation 1998 (Committee Paper No. 2940A).

- d. Letter dated 19 October, 1998 from the Director General, The Cabinet Office, on behalf of the Premier concerning Competition Policy Reform (New South Wales) Amendment (Waste) Regulation 1998. (Committee Paper No. 2949B).
- e. Letter dated 29 October, 1998 from the Minister for Land and Water Conservation concerning the Conveyancing Amendment (Fees) Regulation 1998; Real Property Amendment (Fees) Regulation 1998; Strata Schemes (Freehold Development) Amendment (Fees) Regulation 1998 and the Strata Schemes (Leasehold Development) Amendment (Fees) Regulation 1998.(Committee Papers No.2957-9 and 3014A).

5. ACTION ARISING FROM THE COMMITTEE'S CONSIDERATION OF THE CORRESPONDENCE

- Resolved on the motion of Ms Saffin and seconded by Dr Kernohan that the Committee reconsider sub-clauses 4(2)(h) and (i) of the Technical and Further Education Commission (Student Discipline) Regulation 1994 when the Law Reform Commission reports on its review of the Anti-Discrimination Act (Committee Paper No. 2225E).
- Resolved on the motion of Dr Kernohan and seconded by Mr Ryan that the Committee write to the Premier recommending that the Government Information Service be required to provide subscribers with copies of special supplements to the Government Gazette on the date they are made (Fisheries Management (General) Amendment Regulation 1998, Committee Paper No. 2940A).

6. CONSIDERATION OF THE FOLLOWING REGULATIONS UNDER THE REGULATION REVIEW ACT 1987:

- a. Swimming Pools Regulation 1998, Government Gazette dated 21 August 1998 at page 6258 (Committee Paper No. 3018). ✓
- b. Wills, Probate and Administration Regulation 1998, Government Gazette dated 28 August 1998 at page 6895 (Committee Paper No. 3022).
- c. Companion Animals Regulation 1998, Government Gazette dated 28 August 1998 at page 6578 (Committee Paper No. 3023).
- d. Australian Museum Trust Regulation 1998, Government Gazette dated 28 August 1998 at page 6533 (Committee Paper No. 3024).
- e. Charitable Fundraising Regulation 1998, Government Gazette dated 28 August 1998 at page 6544 (Committee Paper No. 3025).
- f. Workers' Compensation (Dust Diseases) Regulation 1998, Government Gazette dated 28 August 1998 at page 6890 (Committee Paper No. 3026).
- g. Contaminated Land Management Regulation 1998, Government Gazette dated 21 August 1998 at page 6175 (Committee Paper No. 3027).
- h. Sydney Opera House Trust By-law 1998, Government Gazette dated 28 August 1998 at

page 6932 (Committee Paper 3029).

- i. Children (Protection and Parental Responsibility) Regulation 1997, Government Gazette dated 19 December 1997 at page 10102 (Committee Paper 3028).

7. ACTION ARISING FROM THE COMMITTEE'S CONSIDERATION OF THE REGULATIONS

Resolved on the motion of Dr Kernohan and seconded by Ms Saffin that the Committee write to the Minister for Local Government seeking a response on the issues raised in the fax dated 19/11/98 by the Swimming Pool and Spa Association of NSW Ltd supporting the adoption in the regulation of the most up-to-date standard (AS 1926.1-1993) (Swimming Pools Regulation 1998, Committee Paper No 3018).

Resolved on the motion of Mr Ryan and seconded by Ms Saffin that the Committee write to the Attorney General for advice regarding police record keeping and the time taken to complete the regulatory impact statement (Children (Protection and Parental Responsibility) Regulation 1997, Committee Paper 3028).

8. OTHER BUSINESS

- a. The Committee noted that Mr Don Beck stated in the House that he would refer the issue of permit fees for unregistered farm machinery to the Committee for review.
- b. The Committee noted the report by the Project Officer on his attendance at the Global Commerce Conference.
- c. List of regulations subject to disallowance was distributed to Members.

9. NEXT MEETING

A meeting will be held in December 1998 at a date and time to be advised to deliberate on the OECD report and a further deliberative meeting will be held early in February 1999.

The Chairman closed the meeting at 11am.

Doug Shedden, MP
Chairman, Regulation Review Committee