



Driver Obligations — Taxis and Hire Vehicles



Under 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), drivers of taxis and hire vehicles must take reasonable care for their own health and safety as well as others.

Drivers must also comply, so far as reasonably practicable, with any instruction, safety policy or procedure of a taxi or booking service provider to meet their obligations under the Act. Service providers may also require drivers to provide additional information and participate in checks, as part of their on-boarding procedures and on an on-going basis.

Significant penalties apply for non-compliance and you may face court action or a penalty notice if you do not comply with your obligations.

What obligations apply to all point to point transport drivers?

Safety standards

The Regulation requires that drivers meet certain safety standards relating to their driver licence, medical fitness, competence for certain tasks and criminal and driving history.

- Drivers must have held an unrestricted Australian driver licence for at least 12 months in the preceding two years and meet the medical standards for commercial vehicle drivers.
- Drivers whose most recent driver authority under the *Passenger Transport Act 1990* or the *Passenger Transport Act 2014* was cancelled (other than on medical grounds) or whose most recent application was rejected in the past 10 years on the grounds that the person was not considered to be of good repute, and in all other respects, a fit and proper person to be the driver of a public passenger service, are not eligible to drive a taxi or hire vehicle.
- A person must not drive a taxi or hire vehicle if they have been found guilty of a disqualifying offence.
- Drivers must give written notice to service providers within seven days of any change in circumstance that may impact on their eligibility to drive. For example, changes in health or criminal offences.

See the *Safety Standards for Drivers* and *Disqualifying Offences for Drivers of Taxis or Hire Vehicles* fact sheets for further information.

Smoking

Taxi drivers must not smoke in a taxi at any time. Hire vehicle drivers must not smoke in a hire vehicle when they are available for hire, when they are travelling to pick up passengers or when they are transporting passengers.

Offensive behaviour

Drivers must not behave in an offensive manner in or near their vehicle while it is being used to provide a passenger service. Drivers must also not intentionally interfere, or intentionally attempt to interfere with the comfort and safety of others.

Alcohol

Your Blood Alcohol Concentration (BAC) measures the amount of alcohol you have in your system in grams of alcohol per 100 millilitres of blood. For drivers of passenger vehicles, the limit is under 0.02. This can be reached after just one standard drink, so drivers should not drink any alcohol before driving.

Equipment and vehicle

If a driver knows, or ought to know that a vehicle, or any equipment in the vehicle, does not meet the requirements of the Regulation, then they must not drive the vehicle to provide a passenger service.

A driver must not intentionally damage a vehicle and must not, without good reason, interfere with any equipment attached to or part of a vehicle.

See the *Safety Standards for Taxis* and *Safety Standards for Vehicles Providing Booked Services* fact sheets for further information.

Additional passengers

Drivers must not permit any person to ride in the vehicle without the consent of the hirer.

Assistance animals

Drivers must not refuse to carry an assistance animal or an assistance animal in training in or on the vehicle.

Wheelchair accessible vehicles

- A driver of a wheelchair accessible taxi or hire vehicle must give preference to a hiring for a person using a wheelchair and must be able to safely load, restrain and unload wheelchair passengers.
- Drivers must ensure that a wheelchair is safely secured to the vehicle throughout the hiring.
- Drivers of wheelchair accessible taxis, accepting wheelchair passenger through rank or hail or booking under Taxi Transport Subsidy Scheme (TTSS), in a vehicle fitted with a fare calculation device, must only start the meter once all wheelchairs are safely secured to the vehicle and the taxi is ready to safely transport the passenger. The meter should be stopped once the taxi stops at the hirer's destination.

Touting or soliciting

The driver of a taxi or hire vehicle (or any other person) must not tout or solicit for passengers or the hiring of a vehicle.

Note: inquiring with a person whether they are waiting for the specific booked service allocated to the driver is not considered to be touting or soliciting.

Airport precincts

- Drivers must only pick up or drop off passengers in the designated areas at airport precincts in NSW.
- Drivers must not leave their vehicle unattended unless in a designated holding bay in the Sydney Airport precinct.
- Drivers must follow the directions of airport security and traffic staff.

Complying with the directions of authorised officers

Authorised Officers enforce the Act and Regulation. They may be employed by the Point to Point Transport Commissioner, other government agencies (e.g. the NSW Police Force) or by organisations such as Sydney Airport. Authorised Officers will identify themselves with an ID Card except for NSW Police Officers.

Drivers must follow the reasonable directions of Authorised Officers and should be prepared to provide information such as:

- whether the vehicle is hired
- details of the booking or hiring
- driver licence details

Directions may include instructions to facilitate the inspection or testing of the vehicle or its equipment, such as moving the vehicle to a particular location.

Accepting a booking

A driver must not accept bookings from the provider of a booking service unless the provider is authorised under the Act to provide booking services.

A list of authorised booking services is available on the Point to Point Transport Commissioner's website.

If a driver takes their own bookings they must be authorised as a booking service provider.

The Passenger Service Levy

Drivers taking their own bookings must register as a taxpayer with the Commissioner and pay the Passenger Service Levy. This is a \$1 levy for each passenger service transaction, to fund the NSW Government's \$250 million industry assistance package.

A taxi or booking service provider who is liable to pay the levy may give a driver directions on collecting the levy. Drivers must comply with any reasonable direction given.

See the *Understanding the Passenger Service Levy* fact sheet for further information.

What obligations apply specifically to hire vehicle drivers?

No plying or standing for hire

Only taxis can pick up passengers without a booking. Drivers of hire vehicles must not ply, stand, queue or park for hire on roads and other road-related areas such as carparks, hotel foyers and taxi zones.

A hire vehicle driver must not stop, stand or queue in a taxi zone.

The booking must be made before the driver stops the vehicle at the place where the passenger is to be picked up from.

Direction to leave hire vehicle

Hire vehicle drivers or an authorised officer may ask a person to leave a vehicle, or refuse them entry under certain circumstances, such as:

- if the hiring would result in a breach of the *Road Rules 2014*
- if the person is smoking and/or drinking alcohol and refuses to stop
- if the person is carrying something likely to soil or damage the vehicle or the belongings of other passengers, or something that is likely to inconvenience or annoy other passengers or the driver, excluding assistance animals
- if one of the intending passengers is under the age of 1 year and neither the driver of the hire vehicle nor any intending passenger is carrying a compliant child restraint
- if the passenger cannot, on request, satisfy the driver that they are able to pay the fare

Signs and markings

A hire vehicle must not pass itself off as a taxi. This means no paintings, markings, signs or lights that resemble those of a taxi, or imply that the hire vehicle is in anyway plying or standing for hire.

Drivers of hire vehicles (other than motorcycles) being used to provide a passenger service must display a retroreflective sign that clearly identifies the car as a hire vehicle, even if it has 'HC' registration plates.

The sign could be an identifying logo or business branding, must be displayed on or near the rear of the driver's side of the vehicle and must be visible from outside the vehicle.

Motor cycle hire vehicles

If the passenger service is provided on a motorcycle, then the rider must be competent in carrying a pillion passenger.

What obligations apply specifically to taxi drivers?

Taxi zones

A taxi driver must not allow a taxi to stand in an area other than a taxi zone, except:

- while hired or not otherwise available for hire
- while loading or unloading luggage or goods, or picking up and dropping of passengers
- at the direction or with the consent of a police officer

A taxi driver must not allow a taxi to stand in a taxi zone if the taxi is hired or not available for hire.

Equipment and vehicle

It is an offence for a taxi driver to intentionally interfere, or permit interference, with a taxi's tracking device, security camera, fare calculation device or duress alarm in a way that affects the correct operation of the device.

It is also an offence for a taxi driver to use a video recording made by a security camera system of a taxi for any purpose which is not authorised by Transport for NSW.

Areas of operation

While a taxi driver can accept bookings to provide services anywhere in NSW, they must not accept a rank and hail hiring outside of the area of its operation. They can, however, accept a rank or hail trip that starts inside the taxi's area of operation but finishes outside the area of operation.

Accepting and terminating hirings

Taxi drivers available for hire may only refuse to take a passenger under certain circumstances, such as:

- if it would result in a breach of the *Road Rules 2014*
- if a driver is finishing their shift and the passenger wishes to go to a location that is not on the way to the driver's destination
- if the passenger is travelling to a location that is outside the taxi's area of operation
- if the person is smoking and/or drinking alcohol and refuses to stop
- if the person is carrying something likely to soil or damage the taxi or the belongings of other passengers, or something that is likely to inconvenience or annoy other passengers or the driver excluding assistance animals
- if one of the intending passengers is under the age of 1 year and neither the driver of the taxi nor any intending passenger is carrying an appropriate child restraint
- if the passenger cannot, on request, satisfy the driver that they are able to pay the fare
- if, in the case of a passenger accepting a pre-paid fare, the agreed deposit has not been paid.

An Authorised Officer may also ask a person to leave or not enter a taxi if they believe that any of the above circumstances applies to a person.

Taxi drivers may also terminate a hiring, or ask passengers to leave the vehicle in certain circumstances. This includes any of the situations listed above, as well as if the passenger is behaving in an offensive manner, or intentionally interfering with the comfort or safety of others.

Peak availability taxis

Taxi drivers must not use a peak availability taxi to transport passengers between 5.00am and 12.00pm.

Displaying ID

Taxi drivers must display their driver identity document in the vehicle so that it is clearly visible to passengers. This identity document is issued by the authorised service provider and it includes a photograph of the driver and a unique identification number. The taxi must be fitted with a device designed for displaying a driver identity document.

Fares



Applies to taxi services from rank or hail, or booked services under the Taxi Transport Subsidy Scheme

A person (including a driver) must not demand a fare from a passenger for a taxi service from a rank or that is hailed in the street that is higher than the maximum fares in the Fares Order published by Transport for NSW or impose a non-cash payment surcharge that is against the same Fares Order.

The fare calculation device must start as soon as the taxi is hired (except for a wheelchair booking in a wheelchair accessible taxi) and not before. The device must be kept running during the trip and must be stopped for as long as necessary to prevent it from registering an unnecessary charge.

For example, a taxi device could be stopped due to a reason that may have been prevented by the driver such as a shortage of fuel, or an accident or fault with the taxi.



Applies to taxi services from rank or hail

A taxi driver must stop the fare calculation device while a multiple hire is paying the fare for their hire and getting out of the taxi.

A taxi driver may negotiate with a passenger to charge a fare that is more than the authorised fare if the taxi is hired within the taxi's area of operation to take a passenger to a place outside the taxi's area of operation.

Pre-payment scheme for fares

A taxi driver may before a hiring starts, or at any time during a hiring, require the hirer to pay a deposit. The deposit must not be 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).

A driver must give the passenger a receipt for a deposit when requested, and must refund any amount exceeding the fare when the hiring is terminated. The pre-payment scheme does not apply if the fare is subject to payment using the Taxi Transport Safety Scheme (TTSS) administered by TfNSW.

Wheelchair accessible taxis

A driver of a wheelchair accessible taxi must give preference to hirings by wheelchair passengers and be able to safely load, restrain and unload those passengers. Wheelchairs must be safely secured before the fare calculation device is started, and a taxi driver must stop the fare calculation device when the taxi stops at the hirer's destination.

Language standards

Taxi drivers in the Sydney Metropolitan Transport District must be able to communicate clearly with customers in English about the hiring of a taxi and matters related to the hiring.

Key resources

Please take the time to read the Regulation carefully and talk to your authorised service provider. More information can be found at pointtopoint.nsw.gov.au

The following fact sheets are also available:

- [Safety Standards for Drivers](#)
- [Safety Standards for Taxis](#)
- [Safety Standards for Vehicles Providing Booked Services](#)
- [Our Compliance Approach](#)
- [Notifiable Occurrences](#)
- [Understanding the Passenger Service Levy](#)