SUMMARY OF PROVISIONS

PART 1
PRELIMINARY

1. Citation
2. Commencement
3. Revocation
4. Interpretation

PART 2
ADMINISTRATION

DIVISION 1—AUTHORIZED OFFICERS

5. Appointment of authorized officers
6. Certificate of authority
7. Powers of authorized officers and police

DIVISION 2—APPEAL TRIBUNAL

8. Appeal Tribunal

PART 3
TAXI-CAB LICENCES

DIVISION 1—GENERAL

9. Grades of licence
10. Eligibility for licences
11. Applications for issue or renewal
12. Special licence allocation procedure
13. Taxi-cab licences may be held by joint-owners
14. Vehicle to which licence relates
15. Conditions of licences
16. Particulars in taxi-cab licences
17. Transfers of taxi-cab licences
18. Duration of taxi-cab licence
19. Death or incapacity of holders or lessees of taxi-cab licences
20. Refusal of application for issue, renewal, transfer, etc., of taxi-cab licences
21. Duty of licence holder or lessee to furnish information to board
22. Inquiries by the board
23. Defacing, lending of licences
24. Cancellation or suspension of taxi-cab licences
25. Delivery of taxi-cab licences

DIVISION 2—TEMPORARY TAXI-CAB LICENCES

26. Provisions relating to temporary taxi-cab licences

DIVISION 3—HIRE CAR LICENCES

27. Provisions relating to hire car licences

DIVISION 4—SPECIAL VEHICLE LICENCES

28. Provisions relating to special vehicle licences

DIVISION 5—STANDBY TAXI-CAB LICENCES

29. Provisions relating to standby taxi-cab licences
PART 4
TAXI-CAB DRIVER’S LICENCES

30. Application for the issue or renewal of taxi-cab driver’s licence
31. Eligibility for taxi-cab driver’s licence
32. Medical reports
33. Refusal of taxi-cab driver’s licences
34. Special conditions on taxi-cab driver’s licences
35. Licence holders to display photograph, etc.
36. Temporary taxi-cab driver’s licences
37. Duration of taxi-cab driver’s licences
38. Use of taxi-cabs restricted to taxi-cab driver’s licence holders
39. Defacing or lending taxi-cab driver’s licences
40. Inquiries by the board
41. Cancellation or suspension of taxi-cab driver’s licences
42. Delivery of taxi-cab driver’s licence

PART 5—APPEALS

43. Right of appeal
44. Institution of appeal
45. Operation of order may be suspended
46. Proceedings on appeal
47. Powers of Tribunal
48. Principles on which decisions made
49. Orders, etc., that may be made by Tribunal
50. Decisions of Tribunal final and binding

PART 6
EXAMINATION OF TAXI-CABS AND REPORTING OF ACCIDENTS

51. Interpretation
52. Examination of licensed taxi-cabs and vehicles sought to be licensed
53. Action when licensed taxi-cab is found on examination to be defective
54. Removal of defect notices, etc.
55. Fees for examination
56. Reporting of accidents

PART 7
TAXI-CAB SIGNS AND REGISTRATION PLATES

57. Return of taxi-cab registration plates
58. Taxi-cab signs
59. Defacing, lending and unauthorized use of taxi-cab registration plate or taxi-cab sign
60. Seizure of taxi-cab registration number plates or taxi-cab signs unlawfully held
61. Surrender of taxi-cab registration plate or taxi-cab signs
62. Loss or theft of taxi-cab registration plates or taxi-cab signs

PART 8
TAXI-METERS AND FARES

63. Taxi-meters and tariff indicators
64. Action required when meter defective
65. Compulsory inspection of taxi-meters
66. Substitute wheels or alteration of drive train
67. Interference with taxi-meters
68. Fees for testing of taxi-cab meter
69. Operation of meter by taxi-cab driver
70. Fares
71. Display of information
PART 9
GENERAL DUTIES AND RIGHTS OF DRIVERS AND PASSENGERS

72. Stands
73. Duty to accept or continue hiring
74. Duty to take shortest route
75. Right to terminate or vary the hiring
76. Multiple-hiring of taxi-cabs
77. Duties of drivers
78. Duty to pay legal fare
79. Duty to give name and address to driver
80. Causing inconvenience in taxi-cabs
81. No smoking signs

PART 10
LOST PROPERTY

82. Duties with regard to lost property
83. Duties of drivers as to lost property
84. Lost property to be dealt with by the board
85. Perishable or offensive property

PART 11
MISCELLANEOUS

86. Change of name, address, etc.
87. Issue of duplicate where licence lost, etc.
88. Refund, etc., of fees
89. False statements
90. Abusing or impersonating authorized officers
91. Evidentiary provision
92. General offence

SCHEDULE 1
Fees

SCHEDULE 2
Special Licence Allocation Procedure

SCHEDULE 3
Maximum fares chargeable by taxi-cabs other than hire cars

SCHEDULE 4
Transitional provisions
REGULATIONS UNDER THE METROPOLITAN TAXI-CAB ACT 1956

Metropolitan Taxi-Cab Regulations 1992

being

No. 40 of 1992: Gaz. 23 April 1992, p. 1221¹

as varied by

No. 69 of 1993: Gaz. 29 April 1993, p. 1506²

¹ Came into operation 23 April 1992: reg. 2.
² Came into operation 29 August 1993: reg. 2.

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.
2.

PART 1
PRELIMINARY

Citation
1. These regulations may be cited as the Metropolitan Taxi-Cab Regulations 1992.

Commencement
2. These regulations will come into operation on 23 April 1992.

Revocation
3. All regulations previously made under the Metropolitan Taxi-Cab Act 1956 are revoked.

Interpretation
4. (1) In these regulations, unless the contrary intention appears—

"the Act" means the Metropolitan Taxi-Cab Act 1956:

"the Appeal Tribunal" means the Metropolitan Taxi-Cab Appeal Tribunal established under these regulations:

"appropriate South Australian driver's licence" means a driver's licence in force under the Motor Vehicles Act 1959 that—

(a) authorizes the holder of the licence to drive a motor car;

(b) is not subject to probationary conditions imposed under section 81a of that Act;

and

(c) is not subject to any other condition that, in the opinion of the board, imposes an inappropriate restriction for the holder of a taxi-cab driver's licence:

"authorized officer" means a person appointed by the board as an authorized officer:

"flagfall" means the amount of fare recorded by a taxi-meter immediately on its being activated at the commencement of a hiring:

"general taxi-cab licence" means a taxi-cab licence other than a temporary taxi-cab licence, hire car licence, special vehicle licence or standby taxi-cab licence:

"hire car" means a taxi-cab the subject of a hire car licence:

"hire car licence" means a licence to use a taxi-cab to carry passengers for hire only under a pre-arranged hiring resulting from a request by the hirer directed to a place specified in the licence:

"legal fare" means the maximum fare determined in accordance with Part 8 and schedule 3 for the particular journey:

"secretary" means the person for the time being holding or acting in the office of secretary to the board:
"special vehicle licence" means a licence to use a taxi-cab that is, in the opinion of the board, suitable for use to carry persons who are confined to wheelchairs:

"stand" means a stand for taxi-cabs appointed by a council pursuant to the Local Government Act 1934:

"standby taxi-cab licence" means a licence to use a taxi-cab only in place of another licensed taxi-cab that is temporarily out of service:

"street" means street, road, terrace, thoroughfare, square, wharf or other place commonly used by the public or to which the public have access within the metropolitan area:

"tariff indicator" means a device required under Part 8 to be fitted in a licensed taxi-cab to indicate the tariff that is being used when the taxi-meter is activated:

"taxi-cab registration plate" means a registration plate issued by the board for a licensed taxi-cab under section 37a of the Act:

"taxi-cab sign" means a sign required under Part 7 to be fitted to a licensed taxi-cab to indicate whether or not the taxi-cab is available for hire:

"taxi-meter" means an instrument or device required under Part 8 to be fitted in a licensed taxi-cab by which the charge for hire of the taxi-cab is calculated either for distance travelled or waiting time or both and on which the charge is displayed by illuminated figures:

"temporary taxi-cab licence" means a taxi-cab licence that—

(a) expires on the date, or the happening of an event, determined by the board and specified in the licence;

and

(b) is not renewable:

"transfer" in relation to a licence, means transfer, lease or otherwise deal with the licence.

(2) Without limiting the meaning of the expression "ply for hire", a person, will for the purposes of these regulations, be taken to ply for hire with a taxi-cab if—

(a) the person drives it in a street while the taxi-cab sign indicates in a manner approved by the board that the taxi-cab is available for hire;

(b) the person carries any passenger for hire or reward;

(c) the person drives it to or places it at a stand;

or

(d) the person drives it to any place to pick up passengers to be carried for hire or reward.
(3) For the purposes of these regulations, a hiring of a taxi-cab commences—

(a) subject to paragraph (b), in the case of a hiring by hail or a pre-arranged hiring—when the passenger is seated in the taxi-cab and an instruction or direction is given to the driver by the hirer or passenger;

or

(b) in the case of a pre-arranged hiring—from a time arranged with the hirer provided that, before that time, the taxi-cab has arrived at the place arranged for pick up and the driver has there made personal contact with the hirer or passenger.

Note: For definition of divisional penalties see Appendix 2.
5.

PART 2
ADMINISTRATION

DIVISION 1—AUTHORIZED OFFICERS

Appointment of authorized officers
5. (1) The board may appoint such persons to be authorized officers as are necessary for the purposes of the Act and these regulations.

(2) The board may from time to time—

(a) impose limitations on the powers and functions of a particular authorized officer or particular authorized officers;

(b) designate a particular authorized officer or particular authorized officers as being authorized to exercise a specified power under these regulations.

(3) An authorized officer must be issued with a certificate of authority that—

(a) includes an identification photograph;

(b) includes any limitations for the time being imposed on the officer’s powers and functions;

(c) if the board has so determined, designates the officer as being authorized to exercise a specified power;

and

(d) is signed by the secretary.

Certificate of authority
6. An authorized officer must, at the request of a person in relation to whom the authorized officer intends to exercise any powers under the Act or these regulations, produce his or her certificate of authority for inspection by that person.

Powers of authorized officers and police
7. (1) An authorized officer or a member of the police force in uniform may for the purposes of enforcement of the Act or these regulations—

(a) require the driver of a taxi-cab to stop the taxi-cab;

(b) inspect a licensed taxi-cab and its equipment;

(c) require the holder or lessee of a licence or the driver of a taxi-cab to produce any licence, document or thing required to be kept or carried by that person or in the taxi-cab;

(d) inspect any licence, document or thing so produced and make and retain copies of it;

(e) require the driver of a taxi-cab to state his or her name and address;
6.

(f) require the holder or lessee of a licence in respect of a taxi-cab or the driver of a taxi-cab to answer a question on any matter relating to the taxi-cab, the owner of the taxi-cab or the operation or use of the taxi-cab.

(2) A person must not fail to comply with a requirement made of the person under subregulation (1) or any requirement made of the person by an authorized officer under any other provision of these regulations.

DIVISION 2—APPEAL TRIBUNAL

Appeal Tribunal

8. (1) The Metropolitan Taxi-Cab Appeal Tribunal is established.

(2) The Appeal Tribunal is to be constituted of a magistrate.

(3) The Appeal Tribunal, separately constituted under this regulation, may sit simultaneously to hear separate appeals.
Grades of licence

9. The board may issue a taxi-cab licence of any of the following kinds or grades:

(a) general taxi-cab licences;

(b) temporary taxi-cab licences;

(c) hire car licences;

(d) special vehicle licences;

(e) standby taxi-cab licences.

Eligibility for licences

10. Subject to these regulations, a taxi-cab licence may not be issued or subsequently renewed unless the board is satisfied—

(a) where the applicant is a natural person—

(i) that the applicant is a fit and proper person to be the holder of such a licence;

(ii) that the applicant has attained the age of 18 years;

and

(iii) that the usual place of residence of the applicant is within the State;

(b) where the applicant is a body corporate—

(i) that each director or manager of the body corporate is a fit and proper person to be a director or manager of a body corporate holding such a licence;

(ii) that the directors and managers of the body corporate are persons who are over the age of 18 years;

and

(iii) that the registered office or principal office of the body corporate is within the State;

and

(c) that—
8.

(i) the vehicle in respect of which the application is made complies with these regulations, is suitable for use as a taxi-cab under a licence of the kind or grade applied for and is in good order;

and

(ii) a service that is adequate and appropriate for a licence of the kind or grade applied for will be provided to the public in pursuance of the licence.

Applications for issue or renewal

11. (1) Subject to regulation 12 and the provisions of schedule 2, an application for the issue or renewal of a taxi-cab licence must—

(a) be made to the board;

(b) be made in writing in a form approved by the board and signed by the applicant;

and

(c) be accompanied by the appropriate licence or renewal fee specified in schedule 1.

(2) An application for the renewal of a taxi-cab licence must be made not less than seven days and not more than 42 days before the date of expiry of the licence.

Special licence allocation procedure

12. A competitive tender may be conducted in accordance with schedule 2 as a special licence allocation procedure for the issuing of taxi-cab licences.

Taxi-cab licences may be held by joint-owners

13. (1) Subject to these regulations, a taxi-cab licence may be issued to more than one party on joint application.

(2) Where a licence is jointly held, service of a notice on any one of the licensees will be regarded as service on all the licensees.

Vehicle to which licence relates

14. (1) It is a condition of a taxi-cab licence that it relates to one taxi-cab only specified in the licence.

(2) The board may, on application by the holder or lessee of a taxi-cab licence, consent to the substitution of another vehicle for the taxi-cab to which the licence currently relates.

(3) An application for consent under subregulation (2) must—

(a) be made in writing in a form approved by the board and signed by the applicant;

and

(b) be accompanied by the appropriate fee specified in schedule 1.
9.

(4) The board may consent to the substitution of a vehicle for the taxi-cab to which a licence currently relates if satisfied that the vehicle complies with these regulations, is suitable for use as a taxi-cab under a licence of the kind or grade held and is in good order.

**Conditions of licences**

15. (1) Without limiting the matters to which conditions of a taxi-cab licence may relate, the board may, if it thinks fit, impose a condition of a licence preventing or restricting the transfer of the licence.

(2) The holder and any lessee of a taxi-cab licence must ensure that the conditions of the licence imposed by these regulations or by the board are complied with.

**Particulars in taxi-cab licences**

16. A taxi-cab licence must—

(a) specify the term for which it will remain valid;

and

(b) specify all the conditions (if any) of the licence that have been imposed by the board.

**Transfers of taxi-cab licences**

17. (1) Subject to these regulations and the conditions of the licence, the holder of a taxi-cab licence may apply to the board for its consent to a transfer of the licence.

(2) An application for the consent of the board to a transfer of a licence must—

(a) be made in writing in a form approved by the board and signed by the parties to the dealing;

and

(b) be accompanied by the appropriate transfer fee specified in schedule 1.

(3) Where the board consents to a leasing of a licence or some other dealing with a licence that is less than a complete transfer, then, unless the board otherwise determines—

(a) the consent is subject to a condition that the lease or other dealing will only operate for a period of one year;

and

(b) the holder of the licence must, if the lease or other dealing is to be renewed or continued beyond that period, reapply under this regulation and obtain the board’s consent to its renewal or continuance for a further period of one year.

**Duration of taxi-cab licence**

18. A taxi-cab licence (other than a temporary taxi-cab licence) expires on 31 March next occurring after the licence was issued or last renewed.
Death or incapacity of holders or lessees of taxi-cab licences

19. (1) Where a natural person who is the holder or lessee of a taxi-cab licence—

(a) dies;

or

(b) has a mental or physical incapacity that prevents him or her from carrying on the business of operating the taxi-cab,

a person who takes over the management of the business may, with the consent of the board, continue to carry on the business of operating the taxi-cab under the licence for a period of not less than six months determined by the board.

(2) An application for the consent of the board under subregulation (1) must be made in writing in a form approved by the board and signed by the applicant.

Refusal of application for issue, renewal, transfer, etc., of taxi-cab licences

20. If the board refuses to issue or renew a taxi-cab licence, or to consent to a transfer of a taxi-cab licence or to give any other consent for the purposes of these regulations, the board must—

(a) give the applicant a brief statement in writing of the grounds for the refusal;

and

(b) return to the applicant the amount of any fee lodged with the application.

Duty of licence holder or lessee to furnish information to board

21. The holder or lessee of a taxi-cab licence must, if so required by the board by notice in writing, furnish to the board within a period specified in the notice—

(a) a return in a form approved by the board setting out the days and times within a specified period for which the taxi-cab was used to ply for hire and the name and licence number of the driver driving the taxi-cab at those times together with such information as to the journeys and hirings within that period as the board may require;

or

(b) such other information as to the taxi-cab or its operation and use as the board may require.

Inquiries by the board

22. (1) The holder or lessee of a taxi-cab licence must, if so required by the board by notice in writing, attend at its office before the board, or a person appointed by the board for the purpose, and there answer such questions as to the licence and the operation of the taxi-cab to which the licence relates as the board or the person so appointed considers necessary for the administration and enforcement of the Act and these regulations.

(2) The notice must describe the matters to be inquired into and must allow a reasonable interval from the date of service of the notice to the date fixed for attendance.
Defacing, lending of licences

23. The holder of a taxi-cab licence must not—

(a) deface, alter, or mutilate the licence;

or

(b) part with possession of the licence except to a person who becomes entitled to it in pursuance of complete transfer of the licence with the consent of the board.

Cancellation or suspension of taxi-cab licences

24. (1) The board may, by notice in writing to the holder of a taxi-cab licence other than a temporary licence, cancel or suspend the licence if satisfied that—

(a) the holder of the licence is not a fit and proper person to be the holder of such a licence;

(b) a service that is adequate and appropriate for the kind or grade of licence held is not being provided to the public in pursuance of the licence;

(c) the licence was improperly obtained;

(d) the holder of the licence is no longer eligible under these regulations to hold a taxi-cab licence;

or

(e) the holder of the licence has contravened or failed to comply with a provision of the Act or these regulations.

(2) The board must, before taking any action under this regulation—

(a) notify the holder of the licence in writing of the action under consideration and provide a brief summary of the matters alleged against him or her;

and

(b) allow the holder of the licence a reasonable opportunity to answer or make submissions in relation to the matters alleged against him or her.

(3) A notice of cancellation or suspension must include a statement of the reasons for the action.

Delivery of taxi-cab licences

25. (1) The holder of a taxi-cab licence must within seven days deliver the licence to the board or an authorized officer—

(a) if the licence is altered or defaced or becomes illegible in any particular;

(b) on receiving notice of the cancellation or suspension of the licence;

(c) on being required by the board by notice in writing to deliver the licence to the board;
or

(d) on the expiry of the licence.

DIVISION 2—TEMPORARY TAXI-CAB LICENCES

Provisions relating to temporary taxi-cab licences

26. The following provisions apply in relation to a temporary taxi-cab licence:

(a) a temporary taxi-cab licence expires on the date, or the happening of an event, determined by the board and specified in the licence;

(b) the licence is not renewable;

(c) the licence is not transferable;

(d) the licence may be cancelled or suspended at the discretion of the board by notice in writing to the holder of the licence;

(e) no appeal lies against a decision to refuse to issue or to cancel or suspend a temporary taxi-cab licence.

DIVISION 3—HIRE CAR LICENCES

Provisions relating to hire car licences

27. The following provisions apply in relation to a hire car licence:

(a) it is a condition of a hire car licence that the taxi-cab to which the licence relates must not be used to carry any passenger for hire or reward except under pre-arranged hiring resulting from a request by the hirer directed to a place specified in the licence;

(b) paragraph (a) does not apply—

(i) between midnight on the Monday preceding the commencement of a declared period within the meaning of the Australian Formula One Grand Prix Act 1984 and midnight on the Thursday following the end of that declared period;

(ii) between 10.00 p.m. on 31 December of any year and 10.00 a.m. on 1 January of the following year;

or

(iii) between midnight on the first day of and midnight on the day following the last day of the event commonly known as the Adelaide Festival of Arts;

(c) it is a condition of the licence that the taxi-cab not be fitted with a taxi-cab sign or taxi-meter.
13.

DIVISION 4—SPECIAL VEHICLE LICENCES

Provisions relating to special vehicle licences

28. The following provisions apply in relation to a special vehicle licence:

(a) the board must not grant a special vehicle licence in respect of a taxi-cab unless the board is of the opinion that the taxi-cab is suitable for use to carry persons who are confined to wheelchairs;

(b) it is a condition of the licence that the licence is not transferable.

DIVISION 5—STANDBY TAXI-CAB LICENCES

Provisions relating to standby taxi-cab licences

29. The following provisions apply in relation to a standby taxi-cab licence:

(a) it is a condition of a standby taxi-cab licence that the taxi-cab to which the licence relates must not be used to ply for hire except—

(i) in place of another licensed taxi-cab that is temporarily out of service;

and

(ii) on surrender to an authorized officer of the taxi-cab registration plates of that other taxi-cab;

(b) it is a condition of the licence that the licence is not transferable.
PART 4
TAXI-CAB DRIVER'S LICENCES

Application for the issue or renewal of taxi-cab driver’s licence

30. (1) An application for the issue or renewal of a taxi-cab driver’s licence must—

(a) be made in writing to the board in a form approved by the board;

(b) be signed by the applicant;

and

(c) be accompanied by the appropriate fee specified in schedule 1.

(2) Each applicant for the issue of a taxi-cab driver’s licence must submit with the application three prints of a photograph of himself or herself showing the head and shoulders only and of dimensions approximately 50 mm X 40 mm.

(3) An application for the renewal of a taxi-cab driver’s licence must be made not less than seven days and not more than 42 days before the date of expiry of the licence.

Eligibility for taxi-cab driver’s licence

31. (1) A taxi-cab driver’s licence may not be issued or subsequently renewed unless the board is satisfied that—

(a) the applicant is a fit and proper person;

(b) the applicant is the holder of an appropriate South Australian driver’s licence;

(c) the applicant does not suffer any physical or mental incapacity that would impair his or her ability to work efficiently as a taxi-cab driver;

and

(d) the applicant—

(i) is sufficiently competent in speaking, reading and writing English and in arithmetic;

(ii) has sufficient knowledge of the requirements of these regulations;

and

(iii) has sufficient knowledge of streets and places in the metropolitan area, to work efficiently as a taxi-cab driver.

(2) An applicant who satisfies the board by such documentary evidence as the board may require that the applicant has successfully completed a course approved by the board for the purpose will be taken to meet the requirements referred to in subregulation (1)(d).
(3) The board must, on issuing a taxi-cab driver’s licence, return to the holder of the licence one of the identification photographs lodged with the person’s licence application.

Medical reports

32. The board may require an applicant for the issue or renewal of a taxi-cab driver’s licence to submit a medical report or other evidence to establish that the applicant does not suffer any physical or mental incapacity that would impair his or her ability to work efficiently as a taxi-cab driver.

Refusal of taxi-cab driver’s licences

33. If the board refuses to issue or renew a taxi-cab driver’s licence, the board must—

(a) give the applicant a brief statement in writing of the grounds for the refusal;

and

(b) return to the applicant the amount of any fee lodged with the application.

Special conditions on taxi-cab driver’s licences

34. Where the board issues or renews a taxi-cab driver’s licence subject to special conditions, the conditions must be endorsed on the taxi-cab driver’s licence.

Licence holders to display photograph, etc.

35. The holder of a taxi-cab driver’s licence must display in a prominent position in any taxi-cab being driven by him or her—

(a) the identification photograph returned to him or her by the board on the issue of the licence;

and

(b) the number of the licence.

Temporary taxi-cab driver’s licences

36. (1) A temporary taxi-cab driver’s licence issued by the board—

(a) expires on a date, or on the occurrence of an event, specified in the licence for that purpose;

and

(b) may not be renewed.

(2) A temporary taxi-cab driver’s licence may be cancelled or suspended at the discretion of the board by notice in writing to the holder of the licence.

(3) No appeal lies against a decision to refuse to issue or to cancel or suspend a temporary taxi-cab driver’s licence.

Duration of taxi-cab driver’s licences

37. A taxi-cab driver’s licence (other than a temporary licence) expires on 31 March next occurring after the licence was issued or last renewed.
Use of taxi-cabs restricted to taxi-cab driver’s licence holders

38. (1) The holder and any lessee of a taxi-cab licence must ensure that the taxi-cab to which the licence relates is not driven by a person who does not hold a taxi-cab driver’s licence except for a purpose other than the carrying of passengers for hire or reward.

(2) The holder of a taxi-cab driver’s licence must not drive a taxi-cab other than a taxi-cab or taxi-cab of a class or kind specified in the licence.

Defacing or lending taxi-cab driver’s licences

39. The holder of a taxi-cab driver’s licence must not—

(a) deface, alter or mutilate the licence;

or

(b) part with possession of the licence.

Inquiries by the board

40. (1) The holder of a taxi-cab driver’s licence must, if so required by the board by notice in writing, attend at its office before the board, or a person appointed by the board for the purpose, and there answer such questions as to the licence and the person’s conduct as the board or the person so appointed considers necessary for the administration and enforcement of the Act and these regulations.

(2) The notice must describe the matters to be inquired into and must allow a reasonable interval from the date of service of the notice to the date fixed for attendance.

Cancellation or suspension of taxi-cab driver’s licences

41. (1) The board may, by notice in writing to the holder of a taxi-cab driver’s licence other than a temporary licence, cancel or suspend the licence if satisfied that—

(a) the holder of the licence is not a fit and proper person to be the holder of such a licence;

(b) the licence was improperly obtained;

(c) the holder of the licence is no longer eligible under these regulations to hold a taxi-cab driver’s licence;

or

(d) the holder of the licence has contravened or failed to comply with a condition of the licence or a provision of the Act or these regulations.

(2) The board must, before taking any action under this regulation—

(a) notify the holder of the licence in writing of the action under consideration and provide a brief summary of the matters alleged against him or her;

and

(b) allow the holder of the licence a reasonable opportunity to answer or make submissions in relation to the matters alleged against him or her.
(3) A notice of cancellation or suspension must include a statement of the reasons for the action.

**Delivery of taxi-cab driver’s licence**

42. The holder of a taxi-cab driver’s licence must within seven days deliver the licence to the board or an authorized officer—

(a) if the licence is altered or defaced or becomes illegible in any particular;

(b) on receiving notice of the cancellation or suspension of the licence;

(c) on being required by the board by notice in writing to deliver the licence to the board;

(d) on the expiry of the licence;

or

(e) on the expiry, suspension or cancellation of the driver’s licence held by the person under the *Motor Vehicles Act 1959*. 
Right of appeal

43. Subject to these regulations, an appeal lies to the Appeal Tribunal against any decision of the board—

(a) to refuse to issue or renew a licence on the ground that the board is not satisfied as to a matter as to which it is required by these regulations to be satisfied;

(b) to refuse to consent to the transfer of a taxi-cab licence or to give any other consent for the purposes of these regulations;

(c) to cancel or suspend a licence.

Institution of appeal

44. (1) An appeal must be instituted within 28 days of the date of the decision subject to appeal.

(2) An appeal is instituted by service of a notice of appeal on the secretary of the board.

(3) A notice of appeal must—

(a) be in writing in a form approved by the board;

(b) state the decision appealed against;

and

(c) set out the grounds of appeal.

Operation of order may be suspended

45. (1) Where the board or the Appeal Tribunal is satisfied that an appeal against a decision to cancel or suspend a licence has been instituted, or is intended, it may suspend the operation of the decision until the determination of the appeal.

(2) Where the board has suspended the operation of a decision under subregulation (1), the board may terminate the suspension.

(3) Where the Appeal Tribunal has suspended the operation of a decision under subregulation (1), the Appeal Tribunal may terminate the suspension.

Proceedings on appeal

46. (1) The Appeal Tribunal must ensure that a party to an appeal receives reasonable notice of the time and place at which the appeal is to be heard.

(2) The appellant, the board and any body or person determined by the Appeal Tribunal to be directly affected by or interested in the subject matter of an appeal are parties to the appeal.

(3) If a person to whom notice has been given under subregulation (1) does not attend at the time and place fixed by the notice, the Appeal Tribunal may hear the appeal in that person’s absence.
(4) A party to an appeal is entitled to appear—

(a) personally or by counsel;

or

(b) by leave of the Appeal Tribunal by some other representative.

(5) An appeal to the Appeal Tribunal must be heard in public unless the Tribunal, for good reason, determines otherwise.

(6) Except as otherwise determined by the Appeal Tribunal, an appeal is to be conducted by way of a fresh hearing and for that purpose the Tribunal may receive evidence given orally or, if the Tribunal so determines, by statutory declaration.

(7) The Appeal Tribunal must afford each party to an appeal a reasonable opportunity to make submissions to the Tribunal and, subject to subregulation (6), to call and give evidence and examine or cross-examine witnesses.

(8) Subject to these regulations, the Appeal Tribunal may conduct an appeal in such manner as it thinks fit.

Powers of Tribunal

47. (1) The Appeal Tribunal may—

(a) by summons signed by the magistrate constituting the Tribunal require the attendance before the Tribunal of any person;

(b) by summons signed by the magistrate constituting the Tribunal require the production of any documents or other things;

(c) inspect any documents or other things produced before it, and retain them for such reasonable period as it thinks fit, and make copies of any such documents or of any of their contents;

(d) require a person appearing before the Tribunal to answer any relevant questions put by the Tribunal, or by any other person appearing before the Tribunal;

(e) require any person to make oath or affirmation that the person will truly answer all questions required to be answered in proceedings before the Tribunal.

(2) Any person who—

(a) has been served with a summons to attend before the Appeal Tribunal and fails without reasonable excuse (proof of which will lie on that person) to attend in obedience to the summons;

(b) has been served with a summons to produce documents or other things and fails without reasonable excuse (proof of which will lie on that person) to comply with the summons;
20.

(c) misbehaves before the Tribunal, wilfully insults the Tribunal or interrupts the proceedings of the Tribunal;

or

(d) refuses to be sworn or to affirm, or to answer any relevant question, when required to do so by the Tribunal,

is guilty of an offence.

Penalty: Division 9 fine.

(3) In the course of any proceedings, the Appeal Tribunal may—

(a) receive in evidence any transcript of evidence in proceedings before a court or tribunal and draw conclusions of facts therefrom that it considers proper;

or

(b) adopt, as in its discretion it considers proper, any findings, decision or judgment of a court or tribunal that may be relevant to the proceedings.

Principles on which decisions made

48. (1) The Appeal Tribunal must act according to equity and good conscience and the substantial merits of the case without regard to technicalities and legal forms.

(2) The Appeal Tribunal is not bound by the rules of evidence and may inform itself on any matter in such manner as it thinks fit.

Orders, etc., that may be made by Tribunal

49. The Appeal Tribunal may, on the hearing of an appeal, do one or more of the following, according to the nature of the case:

(a) affirm, vary or quash the decision appealed against, or substitute, and make in addition, any decision that should have been made in the first instance;

(b) remit the subject matter of the appeal to the board for further consideration;

(c) make any further or other order as to costs or any other matter that the case requires.

Decisions of Tribunal final and binding

50. Any decision of the Appeal Tribunal on an appeal is final and binding on the persons and bodies affected.
Interpretation

51. In this Part—

"examination", in relation to a vehicle, means examination and testing of the mechanical
condition, road worthiness, fittings and external and internal condition of the vehicle and any
action (including running of the engine and road testing) necessary to ascertain whether the
vehicle has any defects, and "examine" has a corresponding meaning:

"defect", in relation to a vehicle, means—

(a) any defect impairing the safety of the vehicle or the comfort of passengers;

(b) any deficiency or defect in the signs, meters and other equipment required to be
fitted to the vehicle under these regulations;

or

(c) any failure to keep the interior and exterior of the vehicle reasonably clean and in
good order and appearance,

and "defective" has a corresponding meaning.

Examination of licensed taxi-cabs and vehicles sought to be licensed

52. (1) A vehicle must be submitted for examination before the board may grant an application
for—

(a) the issue of a taxi-cab licence in respect of the vehicle;

or

(b) consent to the substitution of the vehicle for a taxi-cab to which a taxi-cab licence
currently relates.

(2) An authorized officer may, in accordance with a programme of periodic examinations from
time to time approved by the board, by notice in writing to the holder or lessee of a taxi-cab licence,
require the taxi-cab to which the licence relates to be submitted for examination.

(3) An authorized officer may, if he or she has reason to believe on inspecting a licensed taxi-cab
at any time and place that the taxi-cab has a defect or defects, require the taxi-cab to be submitted for
examination.

(4) The time and place for an examination will be as fixed by the board or an authorized officer.

(5) Any examination under this Part may be carried out by a person appointed or approved by
the board as an examiner for the purposes of these regulations.
(6) If the vehicle the subject of an application referred to in subregulation (1) is not submitted for examination at the time and place fixed under this regulation, the board may determine that the application is refused.

(7) If a licensed taxi-cab that has been required by an authorized officer to be submitted for examination is not submitted at the time and place fixed under this regulation, the licence is, unless the board or an authorized officer otherwise determines, suspended until the vehicle is submitted for examination at a time and place approved by an authorized officer.

(8) The person delivering a vehicle to an examiner for examination under this Part must comply with any directions given by the examiner or an authorized officer to facilitate the examination.

Action when licensed taxi-cab is found on examination to be defective

53. (1) If a licensed taxi-cab is found on examination under this Part to be defective, an authorized officer may—

(a) issue a defect notice setting out the nature of the defects found;

and

(b) do either or both of the following:

(i) require the taxi-cab to be repaired or altered and resubmitted for examination within a stated period;

(ii) suspend the licence for the taxi-cab until it is resubmitted for examination and found to be free from defects.

(2) Where an authorized officer requires a taxi-cab to be resubmitted for examination and the taxi-cab is not submitted within the stated period or on examination is found to be defective, the licence is, if not already suspended and unless the board or an authorized officer otherwise determines, suspended until the taxi-cab is resubmitted for examination at a time and place approved by an authorized officer and found to be free from defects.

Removal of defect notices, etc.

54. The board or an authorized officer may at any time remove a defect notice in relation to a taxi-cab if satisfied that it does not have, or no longer has, the defects specified in the notice and may, if the licence for the taxi-cab has been suspended, terminate the suspension.

Fees for examination

55. A vehicle may not be accepted for examination under this Part except on payment of the appropriate fee as from time to time approved by the board.

Reporting of accidents

56. (1) If a licensed taxi-cab is involved in an accident, the holder and any lessee of the licence must ensure that a written report is submitted to the board containing the following information:

(a) the date, time and place of the accident;

(b) the circumstances of the accident;
and

(c) any particulars of injury to any person or property.

(2) If a licensed taxi-cab is damaged as a result of an accident so that the chassis, body, taxi-cab registration plates or taxi-cab sign needs repairs or replacement, the holder and any lessee of the licence must ensure that the vehicle is not used to ply for hire, without the authority of an authorized officer, until—

(a) the necessary repairs and replacements have been made;

and

(b) the taxi-cab has been found on examination under this Part to be free from defects.
PART 7
TAXI-CAB SIGNS AND REGISTRATION PLATES

Return of taxi-cab registration plates
57. A person to whom taxi-cab registration plates have been issued, or who has such plates in his or her possession or custody, must, on request by an authorized officer for the return of the plates, deliver them immediately to the officer or the board.

Taxi-cab signs
58. (1) Subject to these regulations, the holder and any lessee of a taxi-cab licence must ensure that the taxi-cab to which the licence relates is not driven on a street and a licensed taxi-cab driver must not drive a licensed taxi-cab on a street unless—

(a) a taxi-cab sign issued by the board under this regulation is fitted to the taxi-cab in a manner approved by the board; and
(b) the sign is in a proper working order.

(2) The board must, on application by the holder of a taxi-cab licence and payment of the fee for the time being approved by the board, cause a taxi-cab sign to be issued for the taxi-cab to which the licence relates if satisfied that—

(a) no such sign has previously been issued for the taxi-cab to which the licence relates; 
(b) the sign previously issued has been damaged so as to be incapable of being restored to proper working order or has been lost or stolen; or
(c) the sign should be issued for some other sufficient reason.

(3) A person other than a licensed taxi-cab driver must not drive a licensed taxi-cab on a street unless the taxi-cab sign fitted to the taxi-cab indicates in a manner approved by the board that the taxi-cab is not available for hire.

(4) A licensed taxi-cab driver must not drive a licensed taxi-cab on a street when the taxi-cab is not available for hire unless the taxi-cab sign fitted to the taxi-cab indicates in a manner approved by the board that the taxi-cab is not available for hire.

(5) Subregulations (1) and (4) do not apply to a taxi-cab that is being used under a pre-arranged hiring for the conveyance of a bridal party or the conveyance of a person in a funeral procession.

(6) A person is not guilty of an offence of contravening or failing to comply with subregulation (1), (3) or (4) if the person proves—

(a) that the taxi-cab sign fitted to the taxi-cab at the time of the alleged offence was damaged or faulty; and
25.

(b) that he or she—

(i) was not aware that the sign was damaged or faulty or was completing a journey after becoming aware of that fact;

or

(ii) was driving the taxi-cab for a purpose connected with the repair or replacement of the sign.

(7) A person to whom a taxi-cab sign has been issued, or who has possession or custody of a taxi-cab sign or a vehicle to which such a sign is fitted, must, on request by an authorized officer for the return of the sign, deliver it immediately to the officer or the board.

(8) This regulation does not apply in relation to a hire car.

Defacing, lending and unauthorized use of taxi-cab registration plate or taxi-cab sign

59. (1) A person must not—

(a) deface, alter, mutilate or damage a taxi-cab registration plate or taxi-cab sign;

or

(b) lend a taxi-cab registration plate or taxi-cab sign to any other person.

(2) If a taxi-cab registration plate or taxi-cab sign becomes defaced or damaged so that the numbers, letters or symbols on the plate are not distinctly legible or so that the sign cannot be restored to proper working order, the person to whom it was issued must deliver it to an authorized officer or the board.

(3) A person must not drive on a street a vehicle to which there is fitted a taxi-cab registration plate or taxi-cab sign, or a plate or sign the same as or closely resembling a taxi-cab registration plate or taxi-cab sign, unless the plate or sign is fitted to the vehicle with the authority of the board.

Seizure of taxi-cab registration number plates or taxi-cab signs unlawfully held

60. If any person has in his or her possession or custody any taxi-cab registration plate or taxi-cab sign that he or she is not entitled to hold, an authorized officer may seize and retain possession of it.

Surrender of taxi-cab registration plate or taxi-cab signs

61. Where a taxi-cab licence is cancelled or suspended or expires, the person to whom any taxi-cab registration plate or taxi-cab sign was issued for use on the vehicle to which the licence related must deliver the plate or sign to the board or an authorized officer within three days of the cancellation, suspension or expiry.

Loss or theft of taxi-cab registration plates or taxi-cab signs

62. (1) Where a taxi-cab registration plate or taxi-cab sign issued by the board is lost or stolen, the person to whom it was issued must—

(a) give written notice of the loss or theft to the board;
and

(b) verify the loss or theft by statutory declaration if the board so requests.

(2) Where a taxi-cab registration plate or taxi-cab sign the loss or theft of which has been reported in accordance with subregulation (1) is recovered by the person to whom it was issued, that person must—

(a) notify the board of the recovery;

and

(b) if another taxi-cab registration plate or taxi-cab sign has been issued in substitution for the lost or stolen plate or sign—deliver the recovered plate or sign to the board.
27.

PART 8
TAXI-METERS AND FARES

Taxi-meters and tariff indicators

63. (1) Subject to these regulations, the holder and any lessee of a taxi-cab licence must ensure that the taxi-cab to which the licence relates is not used to ply for hire and a licensed taxi-cab driver must not ply for hire in a licensed taxi-cab unless—

(a) a taxi-meter and tariff indicator of a type approved by the board are fitted to the taxi-cab in a manner approved by an authorized officer;

(b) the meter and indicator have been tested by an authorized officer or other person approved by the board;

(c) the meter has been sealed by the officer or person conducting the test and the seal remains intact;

and

(d) the meter and indicator are in proper working order and the meter is registering correctly.

(2) The taxi-meter and tariff indicator must be fitted in such a position in the taxi-cab and be so illuminated as to be easily read by any person sitting in the vehicle.

(3) The taxi-meter must be so adjusted that, when the vehicle is hired and the meter activated, the meter will register flagfall and fares not exceeding the rates set out in schedule 3.

(4) In testing the accuracy of a taxi-meter—

(a) the test in respect of distance must be made with the meter fitted to the vehicle and operating over a distance of not less than 1 kilometre allowing a tolerance of plus or minus 22.5 metres only;

(b) the test in respect of time must allow a tolerance of plus or minus three per cent only.

(5) An authorized officer or person approved by the board must, on completion of the testing of a taxi-meter, seal the meter if satisfied that the meter is registering correctly.

(6) This regulation does not apply in relation to a hire car.

Action required when meter defective

64. (1) Where a taxi-meter fitted to a licensed taxi-cab is not registering correctly or is out of order or the seal affixed to the taxi-meter is broken, the holder and any lessee of the taxi-cab licence must ensure—

(a) that an authorized officer is immediately notified;

and
that the taxi-cab is not used to ply for hire until the taxi-meter has been re-adjusted, tested by an authorized officer or person approved by the board and found to be in proper working order and registering correctly.

Compulsory inspection of taxi-meters

65. (1) An authorized officer may, by notice in writing to the holder or lessee of a taxi-cab licence for a taxi-cab that is required to be fitted with a taxi-meter, require the taxi-cab to be submitted for testing of its taxi-meter at a time and place specified in the notice.

(2) If an authorized officer finds that a licensed taxi-cab is not fitted with a taxi-meter as required under these regulations or is fitted with a meter that does not comply with these regulations, the authorized officer may suspend the taxi-cab licence in respect of that taxi-cab until the holder or lessee of the licence satisfies an authorized officer that the taxi-cab is fitted with a taxi-meter that complies with these regulations.

Substitute wheels or alteration of drive train

66. Where the wheels are substituted on a licensed taxi-cab that is fitted with a taxi-meter, or the drive train of such a taxi-cab is altered, the holder and any lessee of the taxi-cab licence must ensure that the taxi-cab is not used to ply for hire until the taxi-meter fitted to the taxi-cab has been tested by an authorized officer or person approved by the board and the taxi-meter has been found to be registering correctly.

Interference with taxi-meters

67. A person must not interfere with a taxi-meter fitted to a licensed taxi-cab, or with any portion of the mechanism operating any such taxi-meter, so as to prevent the proper working of the taxi-meter.

Fees for testing of taxi-cab meter

68. A taxi-cab may not be accepted for testing of a taxi-meter fitted to the taxi-cab except on payment of the appropriate fee as from time to time approved by the board.

Operation of meter by taxi-cab driver

69. (1) The driver of a licensed taxi-cab to which a taxi-meter is fitted—

(a) must activate the taxi-meter at or after the commencement of a hiring;

(b) must not apply tariff two for the hiring except as allowed under schedule 3 and unless that tariff was displayed by the tariff indicator at the commencement of the hiring;

(c) must not charge a fare for the hiring that exceeds the amount displayed by the taxi-meter at the end of the hiring;

and

(d) must draw the attention of the hirer to the amount displayed by the taxi-meter before receiving payment for the hiring.

(2) Subregulation (1) does not apply in relation to a journey for which the fare may be determined by contract as provided in schedule 3.
Fares

70. (1) The holder and any lessee of a taxi-cab licence must ensure that no more than the legal fare is demanded or recovered for any hiring of the taxi-cab to which the licence relates.

(2) The driver of a licensed taxi-cab must not demand or recover more than the legal fare for any hiring of the taxi-cab that he or she is driving.

(3) In calculating the legal fare, no charge must be made for any period during which the taxi-cab is delayed—

(a) due to shortage of fuel;

(b) by an accident involving the taxi-cab or by the breakdown of, or any defect in, the taxi-cab;

(c) at a random breath testing station or police road block or due to compliance with any requirement of a police officer made in the enforcement of a law governing the duties of drivers;

or

(d) by any circumstance that the driver could have prevented by reasonable care.

(4) The driver of a licensed taxi-cab must accept in satisfaction of the fare for any hiring of the taxi-cab payment of the amount of the fare—

(a) by cash;

or

(b) by any such other means as the board may from time to time approve.

Display of information

71. The holder and any lessee of a taxi-cab licence for a taxi-cab that is required to be fitted with a taxi-meter must ensure that the legal fares that may be charged for the hiring of the taxi-cab are displayed in the taxi-cab in a manner approved by the board together with any other information (whether or not relating to fares) that the board determines should be displayed in the public interest.
PART 9
GENERAL DUTIES AND RIGHTS OF DRIVERS AND PASSENGERS

Stands
72. (1) The driver of a licensed taxi-cab other than a hire car may ply for hire from any stand within the metropolitan area at any time at which the stand may be lawfully used for that purpose.

(2) The board must maintain at its office a register of all stands from time to time established within the metropolitan area and the times at which the stands may be used.

(3) The driver of a licensed taxi-cab must not, except with the approval of an authorized officer, leave the taxi-cab unattended at any stand.

Duty to accept or continue hiring
73. (1) Subject to this regulation, the driver of a licensed taxi-cab that is available for hire must comply with any request for the carriage for hire of persons, without luggage or together with a reasonable amount of luggage, to any place within the metropolitan area.

(2) A driver must not carry any persons in excess of the number that the taxi-cab is licensed to carry.

(3) A driver is not obliged to accept a hiring or to continue to carry a person—

(a) if the person making the request for carriage, or any person carried or to be carried, is apparently intoxicated or under the influence of a drug;

(b) if the driver has reasonable cause to believe that the fare for hiring of the taxi-cab will not be paid;

(c) if the driver has reasonable cause to believe that the hiring is required for some illegal purpose;

(d) if the person making the request for carriage, or any person carried or to be carried, acts in a threatening or abusive manner;

(e) if the person making the request for carriage, or any person carried or to be carried, requires an animal (other than a guide dog for the blind or deaf) to be carried in the taxi-cab;

(ea) if any person carried or to be carried in the taxi-cab—

(i) consumes or uses, or refuses to cease consuming or using, liquor or any other drug or substance the consumption or use of which is not permitted in the taxi-cab;

or

(ii) smokes, or refuses to cease smoking,

while in or before getting into the taxi-cab;
or

(f) if the acceptance of the hiring would involve a breach of any of these regulations.

(4) A driver may, on becoming aware of a circumstance or forming a belief referred to in subregulation (3) after the commencement of a hiring—

(a) terminate the hiring;

(b) stop the taxi-cab (if in motion);

and

(c) request the passenger to leave the taxi-cab.

(5) A person must not refuse or fail to comply with a request made of him or her under subregulation (4).

(6) For the purposes of this regulation, a taxi-cab will be taken to be available for hire whenever it is in a street in charge of a driver and the taxi-cab sign fitted to the taxi-cab indicates in a manner approved by the board that the taxi-cab is available for hire.

Duty to take shortest route

74. Where a licensed taxi-cab is hired, the driver must choose the shortest practicable route to reach the place specified unless the hirer requests that some other route be followed.

Right to terminate or vary the hiring

75. (1) The hirer of a licensed taxi-cab may discharge it at any time.

(2) The hirer of a licensed taxi-cab may at any time direct the driver to carry him or her to any place within the metropolitan area although that place was not originally specified by the hirer and the driver must not without reasonable excuse fail to comply with the request.

Multiple-hiring of taxi-cabs

76. The driver of a licensed taxi-cab that has been hired by a person must not, except at the request or with the consent of that person or the passengers for whom that person hired the taxi-cab, carry or agree to carry additional passengers at the same time under another hiring.

Duties of drivers

77. (1) The driver of a licensed taxi-cab must—

(a) maintain a reasonable standard of personal cleanliness and appearance;

(b) keep the taxi-cab reasonably clean;

(c) conduct himself or herself with civility and propriety towards every passenger;

and

(d) provide such assistance to any passenger as the passenger may reasonably require to get into or out of the taxi-cab and to load and unload luggage.
(2) Subject to subregulation (3), the driver of a licensed taxi-cab must not—

(a) consume or use in the taxi-cab, or permit any other person to consume or use in the taxi-cab, intoxicating liquor or any drug or substance the consumption or use of which is prohibited by law;

(b) consume or use intoxicating liquor or any such drug or substance between the time of commencing work as such a driver and of ceasing such work an any day;

or

(c) smoke, or permit any other person to smoke, in the taxi-cab.

(3) Subregulation (2) does not apply to the consumption of liquor by passengers in a hire car.

Duty to pay legal fare

78. A hirer of a licensed taxi-cab must, unless it is otherwise agreed, pay the legal fare to the driver on termination of the hiring by cash or by any such other means as may be approved by the board from time to time.

Duty to give name and address to driver

79. In circumstances where a dispute arises between the hirer and the driver of a licensed taxi-cab, the hirer must, on request by the driver or an authorized officer, give his or her name and address to the driver or authorized officer.

Causing inconvenience in taxi-cabs

80. (1) A passenger who soils a licensed taxi-cab or renders it unclean so that it is necessary to clean or deodorise it before the next hiring must, on demand by the driver, pay a fee of $18 in addition to any fare that is otherwise payable in respect of the hiring.

(2) A fee that is payable under subregulation (1) may be recovered as a debt in summary proceedings.

No smoking signs

81. (1) The holder or lessee of a taxi-cab licence must display no smoking signs in the taxi-cab in a manner approved by the board.
PART 10
LOST PROPERTY

Duties with regard to lost property
82. (1) A passenger who finds lost property in a licensed taxi-cab must deliver it to the driver.

(2) Where a passenger delivers lost property to a taxi-cab driver, the driver must, if so required by the passenger, make a note of the passenger’s name and address.

(3) The driver of a licensed taxi-cab must at the conclusion of each hiring carefully examine the vehicle for any property that may have been left in the vehicle.

Duties of drivers as to lost property
83. (1) The driver of a licensed taxi-cab in which lost property is found must—

(a) if the owner of the property is known to the driver—return it, or cause it to be returned, to the owner in the state in which it was found as soon as reasonably practicable;

or

(b) if the owner of the property is not known to the driver and it is reasonably practicable to do so—endeavour to identify the owner and return the property, or cause it to be returned, to the owner or notify him or her of the place from which it may be retrieved.

(2) If the driver is unable to ascertain the identity of the owner, he or she must within 48 hours of finding the property deliver it to the board and, if the property was found by a passenger who required the driver to take a note of his or her name and address, give the passenger’s name and address to the board.

(3) In this regulation—

"owner" of property includes a person lawfully entitled to possession of the property.

Lost property to be dealt with by the board
84. (1) Where lost property is delivered to the board, the board must ensure that a record containing details of the property and its finding is made in a book kept for that purpose.

(2) The board must deliver any lost property to a person who—

(a) makes a claim for the property within six months of its receipt by the board;

and

(b) proves ownership of, or other entitlement to, the property to the satisfaction of the board.

(3) If a claim for any lost property is not made within the period specified in subregulation (2)(a), the board may—

(a) in a case where the property was found by a passenger who required that a note be taken of his or her name and address—deliver the property to that person;
or

(b) in any other case—sell it in such manner as the board thinks fit.

(4) The proceeds of any sale or lost property are to form part of the revenue of the board.

**Perishable or offensive property**

85. In the case of any lost property that is perishable, the board may cause it to be destroyed if it becomes offensive while in the possession of the board.
PART 11
MISCELLANEOUS

Change of name, address, etc.

86. (1) The holder of a licence must, within seven days, notify the board in writing—

(a) where the holder is a natural person—of any change in the person’s name or residential address;

(b) where the holder is a body corporate—of any change in—

(i) the name or registered office or principal office of the body corporate;

(ii) the persons comprising the directors and manager of the body corporate;

(c) of any change affecting the accuracy of any particulars specified in the licence,

and ensure that the licence is delivered to the board for amendment.

(2) The lessee of a licence must, within seven days, notify the board in writing of any change in the person’s name or residential address.

Issue of duplicate where licence lost, etc.

87. Where—

(a) the holder of a licence satisfies an authorized officer that the licence has been lost or destroyed;

or

(b) a licence that has been altered or defaced or has become illegible in any particular is delivered to the board or an authorized officer,

an authorized officer may, on payment of the fee specified in schedule 1, issue a duplicate of the licence and the former licence is null and void.

Refund, etc., of fees

88. (1) Where—

(a) a licence is surrendered to the board by the holder of the licence;

(b) a licence is cancelled;

(c) a taxi-cab the subject of a taxi-cab licence is lost, destroyed or becomes permanently incapable of being operated as a taxi-cab;

or

(d) the board is satisfied that other proper cause exists,
the board may, on application, at its discretion, refund a part of the fee paid for the issue or last renewal of the licence proportionate to the unexpired term of the licence.

(2) The board may, if satisfied that proper cause exists, refund, reduce or remit a fee paid or payable in respect of the examination or testing of a vehicle or taxi-meter.

**False statements**

89. A person must not make a false or misleading statement—

(a) in an answer to a question that the person is required to answer under these regulations;

or

(b) in a form or document lodged, produced or kept in pursuance of these regulations.

**Abusing or impersonating authorized officers**

90. (1) A person must not use offensive language to an authorized officer or employee of the board who is acting in the execution of his or her duty under the Act or these regulations.

(2) A person must not by words or conduct pretend to be an authorized officer.

**Evidentiary provision**

91. In any proceedings for an offence against these regulations, a certificate apparently signed by the chairman, deputy chairman or secretary of the board and certifying as to an act or decision of the board, constitutes proof, in the absence of proof to the contrary, of the matters stated in the certificate.

**General offence**

92. A person who contravenes or fails to comply with a provision of these regulations is guilty of an offence.

Penalty: Division 9 fine.
The following fees are payable:

1. General taxi-cab licence—
   (a) licence fee .......................................................... $ 50.00
   (b) renewal fee ......................................................... $300.00

2. Temporary taxi-cab licence fee ................................................. $ 50.00

3. Hire car licence—
   (a) licence fee .......................................................... $ 50.00
   (b) renewal fee ......................................................... $300.00

4. Special vehicle licence—
   (a) licence fee .......................................................... $ 50.00
   (b) renewal fee ......................................................... $300.00

5. Standby taxi-cab licence—
   (a) licence fee .......................................................... $ 50.00
   (b) renewal fee ......................................................... $300.00

6. Tender fee ................................................................. $ 20.00

7. Fee for consent to substitution of vehicle for licensed taxi-cab ............................................................ $ 7.30

8. Transfer fee for complete transfer of taxi-cab licence ............................................................ $ 50.00

9. Transfer fee for lease or other dealing with taxi-cab licence less than complete transfer ............................................................ $252.00

10. Fee for issue or renewal of taxi-cab driver’s licence ............................................................ $ 32.00

11. Fee for issue of taxi-cab registration plates—for each plate ............................................................ $ 10.00

12. Fee for issue of duplicate of licence that has been lost, etc. ............................................................ $ 7.30
SCHEDULE 2

Special Licence Allocation Procedure

(1) The board must, at least one month before tenders close, by advertisement in two newspapers circulating generally throughout the State, call for tenders for such number of taxi-cab licences as the board has determined will be issued according to the results of the tender.

(2) An advertisement under subclause (1) must—

(a) fix a time and date on which tenders close;

(b) specify the maximum number of taxi-cab licences that the board has determined that it will issue according to the results of the tender;

(c) specify the kind or grade and the term of taxi-cab licences that will be issued according to the results of the tender;

and

(d) require all tenders—

(i) to be made in a manner and form determined by the board and specified in the advertisement;

and

(ii) to be accompanied by an amount specified in the advertisement equal to the tender fee specified in schedule 1.

(3) Tenders will close at the time and date specified in the advertisement.

(4) The board must provide a locked box into which tenders are to be deposited.

(5) Each tender must—

(a) be enclosed in a plain sealed envelope and deposited by the tenderers in the locked box provided at the offices of the board for that purpose;

(b) be otherwise made in the manner and form specified in the advertisement;

and

(c) be accompanied by the tender fee specified in the advertisement.

(6) The board must ensure that tenders deposited in the box are kept locked in the box until the close of tenders.

(7) A person must not interfere with or remove a tender from the locked box prior to the close of tenders.

(8) The board must appoint two persons to carry out the process of determining the successful tenderers.

(9) At the close of tenders one of the persons so appointed by the board must—

(a) open the locked box;

(b) remove each of the envelopes from the box, taking each one singly and at random;

and

(c) after removing each envelope from the box, open the envelope and hand the contents to the other person so appointed.
(10) At the close of tenders, the other person so appointed must—

(a) prepare a schedule of tenderers;

(b) on receiving the contents of each envelope, enter in the schedule—

(i) the name of the tenderer;

and

(ii) alongside the name, the amount tendered,

arranging the entries in the schedule in the order in which the envelopes containing the tenders were removed from the box;

and

(c) when all tenders have been removed from the box and the schedule of tenderers has been completed, examine each tender and the schedule of tenderers.

(11) If only one taxi-cab licence is to be issued—

(a) the amount payable for the licence is an amount equal to the highest amount tendered;

and

(b) the successful tenderer will be the person who tendered an amount equal to the highest amount.

(12) If only one taxi-cab licence is to be issued and more than one person tendered an amount equal to the highest amount, of the persons who tendered an amount equal to the highest amount, the person whose tender was removed from the box first will be the successful tenderer.

(13) If more than one taxi-cab licence is to be issued and the number of tenderers is equal to the number of licences to be issued—

(a) each tenderer is a successful tenderer;

and

(b) the amount payable for a licence is the amount tendered.

(14) If the number of tenderers exceeds the number of licences to be issued, the following provisions apply:

(a) one of the persons appointed by the board under subclause (8) must prepare a schedule of tenders and enter in the schedule—

(i) the amount of each tender commencing with the highest amount tendered;

and

(ii) alongside each tender, the name of the tenderer;

(b) if more than one person tendered the same amount, the order in which the names of those tenderers are entered in the schedule will be determined according to the order in which their tenders were removed from the box;

(c) the persons whose names appear first on the schedule, having regard to the number of licences to be issued, will be the successful tenderers;

(d) the amount payable for a licence by a successful tenderer is the amount tendered by that person.
40.

(15) The board must serve (personally or by post) on each person who is a successful tenderer notice in writing requiring the person to pay to the board—

(a) within seven days of receipt of the notice, a deposit of 10 per cent of the amount tendered;

and

(b) within 28 days of receipt of the notice, the balance of the amount tendered and the appropriate licence fee specified in schedule 1.

(16) Where one or more successful tenderers fail to comply with a requirement of the notices served under subsection (15), the board may, at its discretion, treat as successful tenderers one or more of the tenderers (if any) whose names next appear on the schedule of tenders after the names of all other successful tenderers and, in that event, the board must serve notices under subclause (15) on those further successful tenderers.

(17) Where a person on whom notice has been served under subclause (15)—

(a) complies with the notice;

and

(b) satisfies the board as to the requirements of regulation 10,

a taxi-cab licence may be issued to the person without any further application by the person.
1. Journeys ending in metropolitan area—

(1) For a journey within the metropolitan area and for a journey that begins and ends in the metropolitan area, the fare must not exceed the sum of the following:

(a) flagfall—

(i) on tariff 1 (includes fare for first 120 metres) ................................................... $ 1.95
(ii) on tariff 2 (includes fare for first 112 metres) ................................................... $ 2.80

(b) for the distance travelled—

(i) on tariff 1—

for every additional 120 metres or part ............................................... $ 0.10

(ii) on tariff 2—

for every additional 112 metres or part ............................................... $ 0.10

(c) for waiting time after the commencement of the hiring—

(i) on tariff 1—

for each period of 20 seconds ................................................... $ 0.10

(ii) on tariff 2—

for each period of 19.5 seconds ................................................... $ 0.10

(2) Tariff 2 may be applied for any hiring commenced between the hours of 7.00 p.m. on any Monday to Friday inclusive and 6.00 a.m. on the following day, or between the hours of 1.00 p.m. on Saturday and 6.00 a.m. the following Monday, or during any public holiday.

(3) Tariff 1 applies for all other hirings.

2. Journeys ending outside the metropolitan area—

(1) For a journey that begins in the metropolitan area and ends outside that area, the fare must be determined by contract between the hirer and the driver but must not exceed 0.56 per kilometre calculated on the forward and return journey plus waiting time at the rate of 0.10 for each period of 20 seconds.

(2) The hirer must, if requested to do so by the driver, pay the estimated fare in advance.

(3) If at the conclusion of the forward journey the hirer requests the driver to wait and pays the fare for the forward journey plus the estimated waiting time at the rate of $0.10 for each period of 20 seconds up to a limit of two hours, the driver must comply with the request and complete the journey at the contract rate.

(4) The hirer must pay for all meals and accommodation expenses necessarily incurred by the driver in the journey but time spent during meals or rest periods must not be calculated as waiting time.
(5) Unless otherwise agreed, the flagfall specified in clause 1 applies to any such journey.

3. Multiple hirings—

Where a taxi-cab is used to carry a number of passengers at the same time under separate hirings, the fare for any of the hirers must not exceed 75 per cent of the fare as recorded on the taxi-meter on reaching that hirer’s destination.

4. Wedding engagements—

   (1) For an engagement for a wedding where all travel is within the metropolitan area, the fare must not exceed—

   (a) for up to one hour ............................................... $46.50
   (b) for any period beyond the first hour—per quarter hour or part ....................................... $11.75

   (2) For an engagement for a wedding that involves travel outside the metropolitan area, the fare must be determined by contract.

   (3) This clause applies only to a taxi-cab that is used for conveyance of the bridal party under a pre-arranged hiring and is specially prepared for the occasion.

5. Funeral engagements—

   (1) For an engagement for a funeral where all travel is within the metropolitan area, the fare must not exceed—

   (a) for up to one hour ............................................... $35.60
   (b) for any period beyond the first hour—per quarter hour or part ....................................... $ 8.90

   (2) For an engagement for a funeral that involves travel outside the metropolitan area the fare must be determined by contract.

   (3) This clause applies only to a taxi-cab that is used for conveyance of a person in the funeral procession under a prearranged hiring.
43.

SCHEDULE 4

Transitional provisions

(1) A licence of a kind referred to in regulation 19 of the revoked regulations issued in respect of a taxi-cab and in force immediately before the commencement of these regulations continues in force, subject to the Act and these regulations, as a temporary taxi-cab licence.

(2) A licence issued in respect of a private hire car under the Act and the revoked regulations and in force immediately before the commencement of these regulations continues in force, subject to the Act and these regulations, as a hire car licence.

(3) A licence issued in respect of a special purpose vehicle under the Act and the revoked regulations and in force immediately before the commencement of these regulations continues in force, subject to the Act and these regulations, as a special vehicle licence.

(4) A licence issued in respect of a standby taxi-cab under the Act and the revoked regulations and in force immediately before the commencement of these regulations continues in force, subject to the Act and these regulations, as a standby taxi-cab licence.

(5) A licence issued in respect of a taxi-cab under the Act and the revoked regulations and in force immediately before the commencement of these regulations, not being a licence of a kind referred to in any of subclauses (1) to (4), continues in force, subject to the Act and these regulations, as a general taxi-cab licence.

(6) A driver’s permit issued under the Act and the revoked regulations and in force immediately before the commencement of these regulations continues in force, subject to the Act and these regulations, as a taxi-cab driver’s licence.

(7) In this schedule, “the revoked regulations” means the regulations revoked by these regulations.
APPENDIX 1

Legislative History

Regulation 73(3): varied by 69, 1993, reg. 3
Regulation 77(2): varied by 69, 1993, reg. 4
Regulation 81(1): varied by 69, 1993, reg. 5(a)
Regulation 81(2) - (3): revoked by 69, 1993, reg. 5(b)
APPENDIX 2

Divisional Penalties

At the date of publication of this reprint divisional penalties are, as provided by section 28a of the Acts Interpretation Act, 1915, as follows:

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<th>Division</th>
<th>Maximum imprisonment</th>
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*Note: This appendix is provided for convenience of reference only.*