

South Australia

## **Passenger Transport (General) Regulations 1994**

under the *Passenger Transport Act 1994*

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## Legislative history

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Passenger Transport (General) Regulations 1994*.

### 3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

*the Act* means the *Passenger Transport Act 1994*;

*appropriate driver's licence*, in relation to a person who is applying for an accreditation under Division 2 of Part 4 of the Act, means a driver's licence in force under the *Motor Vehicles Act 1959*, or an Act in force in another State or Territory that corresponds to the *Motor Vehicles Act 1959*, that—

- (a) authorises the holder of the licence to drive a motor vehicle that, in the opinion of the Minister, is appropriate to the relevant accreditation; and
- (b) is not subject to a form of probationary condition; and
- (c) is not subject to any other condition that, in the opinion of the Minister, imposes an inappropriate restriction for the holder of the relevant accreditation;

*Australian Design Rules* has the same meaning as under the *Road Traffic Regulations 1996*;

*authorised officer* means—

- (a) an authorised officer under section 53 of the Act; or
- (b) a person who is authorised by the Minister to exercise the powers of an authorised officer under these regulations;

*bus* means a motor vehicle, other than a taxi—

- (a) designed for the principal purpose of carrying passengers; and
- (b) designed to carry at least 13 seated persons;

*business day* means any day except a Saturday, Sunday or public holiday;

*certificate of inspection* means a certificate under section 54 of the Act;

*chauffeured vehicle service* means a service provided under a Small Passenger Vehicle (Metropolitan) Accreditation, a Small Passenger Vehicle (Non-Metropolitan) Accreditation, a Small Passenger Vehicle (Special Purpose) Accreditation or a Small Passenger Vehicle (Traditional) Accreditation;

*community transportation service* means a community based or community orientated transportation service—

- (a) that is designed—
  - (i) to benefit individuals or groups within a local community who are in need of some form of assistance; or

- (ii) to assist individuals or groups within a local community to participate to a greater degree in the life of the community (including the wider community); or
  - (iii) to achieve some other form of community, charitable, educational, benevolent, religious, recreational, sporting or philanthropic purpose at the local level; and
- (b) that is not established, or is not principally established, with a view to profit or commercial gain;

**compliance plate**, in relation to a motor vehicle, means the plate issued by the Australian Motor Vehicle Certification Board to signify compliance with the Australian Design Rules endorsed by the Australian Transport Advisory Council for motor vehicles;

**council** means a council under the *Local Government Act 1934*;

**department** means the administrative unit of the Public Service that is, under the Minister, responsible for the administration of the Act;

**flagfall** means the amount of fare recorded on a taxi-meter immediately on its being activated at the commencement of a hiring;

**legal fare**, in relation to the hiring of a taxi or a journey by taxi, means the maximum fare determined in accordance with Part 3 and Schedule 2 for the particular hiring or journey;

**mm** means millimetres;

**motor cycle** means a motor vehicle (not being a trailer) that moves only on two wheels or, if a side car or side box is fitted, on not more than three wheels;

**off-road passenger vehicle** means a passenger vehicle designed with special features for off-road operation as defined by the Australian Design Rules;

**public directory** includes journals, brochures and other forms of publication that list or advertise passenger transport services;

**quarter** means—

- (a) a period commencing on 1 January and ending on 31 March in any year; or
- (b) a period commencing on 1 April and ending on 30 June in any year; or
- (c) a period commencing on 1 July and ending on 30 September in any year; or
- (d) a period commencing on 1 October and ending on 31 December in any year;

**registration plate** means a plate issued under section 63 of the Act;

**small passenger vehicle** means a motor vehicle, other than a taxi—

- (a) designed for the principal purpose of carrying passengers; and
- (b) designed to carry not more than 12 seated persons;

**Small Passenger Vehicle (Metropolitan) Accreditation** means the class of accreditation under section 27 of the Act of that name established pursuant to section 32(3) of the Act;

***Small Passenger Vehicle (Non-Metropolitan) Accreditation*** means the class of accreditation under section 27 of the Act of that name established pursuant to section 32(3) of the Act;

***Small Passenger Vehicle (Special Purpose) Accreditation*** means the class of accreditation under section 27 of the Act of that name established pursuant to section 32(3) of the Act;

***Small Passenger Vehicle (Traditional) Accreditation*** means the class of accreditation under section 27 of the Act of that name established pursuant to section 32(3) of the Act;

***standby licence*** means a standby taxi licence under regulation 28;

***taxi*** means a passenger transport vehicle that is licensed, or that requires a licence, under Part 6 of the Act;

***taxi licence*** means a licence under Part 6 of the Act;

***taxi service*** means a service involving the use of a taxi;

***taxi sign*** means a sign that—

- (a) is required by these regulations to be fitted to a taxi; and
- (b) displays the word "TAXI" in a manner approved by the Minister; and
- (c) is capable of indicating whether or not the taxi is available for hire;

***volunteer driver*** means—

- (a) a person who provides his or her services as a driver gratuitously (disregarding any reasonable payment for out-of-pocket expenses incurred in undertaking the driving); or
- (b) an employee—
  - (i) whose conditions of employment are unrelated to driving a vehicle but who is willing to undertake some driving to assist his or her employer in some respect; and
  - (ii) whose salary does not include an amount or component attributable to, or based on, the fact that he or she undertakes (or may undertake) some driving;

***work sheet*** means a daily trip record for a vehicle, in a form determined or approved by the Minister, setting out various items of information, such as the driver's name, shift details, places where journeys begin and end, and distances travelled.

- (2) A reference in these regulations to the owner of a vehicle includes, unless the contrary intention appears, a reference to a person who is leasing the vehicle, or who is using the vehicle with the consent of the owner.
- (3) A reference in these regulations to the holder of a taxi licence includes, unless the contrary intention appears, a reference to a transferee, assignee or lessee of a taxi licence.

- (4) 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 if—
  - (a) the person drives it in a public street, road or place while the taxi sign indicates that the taxi is available for hire; or
  - (b) the person carries a passenger for fee or reward; or
  - (c) the person drives it to or places it at a designated taxi-stand; or
  - (d) the person drives it to a place to pick up passengers to be carried for fee or reward.
- (5) For the purposes of these regulations, a hiring of a taxi 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 and an instruction or direction is given to the driver by the hirer or passenger;
  - (b) in the case of a pre-arranged hiring—from a time arranged with the hirer provided that, before that time, the taxi has arrived at the place arranged for pick up and the driver has there made personal contact with the hirer or passenger.
- (6) For the purposes of these regulations, the age of a vehicle will be measured from—
  - (a) if the vehicle is fitted with a compliance plate—the end of the month of manufacture shown on the compliance plate;
  - (b) if the vehicle is fitted with two or more compliance plates—the end of the earliest month of manufacture shown on any of the compliance plates;
  - (c) in any other case—the end of the month of manufacture or, if that is not reasonably practicable to ascertain, the end of the last month of the year of manufacture.
- (7) For the purposes of these regulations, a *Life Skills Development Program* is a program of that name administered and funded by the Department of Human Services to assist people with disabilities to participate to a greater degree in the life of the community through the development or improvement of basic life skills.

#### **4—Exclusions from the definition of passenger transport service**

- (1) A service provided under a car pooling arrangement is excluded from the ambit of the definition of *passenger transport service* under the Act.
- (2) For the purposes of subregulation (1), a service is provided under a car pooling arrangement if—
  - (a) the vehicle is provided by the driver; and
  - (b) the driver would be undertaking the relevant journey himself or herself in any event; and
  - (c) the service is not the result of plying for hire by the driver or another person; and
  - (d) the maximum number of persons in the vehicle is eight; and



- (e) a payment by a passenger is limited to making a contribution to the costs incurred in making the journey, and other costs associated with the use of the vehicle (other than a fine or penalty imposed under an Act), and does not involve profit for the driver or another person.
- (3) A service that consists of a ride provided for the purposes of fun or amusement for a fare that is less than \$5 per ride is excluded from the ambit of *passenger transport service* under the Act.

#### **4A—Exclusions from the definition of regular passenger service**

- (1) A service that is within the ambit of a declaration of the Minister under subregulation (2) is, subject to the other provisions of this regulation, excluded from the ambit of the definition of *regular passenger service* under the Act.
- (2) The Minister may, on application, make a declaration under this subregulation in respect of a service if the Minister is satisfied—
  - (a) that—
    - (i) the service relates to a particular event or events, or to a particular occasion or occasions; or
    - (ii) the service is a premium service that provides special facilities, advantages or services for a commercial fare without public subsidy; or
    - (iii) the service is designed (or principally designed) for the carriage of tourists, or for the carriage of visitors to a particular region or area; or
    - (iv) the service is provided (and only provided) for recreational, social or amusement purposes; or
    - (v) the service is a community or other similar service not primarily established with a view to profit or commercial gain; or
    - (vi) the service is a school service arranged directly between the operator of the service and the school, or a person or persons acting on behalf of the school or the relevant students; or
    - (vii) the service is to be provided for no more than a specified period on a trial or experimental basis; and
  - (b) in the case of a service provided in the Metropolitan Area—that the service will not be in substitution for any existing regular passenger service operating on the same (or substantially the same) route as part of the "Metroticket" network; and
  - (c) that the operation of the service will not unfairly or unreasonably affect other services being provided by the holders of service contracts under the Act; and
  - (d) that it is appropriate for the service to be provided on a basis other than under a service contract under Part 5 of the Act; and
  - (e) that, taking into account any other matter determined by the Minister to be relevant in a particular case, it is appropriate and reasonable to make a declaration under this regulation.

- (3) Unless sooner revoked by the Minister (see subregulation (6)), a declaration under subregulation (2) expires at the end of a period (not exceeding five years) specified by the Minister at the time of the declaration or, if no period is so specified, at the end of five years.
- (4) A declaration under subregulation (2) ceases to have effect if the person who is the operator of the relevant service at the time of the declaration transfers or assigns the service, or otherwise ceases to control or to operate the service.
- (5) If the Minister makes a declaration under subregulation (2), the operator of the relevant service must—
  - (a) give notice of the fare or fares (if any) to be charged for the service, and provide other information for the benefit of the public as the Minister thinks fit, in a manner and form determined by the Minister; and
  - (b) provide to the Minister information about patronage levels for the service, and other information as the Minister thinks fit, in a manner and form, and at intervals, determined by the Minister; and
  - (c) comply with other conditions (if any) determined by the Minister on account of the making of the declaration.
- (6) The Minister may—
  - (a) revoke a declaration under this regulation (and the relevant service will then cease to be excluded from the ambit of the definition);
  - (b) vary a determination or condition under subregulation (5).
- (7) A condition may be varied by the addition, substitution or deletion of one or more conditions.
- (8) The Minister must, before taking action under subregulation (6)—
  - (a) give the operator of the service written notice of the action under consideration; and
  - (b) allow the operator at least 14 days to make submissions to the Minister (in a manner and form determined by the Minister) about the proposed course of action; and
  - (c) after complying with paragraphs (a) and (b), and after considering any submissions and determining to proceed with the action, give the operator at least 14 days written notice of the action.
- (9) The Minister must ensure—
  - (a) that a record of the declarations under this regulation is kept available for inspection by members of the public (without charge and during normal office hours) at the principal office of the department; and
  - (b) that information about declarations made under this regulation in a particular financial year is included in the annual report prepared under section 24A of the Act.

#### **4B—Additional exclusion from the definition of regular passenger service**

A service provided as part of a Life Skills Development Program is excluded from the ambit of the definition of *regular passenger service* under the Act.

## 5—Act not to apply in certain cases

- (1) Section 27 of the Act does not apply with respect to—
  - (a) a transportation service operated by—
    - (i) the Department for Education and Children's Services, a Government school under the *Education Act 1972* (or a school council constituted with respect to a Government school) or a kindergarten under the *Children's Services Act 1985*; or
    - (ii) a non-Government school within the meaning of the *Education Act 1972*; or
    - (iii) a child care centre within the meaning of the *Children's Services Act 1985*; or
    - (iv) a church or other form of religious organisation,  
to carry school students or pre-school children; or
  - (ab) a transportation service operated by an institution that provides tertiary education to carry students who attend that institution; or
  - (b) a service that involves the use of a motor vehicle that is licensed by a council to operate as a taxi (not being a taxi that requires a licence under Part 6 of the Act) in an area that does not include a part of Metropolitan Adelaide; or
  - (c) a service consisting of the carriage of passengers by train or tram (including a horse-drawn tram); or
  - (d) a service provided as part of a Life Skills Development Program.
- (2) However, paragraph (b) of subregulation (1) does not apply in relation to an area if the Minister has, by notice in the Gazette, determined that the area will not be within the ambit of that paragraph.
- (2a) Paragraphs (a) and (ab) of subregulation (1) operate subject to the condition that if a body that falls within the ambit of either paragraph engages a volunteer driver who does not hold an accreditation under section 28 of the Act by virtue of regulation 5A then the body must ensure (through the implementation of appropriate assessment procedures and on an on-going basis) that the volunteer driver is of good repute and in all other respects a fit and proper person to be the driver of a public passenger vehicle.
- (2b) Section 28 of the Act does not apply with respect to a driver who is driving a public passenger vehicle for the purposes of a service operated or provided by a person or body that falls within the ambit of paragraph (c) or (d) of subregulation (1) (in a circumstance referred to in one of those paragraphs).
- (3) Section 29 of the Act does not apply with respect to a centralised booking service operated wholly outside Metropolitan Adelaide.

## 5A—Volunteer drivers

Section 28 of the Act does not apply with respect to a volunteer driver who is driving a public passenger vehicle for the purposes of—

- (a) a community transportation service; or

- (b) a transportation service operated or provided by a body that falls within the ambit of paragraph (a) or (ab) of regulation 5(1) (in a circumstance referred to in one of those paragraphs).

## Part 2—Accreditation

### Division 1—General passenger services

#### 6—Operators—Eligibility

- (1) A person is not eligible to be granted an accreditation under Division 1 of Part 4 of the Act unless the Minister is satisfied—
  - (a) that the person or, in the case of a body corporate, each director, manager or other person who is in a position to control or influence substantially the affairs of the body corporate, is of good repute and in all other respects fit and proper to be responsible for the operation of a passenger transport service under the accreditation; and
  - (b) that the person has the capacity to meet standards determined by the Minister relating to—
    - (i) the ability to provide passenger transport services; and
    - (ii) safety of passengers and the public; and
    - (iii) service to passengers; and
    - (iv) vehicles and equipment (including their design, service, maintenance and condition), to the degree and in the manner required in respect of services of the relevant kind; and
  - (c) that the person has attained the age of 18 years or, in the case of a body corporate, each director, manager or other person who is in a position to control or influence substantially the affairs of the body corporate has attained the age of 18 years.

#### 7—Conditions

- (1) Pursuant to section 31(1)(b)(ii) of the Act, the following conditions are prescribed in relation to an accreditation under Division 1 of Part 4 of the Act:
  - (a) that the accredited person must, within seven days, inform the Minister of action to bankrupt the person or to declare the person insolvent, or of proceedings by the person to take the benefit (as debtor) of a law relating to bankruptcy or insolvent debtors or, in the case of a body corporate, of action to windup the body corporate or to place the body corporate under official management or in receivership;
  - (b) that the accredited person must, within seven days, inform the Minister—
    - (i) of a change in the person's name or residential address or, in the case of a body corporate, of a change in the name of the body corporate, or in the registered office or principal office of the body corporate; or
    - (ii) of a change in the person's business name or trading name; or
    - (iii) in the case of a body corporate, of a change in a director, manager or other person who is in a position to control or influence substantially the affairs of the body corporate;

- (c) that the accredited person must, within seven days, inform the Minister of a change—
  - (i) affecting the accuracy of information furnished to the Minister for the purposes of gaining accreditation; or
  - (ii) affecting the accuracy of particulars specified in the accreditation;
- (d) that the accredited person must, within two business days, inform the Minister—
  - (i) of the laying of a charge for an offence against the person; or
  - (ii) of a finding by a court that the person has been guilty of an offence;
- (e) that the accredited person will provide to a customer (or potential customer), on request, a copy of the code of practice that applies to the accredited person;
- (f) that the accredited person will ensure that a vehicle used for the purposes of the service is not driven in contravention of Division 2 of Part 4 of the Act (relating to the accreditation of drivers) (although this condition does not apply if the accredited person is operating a community transportation service and the driver is a volunteer driver who does not hold an accreditation by virtue of regulation 5A);
- (g) that the accredited person must, within seven days, inform the Minister of the introduction of a vehicle to the service, or of the withdrawal of a vehicle from the service;
- (h) that a vehicle used for the purposes of the service has a current certificate of inspection (unless a certificate is not required because of an exemption under that section) or, if a certificate of inspection is required under Part 4A of the *Road Traffic Act 1961*, a current certificate of inspection under that Act;
- (i) that a vehicle used for the purposes of the service displays the name of the accredited person, or of a business or trading name approved by the Minister, in a manner determined by the Minister, unless—
  - (i) the vehicle is a taxi; or
  - (ii) the vehicle is used to provide a regular passenger service;
- (j) that the accredited person will ensure that the following information is maintained in a manner and form determined by the Minister, and in such detail as the Minister may require:
  - (i) except for a regular passenger service or taxi service—details of each hiring, including the vehicle used to provide the service, the name and contact information of the person who engaged the accredited person, a general description of the service that was provided, and the amount received for the service;
  - (ia) for a chauffeured vehicle service—the distance travelled in connection with each hiring (including travelling to and from a hiring);
  - (ii) for a regular passenger service—details of each trip undertaken by a vehicle used for the purposes of the service;

- (iii) for a taxi service—in respect of each taxi, a work sheet for each day that the taxi is used for the purposes of the service;
  - (iv) the registration number, make and model of each vehicle used for the purposes of the service;
  - (v) the names and address of each person employed or engaged by the accredited person to drive a vehicle for the purposes of the service, and the dates and times at which the person drives a vehicle;
  - (vi) if a vehicle used for the purposes of the service is involved in an accident—the date, time and place of the accident, the circumstances of the accident, particulars of injury to a person or to property, particulars of damage to the vehicle, and the name and identification number of the driver;
  - (vii) details of maintenance or repair work carried out on each vehicle, and of any work involving the conversion or rebuilding of a vehicle;
- (k) in the case of an accreditation for a taxi service—that the accredited person must, when the person provides a taxi service, be a member of a centralised booking service (unless the person is within the ambit of clause 9 of Schedule 4 of the Act);
- (ka) in the case of an accreditation for a taxi-service (unless the accredited person is within the ambit of clause 9 of Schedule 4 of the Act)—that the accredited person must not terminate his or her membership of a centralised booking service unless or until—
- (i) all amounts due and payable by the accredited person to the centralised booking service have been paid; and
  - (ii) any signs or other equipment that the accredited person is required to return to the centralised booking service on a termination of membership have been so returned;
- (l) except for an accreditation for a taxi service (including a taxi service operated outside Metropolitan Adelaide) or a regular passenger service, or as specifically authorised under these regulations or by the Minister—
- (i) that a vehicle must not be used to carry passengers for the purposes of the service except under a pre-arranged hiring resulting from a request by the hirer directed to a booking office approved by the Minister and specified in the accreditation or otherwise recorded in a manner determined by the Minister; and
  - (ii) that a vehicle used to carry passengers for the purposes of the service must not have a sign fitted to its roof; and
  - (iii) that any sign fitted to the outside of a vehicle, or fitted or displayed in or from the inside of a vehicle, used to carry passengers for the purposes of the service must conform with any requirements determined by the Minister for the purposes of this provision; and
  - (iv) that the accredited person must not advertise or list his or her service in a public directory generally available throughout Metropolitan Adelaide under a heading or listing that uses the word "TAXI";

- (la) in the case of a Small Passenger Vehicle (Traditional) Accreditation—
- (i) that a vehicle used for the purposes of the service must be—
    - (A) a vehicle that has an engine capacity of six cylinders or more, has a wheelbase dimension of at least 2 800 mm, is capable of seating at least four average-sized adults comfortably plus the driver, and is within a higher quality class of vehicle recognised by the Minister for the purposes of this subparagraph; or
    - (B) a vehicle determined by the Minister (either specifically or according to a class of vehicle) as being appropriate for the purposes of this subparagraph; and
  - (ii) that a vehicle used for the purposes of the service must not travel more than 40 000 kilometres during any prescribed period; and
  - (iii) that a vehicle used for the purposes of the service must not have travelled more than 320 000 kilometres in total; and
  - (iv) that the accredited person must operate the service on the basis of a minimum charge per hiring of \$20, or such other amount as may be determined by the Minister;
- (lb) in the case of a Small Passenger Vehicle (Metropolitan) Accreditation—
- (i) that a vehicle used for the purposes of the service must be—
    - (A) a vehicle that has an engine capacity of six cylinders or more, has a wheelbase dimension of at least 2 800 mm, is capable of seating at least four average-sized adults comfortably plus the driver, and is within a higher quality class of vehicle recognised by the Minister for the purposes of this subparagraph; or
    - (B) a vehicle determined by the Minister (either specifically or according to a class of vehicle) as being appropriate for the purposes of this subparagraph; and
  - (ii) that a vehicle, when introduced for use in the service, must not be more than three years and six months old;
- (lc) in the case of a Small Passenger Vehicle (Special Purpose) Accreditation—
- (i) that a vehicle used for the purposes of the service must be a vehicle that has been specifically approved by the Minister for the purposes of that particular service; and
  - (ii) that a vehicle used for the purposes of the service must not travel more than 40 000 kilometres during any prescribed period; and
  - (iii) that a vehicle used for the purposes of the service must not have travelled more than 320 000 kilometres in total; and
  - (iv) except where the vehicle is a motor cycle—that the accredited person must operate the service on the basis of a minimum charge per hiring of \$20, or such other amount as may be determined by the Minister;



- (ld) in the case of a Small Passenger Vehicle (Non-Metropolitan) Accreditation—that a vehicle used for the purposes of the service must be—
- (i) a vehicle that has an engine capacity of six cylinders or more and is capable of seating at least four average-sized adults comfortably plus the driver; or
  - (ii) a vehicle determined by the Minister (either specifically or according to a class of vehicle) as being appropriate for the purposes of this paragraph;
- (m) except for an accreditation for a taxi service or a regular passenger service—that the accredited person—
- (i) must have in place a plan of operation for the relevant service that complies with requirements determined by the Minister and is approved by the Minister before the commencement of the service; and
  - (ii) must operate the service in accordance with that plan of operation, (and the plan may be altered from time to time with the approval of the Minister);
- (ma) if required by the Minister—that the accredited person has successfully completed a course recognised by the Minister for the purposes of this regulation;
- (mb) except for an accreditation a regular passenger service—that a policy of public liability insurance indemnifying the accredited person and any authorised driver in an amount of at least five million dollars in relation to death or bodily injury caused by, or arising out of, the use of a vehicle for the purposes of the service must be in force;
- (n) except for a person who is a member of a centralised booking service—that the accredited person must have in place arrangements to deal with lost property;
- (o) that the accredited person will ensure that the public is provided with a service that is adequate and appropriate for an accreditation of the relevant kind, and that the accredited person will comply with a direction of the Minister concerning the provision of a service under the accreditation;
- (p) that if the accredited person is operating a community transportation service and engages a volunteer driver who does not hold an accreditation under section 28 of the Act by virtue of regulation 5A to drive for the purposes of the service then the accredited person must ensure (through the implementation of appropriate assessment procedures and on an on-going basis) that the volunteer driver is of good repute and in all other respects a fit and proper person to be the driver of a public passenger vehicle.
- (2) A person who is required to provide information to the Minister under this regulation must provide the information in a manner and form determined by the Minister.
- (3) An accredited person must, on the request of a driver, provide the driver with a copy of a work sheet that has been filled in by the driver.

- (4) An authorised officer may, at any reasonable time, in order to ensure that the requirements of this regulation are being met—
  - (a) require a person to produce documents; and
  - (b) examine, copy or take extracts from a document so produced.
- (5) An accredited person must comply with a requirement of an authorised officer under subregulation (4) unless to do so—
  - (a) might tend to incriminate the person or make the person liable to a penalty; or
  - (b) would breach legal professional privilege.
- (6) In subregulation (1)—

*prescribed period* in relation to a vehicle used for the purposes of a service means any period of 12 months from any day on which the vehicle has been inspected under section 54 of the Act for the purposes of its use in the service.

## **8—Periodical fees and returns**

- (1) Pursuant to section 33(1) of the Act—
  - (a) each period of 12 months falling on the anniversary of the day on which the accreditation was granted is a prescribed period for an accreditation under Division 1 of Part 4 of the Act; and
  - (b) the relevant day is 14 days after the end of each prescribed period.
- (2) Pursuant to section 33(1)(a) of the Act, the following information is prescribed:
  - (a) the person's current name and address;
  - (b) in the case of a body corporate—the name and address of each director, manager or other person who is in a position to control or influence substantially the affairs of the body corporate;
  - (c) in relation to each vehicle used for the purposes of the service during the prescribed period—the registration number, make and seating capacity;
  - (d) other information determined by the Minister.
- (3) The Minister may require that information contained in a return be verified by statutory declaration.

## **Division 2—Drivers**

### **9—Drivers—Eligibility**

A person is not eligible to be granted an accreditation under Division 2 of Part 4 of the Act unless the Minister is satisfied—

- (a) that the person is of good repute and in all other respects a fit and proper person to be the driver of a public passenger vehicle under the accreditation; and
- (b) that the person has sufficient responsibility, skills and aptitude to drive a vehicle or vehicles under the accreditation—

- (i) in accordance with the conditions under which a passenger transport service is operated; and
- (ii) in accordance with law; and
- (c) that the person is the holder of an appropriate driver's licence; and
- (d) that the person does not suffer a physical or mental incapacity that would impair his or her ability to work effectively as the driver of a public passenger vehicle under the accreditation; and
- (e) that the person—
  - (i) is sufficiently competent in speaking, reading and writing English and in arithmetic; and
  - (ii) has sufficient knowledge of the requirements of the Act, and of these and other regulations under the Act; and
  - (iii) in the case of a person who wants to drive a taxi in Metropolitan Adelaide—has sufficient knowledge of streets and places in Metropolitan Adelaide,
 

to work effectively as the driver of a public passenger vehicle under the accreditation (and a person who satisfies the Minister by such documentary evidence as the Minister may require that the person has successfully completed a course approved by the Minister will be taken to meet the requirements of this paragraph); and
- (f) if required by the Minister—that the person has successfully completed—
  - (i) a tourism course recognised by the Minister for the purposes of this regulation;
  - (ii) a driver training course recognised by the Minister for the purposes of this regulation.

## 10—Medical examination

The Minister may require—

- (a) an applicant for the issue (or renewal) of an accreditation under Division 2 of Part 4 of the Act; or
- (b) a person who holds an accreditation under Division 2 of Part 4 of the Act,
 

to submit a medical report or other evidence acceptable to the Minister to establish that the person does not suffer a physical or mental incapacity that impairs, or could impair, his or her ability to work effectively as the driver of a public passenger vehicle under the accreditation.

## 11—Conditions

- (1) Pursuant to section 31(1)(b)(ii) of the Act, the following conditions are prescribed in relation to an accreditation under Division 2 of Part 4 of the Act:
  - (a) that the accredited person must, within seven days, inform the Minister of a change in the person's name or residential address;
  - (b) that the accredited person must, within seven days, inform the Minister of a change—

- (i) affecting the accuracy of information furnished to the Minister for the purposes of gaining accreditation; or
    - (ii) affecting the accuracy of particulars specified in the accreditation;
  - (c) that the accredited person must, within two business days, inform the Minister—
    - (i) of the laying of a charge for an offence against the person; or
    - (ii) of a finding by a court that the person has been guilty of an offence;
  - (d) that the accredited person must, within two business days, inform the Minister of the expiry, suspension or cancellation of the person's driver's licence;
  - (e) that the person will, while driving a public passenger vehicle for the purposes of a passenger transport service, display or carry (or both) a form (or forms) of identification determined by the Minister;
  - (f) that the accredited person will, in a manner and form determined by the Minister, fill in a work sheet for each day that the person drives a public passenger vehicle;
  - (g) except where the accredited person is driving a vehicle for a taxi service (including a taxi service operated outside Metropolitan Adelaide) or a regular passenger service, or as specifically authorised under these regulations (see especially regulation 26(1)) or by the Minister—
    - (i) that the accredited person will not drive a vehicle for the purposes of a passenger transport service if the vehicle does not comply with the requirements of regulation 7(1)(l)(ii) and (iii);
    - (ii) that the accredited person will not ply for hire with a vehicle in a public street, road or place, and will not stand a vehicle being driven by the person at a designated taxi-stand;
    - (iii) except for a motor cycle or a vehicle drawn by an animal, that the accredited person will not park or stand a vehicle on a public street, road or place within Metropolitan Adelaide unless a sign approved by the Minister that clearly indicates that the vehicle is not for hire is displayed on or near the vehicle in a manner determined by the Minister for the purposes of this regulation;
    - (iv) that the accredited person will not accept a request for the carriage for hire of a person except under a pre-arranged hiring resulting from a request by the hirer directed to a booking office approved by the Minister under these regulations and the issuing of the booking to that driver following that request.
- (2) A person who is required to provide information to the Minister under this regulation must provide the information in a manner and form determined by the Minister.

## **Division 3—Centralised booking services**

### **12—Centralised booking services—Eligibility**

- (1) A person is not eligible to be granted an accreditation under Division 3 of Part 4 of the Act unless the Minister is satisfied—
  - (a) that the person or, in the case of a body corporate, each director, manager or other person who is in a position to control or influence substantially the affairs of the body corporate, is of good repute and in all other respects fit and proper to be responsible for the operation of a centralised booking service; and
  - (b) that the person will, if granted an accreditation, operate a centralised booking service that complies with the standards prescribed by subregulation (2); and
  - (c) that the person has attained the age of 18 years or, in the case of a body corporate, each director, manager or other person who is in a position to control or influence substantially the affairs of the body corporate has attained the age of 18 years.
- (2) The following standards are prescribed for the purposes of section 29(3)(a)(ii) of the Act:
  - (a) a centralised booking service must be able to ensure that 2-way radio or telecommunications contact between a central control station and each passenger transport vehicle participating in the service is continuously available (excluding a case where a vehicle is in a part of Metropolitan Adelaide where such contact is impracticable);
  - (b) a centralised booking service must provide the service 24 hours a day, seven days a week;
  - (c) a centralised booking service must be able to deal with an emergency situation that involves the driver of a passenger transport vehicle participating in the service;
  - (d) a centralised booking service must be able to meet various levels of customer service (including as to waiting times) set by the Minister in consultation with the relevant service;
  - (e) a centralised booking service must have a customer information system to respond to customer inquiries and complaints.

### **13—Conditions**

- (1) Pursuant to section 31(1)(b)(ii) of the Act, the following conditions are prescribed in relation to an accreditation under Division 3 of Part 4 of the Act:
  - (a) that the accredited person must, within seven days, inform the Minister of action to bankrupt the person or to declare the person insolvent, or of proceedings by the person to take the benefit (as debtor) of a law relating to bankruptcy or insolvent debtors or, in the case of a body corporate, of action to windup the body corporate or to place the body corporate under official management or in receivership;
  - (b) that the accredited person must, within seven days, inform the Minister—

- (i) of a change in the person's name or residential address or, in the case of a body corporate, of a change in the name of the body corporate, or in the registered office or principal office of the body corporate; or
    - (ii) of a change in the person's business name or trading name; or
    - (iii) in the case of a body corporate, of a change in a director, manager or other person who is in a position to control or influence substantially the affairs of the body corporate;
  - (c) that the accredited person must, within seven days, inform the Minister of a change—
    - (i) affecting the accuracy of information furnished to the Minister for the purposes of gaining accreditation; or
    - (ii) affecting the accuracy of particulars specified in the accreditation;
  - (d) that the accredited person must, within two business days, inform the Minister—
    - (i) of the laying of a charge for an offence against the person; or
    - (ii) of a finding by a court that the person has been guilty of an offence;
  - (e) that the accredited person will provide to a customer (or potential customer), on request, a copy of the code of practice that applies to the accredited person;
  - (f) that the accredited person will have in place a business plan to ensure that relevant customer service levels are met;
  - (g) that the accredited person will have in place arrangements to deal with lost property found in vehicles participating in the centralised booking service;
  - (h) that the accredited person will have a management information system to monitor and record performance;
  - (i) that the accredited person will establish and maintain a set of rules and procedures that are to apply in relation to the provision of the centralised booking service (including in relation to the owners and drivers of vehicles participating in the service), will provide a copy of those rules and procedures to the Minister and will, within 14 days, inform the Minister, in a manner and form determined by the Minister, of any alteration to those rules or procedures;
  - (j) that the accredited person will establish and maintain a system for dealing with any dispute between the person and the owner or driver of a vehicle participating in the scheme, and that if the dispute is not resolved within a reasonable time and is referred to the Minister, that the accredited person will accept and, if necessary, implement or observe, a decision made by the Minister in order to resolve the dispute.
- (2) A person who is required to provide information to the Minister under this regulation must provide the information in a manner and form determined by the Minister.

**14—Periodical fees and returns**

- (1) Pursuant to section 33(1) of the Act—
  - (a) each quarter is a prescribed period for an accreditation under Division 3 of Part 4 of the Act; and
  - (b) the relevant day for that kind of accreditation is 21 days after the end of a quarter.
- (2) Pursuant to section 33(1)(a) of the Act, the following information is prescribed in relation to the relevant quarter:
  - (a) the number of vehicles participating in the service at the end of the relevant quarter;
  - (b) the average response times for various periods of the day determined by the Minister;
  - (c) the telephone answering standards applied by the centralised booking service;
  - (d) a full explanation for an inability to meet customer service requirements under these regulations;
  - (e) statistical information relating to cases where vehicles were not available to take bookings, including the time of those bookings and the pick-up points;
  - (f) details of customer complaints, and the action taken;
  - (g) details of—
    - (i) disciplinary action against the driver or owner of a vehicle participating in the service; or
    - (ii) a decision to refuse a person membership of the service;
  - (h) other information determined by the Minister.
- (3) The Minister may require information contained in a return be verified by statutory declaration.

**15—Powers on inspection**

- (1) Pursuant to section 53(5)(j) of the Act, an authorised officer may—
  - (a) at any reasonable time, enter and inspect premises where a person is operating a centralised booking service;
  - (b) require a person to produce evidence about customer service levels and operational practices;
  - (c) require a person to produce documents;
  - (d) examine, copy or take extracts from a document so produced;
  - (e) undertake an assessment of—
    - (i) the operations of the centralised booking service; and
    - (ii) the vehicles participating in the service; and
    - (iii) the maintenance and enforcement of standards within the service.

- (2) A person must comply with a requirement under subregulation (1) unless to do so—
  - (a) might tend to incriminate the person or make the person liable to a penalty; or
  - (b) would breach legal professional privilege.

## **Division 4—General provisions relating to accreditations**

### **16—Accreditations may be held jointly**

- (1) An accreditation under Division 1 or 3 of Part 4 of the Act may, if the Minister thinks fit, be issued to more than one person on joint application.
- (2) If an accreditation is jointly held, service of a notice on one of the accredited persons will be regarded as service on all the accredited persons.

### **17—Particulars in accreditation**

An accreditation under Part 4 of the Act must—

- (a) specify the period for which it will continue in force; and
- (b) specify the conditions (if any) imposed by the Minister in relation to the accreditation under section 31(1)(b)(i) of the Act.

### **18—Death or incapacity of accredited person**

- (1) If a natural person who is the holder of an accreditation under Division 1 or 3 of Part 4 of the Act—
  - (a) dies; or
  - (b) has a physical or mental incapacity that prevents the person from carrying on business under the accreditation,

a person who takes over the management of the business may, with the consent of the Minister, continue to operate a passenger transport service or centralised booking service (as the case may be) under the accreditation for a period determined by the Minister.

- (2) For the purposes of subregulation (1)—
  - (a) a period determined by the Minister must be at least three months; and
  - (b) the Minister may, if the Minister thinks fit, extend a period; and
  - (c) the duration for which a person may operate a service under subregulation (1) cannot exceed 12 months.

### **19—Duty of accredited person to furnish information**

- (1) The holder of an accreditation under Part 4 of the Act must, if so required by the Minister by notice in writing, furnish to the Minister or to a person nominated by the Minister for the purpose, within a period specified in the notice, a return in a form determined by the Minister setting out such information as to the operation of a service, or as to any other matter relevant to the accreditation, as the Minister, or the nominated person, may require.
- (2) The Minister may require that information contained in a return under subregulation (1) be verified by statutory declaration.



**20—Inquiries by the Minister**

- (1) The holder of an accreditation under Part 4 of the Act must, if so required by the Minister by notice in writing, attend at a specified place before the Minister, or a person appointed by the Minister for the purpose, and there answer such questions as to the accreditation, and the operation of a service under the accreditation, the person's conduct, or any other matter, as the Minister or the person so appointed considers necessary for the administration or enforcement of the Act, or of these or any other regulations under the Act.
- (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.

**21—Defacing etc of accreditations**

The holder of an accreditation under Part 4 of the Act must not—

- (a) deface, alter, or mutilate the accreditation; or
- (b) part with possession of the accreditation except as required under these regulations or the Act.

**22—Delivery of accreditations**

- (1) The holder of an accreditation under Part 4 of the Act must within two business days deliver the accreditation to the Minister—
  - (a) if the accreditation is altered or defaced or becomes illegible in a particular; or
  - (b) if there is a change in the accuracy of a particular specified in the accreditation; or
  - (c) on receiving notice of the suspension or revocation of the accreditation; or
  - (d) on being required by the Minister by notice in writing to deliver the accreditation to the Minister; or
  - (e) on the expiry of the accreditation.

**23—Issue of duplicate if accreditation lost etc**

If—

- (a) the holder of an accreditation satisfies the Minister that the accreditation has been lost or destroyed; or
- (b) an accreditation that has been altered or defaced or has become illegible in a particular is delivered to the Minister,

the Minister may, on payment of the fee specified in Schedule 4, issue a duplicate of the accreditation and the former accreditation is null and void.

**24—Renewals**

- (1) Pursuant to section 34(3) of the Act—
  - (a) an application for the renewal of an accreditation under Division 1 or 3 of Part 4 of the Act must be made not later than 28 days before the date of expiry of the accreditation; and

- (b) an application for the renewal of an accreditation under Division 2 of Part 4 of the Act must be made not later than seven days before the date of expiry of the accreditation.
- (2) The day that corresponds to six weeks before the date of expiry an accreditation is fixed for the purposes of section 34(5) of the Act.

## **25—Procedure for variation of an accreditation**

- (1) For the purposes of section 35(4) of the Act, the Minister must, before varying a person's accreditation from one class of accreditation to another—
  - (a) notify the person in writing of the proposed action and provide a brief summary of the reasons for the proposed action; and
  - (b) allow the person a reasonable opportunity to make submissions in relation to the matter.
- (2) A notification of a decision by the Minister to vary a person's accreditation under section 35(4) of the Act must include a statement setting out the person's right to appeal against the decision.

## Part 3—Taxis

### Division 1—Taxi licences

#### 26—Exemptions under section 45

- (1) Pursuant to section 45(1)(c) of the Act, a person (being a person who is not the holder of a taxi licence) may cause or permit a vehicle to ply for hire in a public street, road or place if—
  - (a) the person holds an accreditation under Part 4 of the Act; and
  - (b) the vehicle is being used for the purposes of a service operated under the accreditation; and
  - (c) the vehicle is plying for hire—
    - (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; or
    - (ii) between 10.00 p.m. on 31 December of any year and 10.00 a.m. on 1 January of the following year.
- (2) Pursuant to section 45(1)(d) of the Act, a person (being a person who is not the holder of a taxi licence) may operate a passenger transport service by means of a vehicle that is fitted with a taxi-meter if—
  - (a) the person holds an accreditation under Part 4 of the Act; and
  - (b) the vehicle was fitted with the meter before the commencement of these regulations; and
  - (c) the person used the vehicle for the purposes of the service immediately before the commencement of these regulations; and
  - (d) the following notice is displayed on or near the meter in a manner that allows it to be easily seen by any person sitting in the vehicle:

NOTICE TO ALL PASSENGERS

The rates shown on this meter have not been set under the *Passenger Transport Act 1994*.

The operator of this vehicle must inform passengers as to the rates set on this meter before the journey begins.

#### 27—Suitability of vehicle

- (2) An applicant for a taxi licence must satisfy the Minister that the vehicle in respect of which the licence is sought complies with these regulations and any requirement determined by the Minister, is suitable for use as a taxi under a licence of the kind or grade applied for, and is in good order.

## **28—Prescribed kinds or grades of licences**

- (1) Pursuant to section 47(5) of the Act, the following kinds or grades of taxi licence are prescribed:
  - (a) general taxi licences;
  - (b) temporary taxi licences;
  - (c) special vehicle licences;
  - (d) standby taxi licences.
- (2) A temporary taxi licence is a temporary licence under the Act.
- (3) A special vehicle licence is a licence for a taxi that—
  - (a) is suitable to carry persons who use wheelchairs, scooters or other large (ride-on) mobility aids; and
  - (b) is determined by the Minister to be a special vehicle licence under these regulations.
- (4) A standby taxi licence is a licence for a taxi that is only to be used in place of another taxi that is temporarily out of service.

## **28A—Ability of Minister to remove prohibition on transfer**

- (1) The Minister may, in the Minister's absolute discretion, determine that a taxi licence held under the Act or these regulations on the basis that it cannot be transferred or assigned will, from the date that the determination takes effect, be capable of being transferred or assigned (subject to the operation of section 49 of the Act).
- (2) The Minister may fix a fee that is payable by the holder of a taxi licence that is subject to a determination of the Minister under subregulation (1).
- (3) A fee fixed under subregulation (2) may, if the Minister so determines, be payable in instalments.
- (4) However, a fee is not payable under subregulation (2) unless the determination of the Minister under subregulation (1) is made on the application, or with the concurrence, of the holder of the taxi licence.

## **29—Special allocation procedure**

- (1) The procedure set out in Schedule 1 is specified for the purposes of section 47(6)(e) of the Act.
- (2) Section 46(3) of the Act does not apply with respect to a person who is tendering for a taxi licence under Schedule 1.
- (3) However, a person who is a successful tenderer under Schedule 1 must comply with the requirements of that Schedule relating to obtaining accreditation (if the tenderer is not an accredited person of an appropriate kind).

## **30—Licences may be held jointly**

- (1) A taxi licence may, if the Minister thinks fit, be issued to more than one person on joint application.

- (2) If a taxi licence is jointly held, service of a notice on one of the holders of the licence will be regarded as service on all the holders of the licence.

### 31—Conditions and change of information

- (1) Pursuant to section 45(5) of the Act—
- (a) it is a condition of a taxi licence that the holder of the licence—
    - (i) must remain an accredited person of an appropriate kind; and
    - (ii) must remain a fit and proper person to hold a taxi licence; and
  - (b) it is a condition of a taxi licence that it will only relate to one vehicle; and
  - (c) it is a condition of a taxi licence that if the Minister consents to the leasing of the licence, the lessee cannot sublease the licence; and
  - (d) it is a condition of a standby licence—
    - (i) that the taxi to which the licence relates must not be used to ply for hire except in place of another licensed taxi that is temporarily out of service; and
    - (ia) that the taxi to which the licence relates (the *standby taxi*) cannot be used in place of a taxi operated—
      - (A) under a general taxi licence that requires the taxi to be suitable to carry persons who use wheelchairs, scooters or other large (ride-on) mobility aids; or
      - (B) under a special vehicle licence,  
unless the standby taxi is also suitable to carry persons who use wheelchairs, scooters or other large (ride-on) mobility aids; and
    - (ii) that the holder of the licence will, before the taxi is used to ply for hire on any occasion, notify the Minister, in a manner and form determined by the Minister, of the proposed use of the taxi; and
    - (iii) that one of the taxi registration plates of the taxi that is temporarily out of service must be kept fixed in the rear window of the taxi to which the licence relates in a manner approved by the Minister or an authorised officer, and kept clearly on display, while it is being used to ply for hire.
- (2) The holder of a taxi licence must, within seven days, inform the Minister of a change—
- (a) affecting the accuracy of information furnished to the Minister for the purposes of gaining the licence; or
  - (b) affecting the accuracy of particulars specified in the licence.

### 32—Particulars in licence

A taxi licence must—

- (a) specify the period for which it will continue in force; and
- (b) specify the conditions (if any) imposed by the Minister in relation to the licence under section 45 of the Act.

### **33—Death or incapacity of holder of a licence**

- (1) If a natural person who is the holder of a taxi licence—
  - (a) dies; or
  - (b) has a physical or mental incapacity that prevents the person from carrying on the business of operating a taxi service,a person who takes over the management of the business may, with the consent of the Minister, continue to operate a taxi under the licence for a period determined by the Minister.
- (2) For the purposes of subregulation (1)—
  - (a) a period determined by the Minister must be at least three months; and
  - (b) the Minister may, if the Minister thinks fit, extend a period; and
  - (c) the duration for which a person may operate a taxi under subregulation (1) cannot exceed 12 months.

### **34—Transfer of licence**

Pursuant to section 49(2) of the Act, if the Minister consents to a dealing with a licence that is less than a complete transfer, then, unless the Minister otherwise determines—

- (a) the consent is subject to a condition that the dealing will only operate for a period of one year; and
- (b) the holder of the licence must, if the dealing is to be renewed or continued beyond that period, reapply under this regulation and obtain the Minister's consent to its renewal or continuance for a further period of one year.

### **35—Duty of holder of a licence to furnish information**

- (1) The holder of a taxi licence must, if so required by the Minister by notice in writing, furnish to the Minister, or to a person nominated by the Minister for the purpose, within a period specified in the notice, a return in a form determined by the Minister setting out such information as to the operation of a taxi service under the licence, or as to any other matter relevant to the licence, as the Minister, or the nominated person, may require.
- (2) The Minister may require that information contained in a return under subregulation (1) be verified by statutory declaration.

### **36—Inquiries by the Minister**

- (1) The holder of a taxi licence must, if so required by the Minister by notice in writing, attend at a specified place before the Minister, or a person appointed by the Minister for the purpose, and there answer such questions as to the licence, and the operation of a taxi service under the licence, the conduct of the person or of any person who may have been driving the taxi, or any other matter, as the Minister or the person so appointed considers necessary for the administration or enforcement of the Act, or of these or any other regulations under the Act.
- (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.

**37—Defacing, lending of licences**

The holder of a taxi licence must not—

- (a) deface, alter, or mutilate the licence; or
- (b) part with possession of the licence except as required under these regulations or the Act.

**38—Suspension or cancellation of licences**

- (1) The following are prescribed for the purposes of section 50(1)(c) of the Act:
  - (a) the requirement that a person who drives the taxi for the purposes of a passenger transport service must be a fit and proper person to be the driver of a taxi;
  - (b) the requirement that the service provided to the public through the use of the taxi must be adequate and appropriate for the kind or grade of licence;
  - (c) the requirement that the taxi must comply with these regulations and any requirement determined by the Minister, remain suitable for use as a taxi under a licence of the kind or grade applied for, and remain in good order;
  - (d) the condition that the holder of the licence must remain eligible under the Act and these regulations to hold a taxi licence.
- (2) The Minister must, before suspending or cancelling a taxi licence, other than a temporary licence, under section 50 of the Act—
  - (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) The Minister must, before suspending or cancelling a temporary licence under section 50 of the Act, give the holder of the licence at least 7 days written notice of the proposed course of action (including in the notice a brief summary of the reasons for the decision).
- (4) The procedures set out in subregulations (2) and (3) may be undertaken in conjunction with a process under Division 5 of Part 4 of the Act.
- (5) A notification of a decision of the Minister to suspend or cancel a taxi licence, other than a temporary licence, must include a statement setting out the person's right to appeal against the decision.

**39—Delivery of licences**

- (1) The holder of a taxi licence must within two business days deliver the licence to the Minister—
  - (a) if the licence is altered or defaced or becomes illegible in a particular; or
  - (b) if there is a change in the accuracy of a particular specified in the licence; or
  - (c) on receiving notice of the suspension or revocation of the licence; or
  - (d) on being required by the Minister by notice in writing to deliver the licence to the Minister; or

- (e) on the expiry of the licence.

#### **40—Issue of duplicate if licence lost etc**

If—

- (a) the holder of a taxi licence satisfies the Minister that the licence has been lost or destroyed; or
- (b) a taxi licence that has been altered or defaced or has become illegible in a particular is delivered to the Minister,

the Minister may, on payment of the fee specified in Schedule 4, issue a duplicate of the licence and the former licence is null and void.

#### **41—Substitution of vehicle**

- (1) The Minister may, on application by the holder of a taxi licence, consent to the substitution of another vehicle for the taxi to which the licence currently relates.
- (2) An application for consent must—
- (a) be made in a manner and form determined by the Minister; and
- (b) be accompanied by the appropriate fee specified in Schedule 4.

### **Division 1A—Vehicles**

#### **41A—Age of vehicles**

A vehicle, when introduced for use as a taxi under a taxi licence, must not be more than three years and six months old.

#### **41B—Colour and markings**

- (1) The outside of a taxi must be white in colour.
- (2) A taxi must be fitted, in a manner determined by the Minister, with side stripes that comply with requirements determined by the Minister for the purposes of this regulation.

### **Division 2—Taxi signs**

#### **42—General requirement for signs**

- (1) A taxi must not be driven in a public street, road or place unless—
- (a) a taxi sign of a type approved by the Minister under this regulation is fitted to the taxi in a manner approved by the Minister; and
- (b) the sign is in a proper working order.
- (2) The Minister may approve various types of signs for the purposes of these regulations.
- (3) A person other than an accredited taxi driver must not drive a taxi in a public street, road or place unless the taxi sign fitted to the taxi indicates in a manner approved by the Minister that the taxi is not available for hire.



- (4) An accredited taxi driver must not drive a taxi in a public street, road or place when the taxi is not available for hire unless the taxi sign fitted to the taxi indicates in a manner approved by the Minister that the taxi is not available for hire.
- (5) Subregulations (1) and (4) do not apply to a taxi 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) It is a defence to proceedings for an offence under this regulation for the defendant to prove—
  - (a) that the taxi sign fitted to the taxi at the time of the alleged offence was damaged or faulty; and
  - (b) that the defendant—
    - (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 for a purpose connected with the repair or replacement of the sign, or had authorised a person to drive the taxi for such a purpose.
- (7) A person to whom a taxi sign has been issued, or who has possession or custody of a taxi sign or a vehicle to which such a sign is fitted, must, on request by an authorised officer for the return of the sign, deliver it immediately to the authorised officer or the Minister.

#### **43—Unauthorised use of signs**

A person must not drive in a public street, road or place a vehicle, other than a vehicle that is licensed under Part 6 of the Act, to which there is fitted a taxi sign, or a sign the same as or closely resembling a taxi sign, unless the sign is fitted to the vehicle with the authority of the Minister.

#### **44—Removal of signs**

If a taxi licence is suspended or cancelled or expires, the holder of the licence must ensure—

- (a) that any taxi sign on the taxi at the time of suspension, cancellation or expiry is immediately removed from the vehicle; and
- (b) that a taxi sign is not again fitted to the vehicle unless or until the end of the suspension, or the granting of a new licence in respect of the vehicle.

#### **45—Loss or theft of signs**

- (1) In this regulation—

*relevant person* in relation to a taxi sign means—

- (a) if the sign has been issued to, or leased by, the holder of a taxi licence—the holder of the licence;
  - (b) in any other case—the owner of the sign.
- (2) If a taxi sign is lost or stolen, the relevant person must, within two business days, give written notice of the loss or theft to the Minister.

- (3) If a taxi sign, the loss or theft of which has been reported in accordance with subregulation (2) is recovered, the relevant person must immediately notify the Minister of the recovery.

#### **46—Company signs**

- (1) A taxi must not be driven in a public street, road or place unless a sign or signs of a type approved by the Minister, identifying the centralised booking service of which the holder of the taxi licence is a member, is fitted to the taxi in a location, and in a manner, approved by the Minister.
- (2) Subregulation (1) does not apply if the holder of the taxi licence is within the ambit of clause 9 of Schedule 4 of the Act.

#### **46A—Advertising**

- (1) Advertisements on the outside of a taxi—
- (a) may only be displayed on—
    - (i) the rear luggage compartment of the vehicle;
    - (ii) with the approval of the Minister—the rear window of the vehicle;
    - (iii) in the case of a station sedan or van—the tail gate of the vehicle; and
  - (b) must comply with any standards determined by the Minister.
- (2) Subregulation (1) does not apply to an advertisement approved by the Minister.

#### **46B—Offence provision**

A person who contravenes or fails to comply with a provision of this Division is guilty of an offence.

Maximum penalty: \$750

Expiation fee: \$105.

### **Division 3—Taxi meters and fares**

#### **47—Requirements for meters**

- (1) For the purposes of section 45(4)(c) of the Act—
- (a) a taxi-meter must be of a type approved by the Minister;
  - (b) a taxi-meter must be fitted to the taxi in a manner determined or approved by an authorised officer;
  - (c) a taxi-meter, when fitted, must be in a position where it can be easily read by any person sitting in the taxi;
  - (d) a taxi-meter must be so adjusted that, when the taxi is hired and the meter activated, the meter will register flagfall and fares not exceeding the rates that apply under Schedule 2;
  - (e) a taxi-meter must have been tested by an authorised officer or other person approved by the Minister;
  - (f) a taxi-meter must have been sealed by the officer or person conducting the test and the seal must remain intact;

- (g) a taxi-meter must be in proper working order and registering correctly.
- (2) 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.

#### **48—Action required when meter defective**

If a taxi-meter fitted to a taxi is not registering correctly or is out of order or the seal affixed to the taxi-meter is broken, the holder of the licence must ensure—

- (a) that an authorised officer is immediately notified; and
- (b) that the taxi is not used to ply for hire until the taxi-meter has been re-adjusted, tested by an authorised officer or person approved by the Minister and found to be in proper working order and registering correctly.

#### **49—Compulsory inspection of taxi-meters**

- (1) An authorised officer may, by notice in writing to the holder of a taxi licence, require the taxi to be submitted for testing of its taxi-meter at a time and place specified in the notice.
- (2) If an authorised officer finds that a taxi 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 authorised officer may suspend the taxi licence in respect of that taxi until the holder of the licence satisfies an authorised officer that the taxi is fitted with a taxi-meter that complies with these regulations.

#### **50—Substitution of wheels or alteration of drive train**

If the wheels are substituted on a taxi that is fitted with a taxi-meter, or the drive train of such a taxi is altered, the holder of the relevant taxi licence must ensure that the taxi is not used to ply for hire until the taxi-meter fitted to the taxi has been tested by an authorised officer or person approved by the Minister and the taxi-meter has been found to be registering correctly.

#### **51—Interference with taxi-meters**

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

#### **52—Fees for testing of taxi meter**

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

#### **53—Operation of meter by taxi driver**

- (1) The driver of a taxi to which a taxi-meter is fitted—
  - (a) must activate the taxi-meter at or after the commencement of a hiring; and

- (b) must not apply tariff 2 for the hiring except as allowed under Schedule 2 and unless that tariff was displayed by the tariff indicator at the commencement of the hiring; and
- (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.

Maximum penalty: \$750

Expiation fee: \$105.

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

## **54—Fares**

- (1) The holder of a taxi licence must ensure that no more than the legal fare is demanded or recovered for a hiring of the taxi to which the licence relates.
- (2) The driver of a taxi must not demand or recover more than the legal fare for a hiring of the taxi that he or she is driving.
- (3) In calculating the legal fare, no charge must be made for a period during which the taxi is delayed—
  - (a) due to shortage of fuel; or
  - (b) by an accident involving the taxi or by the breakdown of, or a defect in, the taxi; or
  - (c) at a random breath testing station or police road block or due to compliance with a requirement of a police officer made in the enforcement of a law governing the duties of drivers; or
  - (d) by a circumstance that the driver could have prevented by reasonable care.
- (4) The driver of a taxi must accept, in satisfaction of the fare for a hiring of the taxi, payment of the amount of the fare—
  - (a) by cash; or
  - (b) if applicable, by a docket issued as part of the South Australian Transport Subsidy Scheme, or under a similar scheme recognised by the Minister for the purposes of this regulation; or
  - (c) by another means determined or approved by the Minister.
- (5) A person who hires a taxi must, unless otherwise agreed, pay the legal fare to the driver on termination of the hiring—
  - (a) by cash; or
  - (b) if applicable, by a docket issued as part of the South Australian Transport Subsidy Scheme, or under a similar scheme recognised by the Minister for the purposes of this regulation; or
  - (c) by another means determined or approved by the Minister.

- (6) A person who contravenes or fails to comply with a provision of this regulation is guilty of an offence.

Maximum penalty: \$750

Expiation fee: \$105.

### **55—Display of information**

The holder of a taxi licence must ensure that the legal fares that may be charged for the hiring of the taxi are displayed in the taxi in a manner approved by the Minister together with other information (whether or not relating to fares) that the Minister determines should be displayed in the public interest.

Maximum penalty: \$750

Expiation fee: \$105.

## **Division 4—Provision of taxi services**

### **56—Stands**

- (1) The Minister must maintain at an office of the department that is open to the public during normal office hours a register of all designated taxi-stands within Metropolitan Adelaide and the times at which the stands may be used.
- (2) The driver of a taxi must not, except with the approval of an authorised officer, leave the taxi unattended at a designated taxi-stand.

### **57—Duty to accept or continue hiring**

- (1) Subject to this regulation, the driver of a taxi that is available for hire must comply with a request for the carriage for hire of persons, without luggage or together with a reasonable amount of luggage, to any place within Metropolitan Adelaide.
- (2) A driver must not carry any persons in excess of the number that the taxi 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; or
  - (b) if the driver has reasonable cause to believe that the fare for hiring of the taxi will not be paid; or
  - (c) if the driver has reasonable cause to believe that the hiring is required for some illegal purpose; or
  - (ca) if the driver has reasonable cause to believe that if he or she accepted the hiring then a person to be carried in the taxi would commit an offence against an Act or other law during the hiring or if, during the hiring, a person being carried commits an offence against an Act or other law; or
  - (d) if the person making the request for carriage, or a person carried or to be carried, acts in a threatening or abusive manner; or
  - (e) if the person making the request for carriage, or a person carried or to be carried, requires an animal (other than a working animal) to be carried in the taxi; or

- (f) if a person carried or to be carried in the taxi—
    - (i) consumes or uses, or refuses to cease consuming or using, alcohol or another drug or substance the consumption or use of which is not permitted in the taxi; or
    - (ii) smokes, or refuses to cease smoking, while in or before getting into the taxi; or
  - (fa) if the driver has reasonable cause to believe that if he or she accepted the hiring then a person to be carried in the taxi would fail to wear or use a seat belt or child restraint that is available for use in the taxi or if, during the hiring and while the taxi is in motion, a person being carried fails to wear or use a seat belt or child restraint that is available for use in the taxi; or
  - (g) if the acceptance of the hiring would involve a breach 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; and
  - (b) stop the taxi (if in motion); and
  - (c) request the passenger to leave the taxi.
- (5) A person must not refuse or fail to comply with a request made of him or her under subregulation (4).
- (6) A driver may, instead of taking action under subregulation (4) in a circumstance where the driver believes that the fare will not be paid, require the passenger to pay a deposit, or the estimated fare, in advance.
- (7) For the purposes of this regulation, a taxi will be taken to be available for hire if it is in a public street, road or place, in charge of a driver and the taxi sign fitted to the taxi indicates in a manner approved by the Minister that the taxi is available for hire.
- (8) A person who contravenes or fails to comply with a provision of this regulation is guilty of an offence.  
Maximum penalty: \$750  
Expiation fee: \$105.
- (9) In this regulation—
- disability** has the same meaning as in the *Disability Discrimination Act 1992* of the Commonwealth;
- working animal** means—
- (a) a guide dog trained to assist a person with a visual disability; or
  - (b) a dog trained to assist a person with a hearing disability; or
  - (c) any other animal trained to assist a person to alleviate the effect of a disability.

- (10) If, in relation to a particular animal, a person has an authorisation, issued in a manner and form determined by the Minister, certifying—
- (a) that the animal has been trained to assist the person to alleviate the effect of a particular disability; and
  - (b) that evidence has been provided that indicates that the animal is able to behave in a safe and appropriate manner on public transport,
- then it will be taken that the animal falls within the ambit of paragraph (c) of the definition of *working animal* under subregulation (9).

### **58—Duty to take shortest route**

If a taxi 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.

Maximum penalty: \$750

Expiation fee: \$105.

### **59—Right to terminate or vary the hiring**

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

### **60—Multiple-hiring of taxi-cabs**

The driver of a taxi 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, carry or agree to carry additional passengers at the same time under another hiring.

Maximum penalty: \$750

Expiation fee: \$105.

### **61—No smoking signs**

The holder of a taxi licence must display no smoking signs in the taxi in a manner approved by the Minister.

Maximum penalty: \$750

Expiation fee: \$105.

## **Division 5—Security cameras**

### **61A—Interpretation**

In this Division, unless the contrary intention appears—

*accredited supplier* means a person who holds an accreditation under regulation 61B;

*approved* means complying with requirements determined by the Minister for the purposes of this Division;

**authorised purpose** means—

- (a) a purpose connected with the reporting or investigation of an alleged offence by a police officer or a prescribed officer; or
- (b) a purpose connected with the prosecution of, or the issue of an expiation notice in respect of, an alleged offence; or
- (c) a purpose authorised by the Minister for the purposes of these regulations;

**download** means to transfer a video recording from a security camera system fitted to a taxi to another storage device (including a disk or tape), or to print an image from a recording on a security camera system fitted to a taxi;

**incident** means an incident involving an act or activity that may constitute an offence;

**offence** means an offence against a law of the State (including under the Act or these regulations);

**prescribed officer** means—

- (a) an authorised officer; or
- (b) a person who is authorised by the Minister to exercise powers under the regulation where the expression appears;

**recorded material** means a video recording, printed image or other material (including material stored electronically) that depicts (or is capable of depicting with the aid of an electronic device) the driver of a taxi or a member of the public and that is obtained through the use of a security camera system fitted to a taxi, or that can be traced to material obtained through the use of a security camera system fitted to a taxi;

**recognised procedures**, in relation to the operation of a security camera system, means procedures required by these regulations, or specified by the Minister or the manufacturer or supplier of the security camera system, to ensure the correct and appropriate operation of the system;

**security camera system** means a system that records images of persons (and is designed to be used in or about a taxi);

**video recording** includes any electronically stored material from which a recorded image or recorded sound can be generated or reproduced.

## **61B—Accreditation of suppliers of systems**

- (1) The Minister may accredit persons as **accredited suppliers** of security camera systems for the purposes of these regulations.
- (2) The Minister must not accredit a person unless satisfied that the person is, and is likely to continue to be, able—
  - (a) to interact with the Minister and any other relevant authority in the administration of the scheme established by this Division; and
  - (b) to provide appropriate and reliable services and facilities to support the operation and maintenance of security camera systems fitted to taxis by the supplier,

and the Minister may take into account other matters, as the Minister thinks fit, in deciding whether to grant an accreditation.



- (3) An accreditation under this regulation is subject to the following conditions:
- (a) that the accredited person will—
    - (i) before first fitting a particular type of security camera system to taxis, furnish to the Minister a statement certifying that the system complies with requirements determined by the Minister for the purposes of this Division; and
    - (ii) from time to time, as required by the Minister, submit to the Minister a security camera system for independent compliance testing; and
    - (iii) furnish to the Minister and to the South Australian Police Department, in a form determined by the Minister, a copy of all software used in connection with any security camera system fitted (or to be fitted) to taxis by the accredited person (including any updated or varied software, and any software used to download video recordings or to store recorded material); and
    - (iv) not fit security camera systems in taxis that are not approved security camera systems; and
    - (v) ensure that a person employed or engaged by the accredited person to fit or service security camera systems in taxis, or to download video recordings from such systems, is appropriately qualified; and
    - (vi) ensure that security camera systems are fitted to taxis in accordance with procedures approved or determined by the Minister; and
    - (vii) ensure that any security camera system fitted to a taxi is sealed in a manner approved or determined by the Minister; and
    - (viii) establish and maintain, in a manner and form determined by the Minister, a register of security camera systems fitted in taxis and, on request, or at intervals determined by the Minister, furnish any information recorded on that register to the Minister, a police officer or a prescribed officer; and
    - (ix) ensure that a clear and comprehensive set of instructions on the operation of the system is provided on each occasion that a security camera system is fitted to a taxi; and
    - (x) provide any download facilities for taxis fitted with security camera systems supplied by the accredited person that the Minister may require; and
    - (xi) establish and maintain recording, audit and other systems determined by the Minister; and
  - (b) such other conditions as the Minister determines (and these conditions may be varied by the Minister from time to time).
- (4) The Minister may, after due inquiry and for good cause, revoke a person's accreditation under this regulation.

### **61C—Requirement to have camera fitted and operating**

- (1) The operator of a taxi service must ensure that the taxi is fitted with an approved security camera system that—
- (a) has been fitted by an accredited supplier; and
  - (b) is in good working order.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) The operator of a taxi service must not permit a person to drive a taxi for the purposes of the service unless reasonably satisfied that the person is competent to operate a security camera system fitted to the taxi.

Maximum penalty: \$750.

Expiation fee: \$105.

- (3) The driver of a taxi must—
- (a) if required by the Minister or the operator of a taxi service—have undertaken a specified training course in the operation of security camera systems; and
  - (b) ensure that he or she is competent to operate a security camera system fitted to the taxi; and
  - (c) not accept a hiring unless a security camera system fitted to the taxi is operating in a manner that indicates that the system will be fully operational during the hiring; and
  - (d) operate a security camera system fitted to the taxi in accordance with recognised procedures; and
  - (e) if a security camera system fitted to the taxi appears not to be operating correctly—immediately report the matter to—
    - (i) the centralised booking service for the taxi (if any); and
    - (ii) the operator of the taxi service.

Maximum penalty: \$750.

Expiation fee: \$105.

### **61D—Interference with system**

A person must not—

- (a) interfere with any part of an approved security camera system fitted to a taxi;  
or
- (b) cause or permit any such interference,

in a manner that will prevent or impede the proper working of the system.

Maximum penalty: \$2 500.

Expiation fee: \$210.

**61E—Authorisation to download images**

- (1) A person must not download a video recording from a security camera system fitted to a taxi unless the person—
- (a) is acting under an authorisation granted by the Minister for the purposes of these regulations; or
  - (b) is a police officer or a prescribed officer; or
  - (c) is acting with the permission, or at the direction, of a police officer, a prescribed officer or the Minister; or
  - (d) is acting pursuant to an order or direction of a court or tribunal constituted by law.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) A person who downloads a video recording from a security camera system fitted to a taxi must comply with any procedures determined by the Minister.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) A person who resets a security camera system fitted to a taxi must record any information determined by the Minister, in accordance with any requirements determined by the Minister.

Maximum penalty: \$750.

Expiation fee: \$105.

- (4) An authorisation under subregulation (1)(a) may be given subject to such conditions as may be determined by the Minister.

- (5) The Minister may, for example, give the authorisation subject to a condition that makes provision for or with respect to—

- (a) the qualifications of any person employed or engaged to download video recordings under the authorisation; or
- (b) the production of images from any recorded material, the saving and cataloguing of material, the storage or provision of recorded or other material, and other procedures to be followed if recordings are downloaded from a security camera system; or
- (c) the provision of information or material in connection with the downloading of video recordings under the authorisation, including the provision of information, material or returns to the Minister, a police officer or a prescribed officer.

- (6) The Minister may, after due inquiry and for good cause, revoke an authorisation under subregulation (1)(a).

### **61F—Steps to be followed in the event of an incident etc**

If a security camera system fitted to a taxi is activated in connection with an incident in or about the taxi, the driver of the taxi at the time of the incident must comply with any requirements determined by the Minister with respect to the downloading of video recordings or the resetting of the security camera system (unless the driver has been injured, or is directed to take some other action by a police officer or a prescribed officer).

Maximum penalty: \$750.

Expiation fee: \$105.

### **61G—Delivery of material to police station**

- (1) A person who arranges to have material downloaded from a security camera system fitted to a taxi must, as soon as it is reasonably practicable to do so after the material is downloaded, unless otherwise directed or determined by the Minister, deliver the material made available by the download to a police station.

Maximum penalty: \$750.

Expiation fee: \$105.

- (2) A person who is required to comply with subregulation (1) must not interfere with the material.

Maximum penalty: \$750.

Expiation fee: \$105.

- (3) Subregulation (1) does not apply to—

- (a) a person who is acting under regulation 61E; or
- (b) a person who is authorised or directed by the Minister to keep material downloaded from a security camera system fitted to a taxi pending its use for an authorised purpose, or its disposal under regulation 61I.

### **61H—General protection of recorded material**

A person must not use recorded material for a purpose other than an authorised purpose.

Maximum penalty: \$2 500.

Expiation fee: \$210.

### **61I—Storage and disposal of material**

- (1) This regulation applies to a person who is authorised or directed by the Minister to keep material downloaded from a security camera system fitted to a taxi pending its use for an authorised purpose, or its disposal under this regulation.

- (2) A person to whom this regulation applies must cause—

- (a) such security safeguards as the Minister may determine; and
- (b) such other security safeguards as are reasonable in the circumstances,

to be taken to ensure that any video recording made by a security camera system, and any other recorded material in the person's possession, is kept secure and protected against access or use for a purpose other than an authorised purpose, until disposed of in accordance with this regulation.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) Unless otherwise directed or determined by a police officer, a prescribed officer or the Minister, a person to whom this regulation applies must ensure that any recorded material in his or her possession is disposed of in accordance with subregulation (4) one month after the original video recording was made.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (4) The recorded material may be disposed of by deletion or other form of destruction or, if it is to be used for an authorised purpose, by giving it to—
- (a) a police officer; or
  - (b) a prescribed officer; or
  - (c) the Minister,

in a manner determined by the Minister.

- (5) It is the duty of the Commissioner of Police or the Minister (as the case requires) to ensure the destruction of any recorded material that was given to a police officer or a prescribed officer but which is not to be used, or is no longer required, for an authorised purpose.

### **61J—Signs**

- (1) The operator of a taxi service where the taxi is fitted with a security camera system must ensure that a sign containing the following information is displayed in the taxi in a manner approved by the Minister:

FOR PASSENGER AND DRIVER SAFETY THIS TAXI IS FITTED WITH A  
SECURITY SAFETY SYSTEM. BY HIRING THIS TAXI YOU CONSENT  
TO YOUR IMAGE BEING RECORDED AT ANY TIME AND A  
RECORDING OF SOUND ACTIVATED IN AN EMERGENCY  
SITUATION.

- (2) A sign under subregulation (1) must also contain other information or material determined by the Minister.
- (3) An operator of a taxi service who fails to comply with this regulation is guilty of an offence.

Maximum penalty: \$750.

Expiation fee: \$105.

### **61K—Compulsory inspections of systems**

- (1) An authorised officer may, by notice in writing to the holder of a taxi licence, require the taxi to be submitted for testing of its security camera system at a time and place specified in the notice.

- (2) If an authorised officer finds that a taxi is not fitted with a security camera system as required under these regulations or is fitted with a security camera system that does not comply with requirements determined by the Minister for the purposes of this Division, the authorised officer may suspend the taxi licence in respect of that taxi until the holder of the licence satisfies an authorised officer that the taxi is fitted with an approved security camera system in accordance with the requirements of these regulations.

### **61L—Authorised activities**

Nothing in this Division prevents—

- (a) a police officer; or
- (b) an authorised officer or other officer; or
- (c) a person acting under the authority of the Minister,

from carrying out an inspection of, or performing any proper function in relation to, a security camera system fitted to a taxi.

## Part 4—Conduct of drivers and general passenger issues

### 62—Duties of drivers

- (1) The driver of a public passenger vehicle must—
  - (a) maintain a reasonable standard of personal cleanliness and appearance; and
  - (ab) wear a uniform that complies with standards (as to colour, clothing type, style and other similar matters) determined or approved by the Minister, and ensure that that uniform is clean and pressed and does not have any holes, tears or stains; and
  - (b) ensure that the vehicle is reasonably clean; and
  - (c) conduct himself or herself with civility and propriety towards every passenger; and
  - (d) in the case of a driver of a taxi, provide such assistance to a passenger as the passenger may reasonably require to get into or out of the taxi and to load and unload luggage.

Maximum penalty: \$750

Expiation fee: \$105.

- (2) The driver of a public passenger vehicle must not—
  - (a) drive the vehicle, or attempt to put the vehicle in motion, while there is present in his or her blood any concentration of alcohol; or
  - (b) consume or use alcohol or a drug or substance the consumption or use of which is prohibited by law between the time of commencing work and of ceasing work on any day; or
  - (c) permit a person to consume or use in the vehicle a drug or substance the consumption or use of which is prohibited by law; or
  - (d) smoke in the vehicle.

Maximum penalty: \$750

Expiation fee: \$105.

- (3) The Minister must consult with a centralised booking service before making a determination under subregulation (1)(ab) that will affect drivers of vehicles participating in the service provided by that centralised booking service.

### 63—Calculation of fare

- (1) The operator of a passenger transport service must ensure that a person who engages a vehicle is aware of the cost of the service, or the basis for the calculation of the cost of the service, before the relevant journey begins.
- (2) The cost of a passenger transport service must be—
  - (a) a fixed amount determined before the relevant journey begins; or
  - (b) a cost determined according to one or more of the following:
    - (i) a rate per kilometre;

- (ii) a rate per hour;
  - (iii) a rate per day;
  - (iv) a rate per passenger;
  - (v) a rate approved by the Minister.
- (3) An operator may also charge—
- (a) a booking fee; and
  - (b) a fee for the alteration or cancellation of a booking.
- (4) This regulation does not apply with respect to a taxi service or a regular passenger service.

#### **64—Duty to give name and address to driver**

If a dispute arises between a passenger and the driver of a public passenger vehicle, the passenger must, on request by the driver or an authorised officer, give his or her name and address to the driver or authorised officer.

Maximum penalty: \$750

Expiation fee: \$105.

#### **65—Overloading**

- (1) The driver of a public passenger vehicle must not—
- (a) carry in the vehicle at any one time a greater number of passengers than the total number authorised to be carried, whether seated or standing; or
  - (b) carry at any one time in a bus a greater number of passengers seated than the number authorised to be carried seated in the bus; or
  - (c) carry at any one time in a bus a greater number of passengers standing than the number authorised to be carried standing.

Maximum penalty: \$750

Expiation fee: \$105.

- (2) The number of passengers who, for the purposes of this regulation, are authorised to be carried seated, or are authorised to be carried standing, is—
- (a) a number shown on the certificate of inspection under section 54 of the Act or Part 4A of the *Road Traffic Act 1961*; or
  - (b) a number determined by the Minister in relation to the relevant vehicle.

#### **66—Passengers not to be carried on certain portions of a vehicle**

The driver of a public passenger vehicle must not, without the approval of the Minister—

- (a) carry a passenger on a portion of the vehicle not set apart or intended for the conveyance of passengers; or
- (b) permit a person to occupy a portion of the driving seat or of the vehicle on the right-hand side of that seat and abreast of it; or



(c) permit a person to be on a portion of the vehicle in front of the driving seat.

Maximum penalty: \$750

Expiation fee: \$105.

### **67—Obligations of passengers**

A person must not ride on a portion of a public passenger vehicle not set apart or intended for the conveyance of passengers.

Maximum penalty: \$750

Expiation fee: \$105.

### **68—Luggage**

- (1) The driver of a public passenger vehicle must ensure that the luggage or articles of a passenger (other than hand luggage) are placed in an appropriate storage compartment, or some other place specifically set aside for such luggage or articles.

Maximum penalty: \$750

Expiation fee: \$105.

- (2) A passenger on a public passenger vehicle must not put luggage or any other article in a place where it could cause a risk to another passenger.

Maximum penalty: \$750

Expiation fee: \$105.

### **69—Prohibited acts**

- (1) A person must not smoke in a public passenger vehicle.
- (2) A person must not, without the consent of the operator, consume alcohol in a public passenger vehicle.
- (3) A person must not consume food or drink in a public passenger vehicle after being requested not to do so by the driver of the vehicle.
- (4) A person must not stand on, or place a foot on or against, a seat in a public passenger vehicle.
- (5) A person must not allow a part of his or her body, or an object, to protrude from a window, door or other opening of a public passenger vehicle.
- (6) A person must not board or alight from, or attempt to board or alight from, a public passenger vehicle while it is in motion.
- (7) A person must not interfere with, or unreasonably distract the attention of, the driver of a public passenger vehicle.
- (8) A person who contravenes or fails to comply with a provision of this regulation is guilty of an offence.

Maximum penalty: \$750

Expiation fee: \$105.

## 70—Causing inconvenience in vehicles

- (1) A passenger who soils a public passenger vehicle or renders it unclean so that it is necessary to clean or deodorise it before further use must, on demand by the driver, pay a fee of \$66 in addition to any fare or other consideration that is otherwise payable in respect of the service or any penalty that may be imposed.
- (2) A fee is payable under subregulation (1) may be recovered as a debt in summary proceedings.

## 71—Lost property

- (1) In this regulation—  
*approved collection agent* means a person appointed by the Minister to establish and maintain a central repository for the collection, storage and handling of lost property;  
*owner* of property includes a person lawfully entitled to possession of the property.
- (2) A passenger who finds property on a public passenger vehicle must deliver it to the driver.
- (3) The driver of a public passenger vehicle must at the conclusion of each shift carefully examine the vehicle for property that may have been left in the vehicle.
- (4) The driver of a public passenger vehicle in which lost property is found must—
  - (a) in the case of property found in a vehicle that is participating in a centralised booking service—
    - (i) immediately notify the centralised booking service that the property has been found; and
    - (ii) as soon as is reasonably practicable (and in any event within 48 hours), deliver the property to the operator of the centralised booking service or to an approved collection agent;
  - (b) in any other case—as soon as is reasonably practicable (and in any event within 48 hours), deliver the property to the operator of the service, or to an approved collection agent.
- (5) A driver must ensure that property delivered under subregulation (4) is accompanied by a written notice, in a form determined by the Minister, signed by the driver, setting out—
  - (a) the licence or registration number of the vehicle on which the property was found; and
  - (b) the day on which, and the time at which, the property was found; and
  - (c) the driver's name and identification number; and
  - (d) other details determined by the Minister (if any).
- (6) If the property is delivered to an operator under subregulation (4), the operator must—
  - (a) make a record of the delivery of the property; and
  - (b) immediately, in a manner and form determined by the Minister, notify the Minister of the delivery of the property; and

- (c) unless the operator has in turn delivered the property to an approved collection agent—
  - (i) ensure that reasonable steps are taken to locate the owner of the property, and to return it to him or her; and
  - (ii) deliver the property to a person who provides reasonable proof of an entitlement to the property, or otherwise satisfies the person that he or she is entitled to the property; and
  - (iii) ensure that the property is kept in a secure place until the property is claimed, or able to be disposed of under this regulation; and
  - (iv) make a record when or if it is disposed of under this regulation; and
  - (v) until the property is disposed of, provide, in a manner and form determined by the Minister, a weekly report to the Minister.
- (7) An operator to whom property is delivered under subregulation (4) must retain possession of the property for two days (unless the property is returned to its owner in the meantime), and may then, at the operator's discretion, deliver it to an approved collection agent.
- (8) An approved collection agent must, in relation to property delivered to it under this regulation—
  - (a) make a record of the delivery of the property; and
  - (b) immediately, in a manner and form determined by the Minister, notify the Minister of the delivery of the property; and
  - (c) ensure that reasonable steps are taken to locate the owner of the property, and to return it to him or her; and
  - (d) deliver the property to a person who provides reasonable proof of an entitlement to the property, or otherwise satisfies the approved collection agent that he or she is entitled to the property; and
  - (e) ensure that the property is kept in a secure place until the property is claimed, or able to be disposed of under this regulation; and
  - (f) make a record when or if it is disposed of under this regulation; and
  - (g) as required by the Minister, provide reports to the Minister in relation to the property.
- (9) If an operator or approved collection agent still has custody of lost property after two months, he or she may—
  - (a) return it to the driver of the relevant vehicle; or
  - (b) sell it by public auction, or otherwise sell or dispose of it in a manner approved by the Minister; or
  - (c) with the approval of the Minister—retain it for his or her own use.
- (10) An operator who sells property under subregulation (9) is entitled to retain the proceeds of sale.

- (11) The proceeds from the sale of property by an approved collection agent will be dealt with in a manner determined by agreement between the Minister and the approved collection agent.
- (12) If a person informs the operator of a passenger transport service that the person has lost an item of property on a vehicle used for the purposes of that service, the operator must take reasonable steps to locate the property and to return it to the person.
- (13) If a person informs the operator of a centralised booking service that the person has lost an item of property on a vehicle participating in the service, and the operator does not have possession of the property under subregulation (4), and has not delivered the property to an approved collection agent under subregulation (7), the operator must—
  - (a) place a call over the network asking whether the property has been found; and
  - (b) if the property is not located within 24 hours, repeat the call.
- (14) An administration fee, of an amount determined by the Minister, may be charged before lost property is returned to its owner under this regulation.
- (15) This regulation does not apply to property lost on a vehicle used to provide a regular passenger service<sup>1</sup>.

**Note—**

- 1 The *Passenger Transport (Regular Passenger Services; Conduct of Passengers) Regulations 1994* contain provisions relating to property lost on vehicles used to provide regular passenger services.

## Part 5—Vehicle standards and inspections

### Division 1—Vehicle standards

#### 72—Age of vehicles

- (1) A person must not use a vehicle for the purposes of a passenger transport service if the vehicle is—
  - (a) in the case of a taxi—
    - (i) if the taxi is the subject of a taxi licence immediately before 1 February 1998—while the vehicle remains subject to that particular licence—more than eight years old;
    - (ii) in any other case—more than six years and six months old;
  - (b) in the case of a vehicle being used for the purposes of a service operated under a Small Passenger Vehicle (Metropolitan) Accreditation or a Small Passenger Vehicle (Special Purpose) Accreditation, other than a motor cycle or an off-road vehicle that is being used wholly or predominantly for travel outside Metropolitan Adelaide—
    - (i) if the vehicle was being used (or was available for use) in a service immediately before 1 February 1998—while it remains in that service—more than eight years old;
    - (ii) in any other case—more than six years and six months old;
  - (c) in the case of—
    - (i) a vehicle being used for the purposes of a service operated under a Small Passenger Vehicle (Traditional) Accreditation or a Small Passenger Vehicle (Non-Metropolitan) Accreditation; or
    - (ii) a motor cycle; or
    - (iii) an off-road vehicle that is being used wholly or predominantly for travel outside Metropolitan Adelaide,  
more than fifteen years old;
  - (d) in any other case—more than 25 years old.
- (2) However, subregulation (1) is subject to the following qualifications:
  - (a) subject to subregulations (3), (4) and (5), the Minister may approve the use of an older vehicle—
    - (i) if the Minister is satisfied—
      - (A) that the vehicle is in a condition that at least equals the original standard or condition of the vehicle; and
      - (B) that it is an integral part of the person's business that a vehicle or vehicles of the age or period of the particular vehicle be used; and

- (C) that the vehicle is suitable for use when assessed against the plan of operation for the relevant service and appropriate standards for passenger safety and service; and
      - (D) that the vehicle satisfies any other criteria determined by the Minister for the purposes of this subparagraph; or
    - (ii) in the case of a vehicle being used wholly or predominantly for a regular passenger service—if the Minister is satisfied that the vehicle meets appropriate standards for passenger safety and comfort determined by the Minister; or
    - (iii) if the Minister is satisfied that there is some other exceptional circumstance that justifies an exemption under this regulation;
  - (b) subregulation (1) does not apply to a vehicle drawn by an animal.
- (3) The Minister cannot grant an approval under subregulation (2)(a) in relation to—
- (a) —
    - (i) a taxi; or
    - (ii) a vehicle used (or to be used) for the purposes of a service operated under a Small Passenger Vehicle (Metropolitan) Accreditation, other than where the vehicle is specifically designed or adapted to carry persons who use wheelchairs, scooters or other large (ride-on) mobility aids; or
  - (b) a vehicle being used wholly or predominantly for a regular passenger service that is more than 30 years old.
- (4) The Minister may, in granting an approval in respect of a vehicle under subregulation (2)(a), specify an age or date beyond which the vehicle will not be granted further approvals under this regulation.
- (5) The Minister may, for the purposes of this regulation, specify an age beyond which vehicles of a specified class will not be granted approvals under this regulation.

### **72A—Vehicle design—left-hand drive vehicles**

- (1) For the purposes of section 27(2)(ii) of the Act, a person cannot use a left-hand drive vehicle for the purposes of a passenger transport service.
- (2) Subregulation (1) does not apply to a vehicle that is being used for the purposes of a passenger transport service before the commencement of this regulation.

### **73—Airconditioning**

- (1) A vehicle that is first used as a taxi after the commencement of these regulations must be fitted with an airconditioner that complies with standards determined by the Minister.
- (2) A vehicle that is first used for the purposes of a chauffeured vehicle service after 1 February 1998 must be fitted with an airconditioner in good working order.
- (3) Subregulation (2) does not apply to—
  - (a) a vehicle that does not have an airconditioner fitted as a standard feature; or

- (b) a vehicle excluded from the operation of that subregulation by determination of the Minister.

## **Division 2—Inspections and reporting of accidents**

### **74—Inspections**

- (1) The following periods are prescribed for the purposes of section 54(5) of the Act:
  - (a) for a taxi—a period of six months, calculated from the last day of the month in which the taxi was last inspected under section 54 of the Act;
  - (b) for a vehicle used for the purposes of a chauffeured vehicle service—
    - (i) if the service is operated under a Small Passenger Vehicle (Metropolitan) Accreditation—a period of six months;
    - (ii) in any other case—a period of 12 months,  
calculated from the last day of the month in which the vehicle was last inspected under section 54 of the Act;
  - (c) for any other kind of vehicle—a period of 12 months, calculated from the last day of the month in which the vehicle was last inspected under section 54 of the Act.
- (2) Pursuant to section 54(6) of the Act, the form set out in Schedule 3 is prescribed as the form for a certificate of inspection under section 54 of the Act.
- (2a) A person who issues a certificate of inspection in relation to a vehicle must also note on the certificate—
  - (a) the number of engine cylinders for the vehicle; and
  - (b) the wheelbase dimension of the vehicle; and
  - (c) in the case of a taxi—the size of the tyres that are fitted to the vehicle; and
  - (d) the time at which the inspection is completed.
- (3) For the purposes of section 54(17)(c) of the Act, the following circumstances are prescribed:
  - (a) that the person has ceased to be a fit and proper person to act as an approved vehicle inspector;
  - (b) that the person obtained his or her accreditation improperly;
  - (c) that the person has, in the course of acting as an approved vehicle inspector, acted negligently or fraudulently;
  - (d) that the person has breached, or failed to comply with, a code of practice established under section 54(17) of the Act;
  - (e) that the person has breached, or failed to comply with, a condition to which the accreditation is subject;
  - (f) that the Minister determines that it is appropriate for some other reason that the person's accreditation should be revoked.

- (4) Despite subregulation (1)—
- (a) in relation to taxis—
    - (i) a Vehicle Roadworthiness Certificate in force under the *Metropolitan Taxi-Cab Act 1956* immediately before the commencement of these regulations will (for the balance of its term) be taken to be a valid certificate under section 54 of the Act; and
    - (ii) an examination conducted under the *Metropolitan Taxi-Cab Act 1956* will have the same effect as an inspection under section 54 of the Act; and
    - (iii) a defect notice under the *Metropolitan Taxi-Cab Act 1956* will continue to have effect;
  - (b) in relation to other vehicles—
    - (i) a certificate of inspection in force under Part 4A of the *Road Traffic Act 1961* immediately before the commencement of these regulations will (for the balance of its term) be taken to be a valid certificate under section 54 of the Act; and
    - (ii) an inspection undertaken under Part 4A of the *Road Traffic Act 1961* will have the same effect as an inspection under section 54 of the Act.

#### 74A—Prescribed scheme of maintenance

- (1) In this regulation—
- the Code* means the *Code of Practice for Buses (1985)*, as amended and in force from time to time, and as recognised by the Minister for the purposes of these regulations;
- operator* has the same meaning as in section 54 of the Act.
- (2) Pursuant to section 54(8) of the Act, the scheme specified in section 15 of the Code is prescribed as a scheme of maintenance for buses.
- (3) The operator of a bus must—
- (a) record on the appropriate form specified in Parts 1 to 4 of the first Schedule of the Code, in a clear and legible manner, particulars of all maintenance and repair work carried out on the bus that falls within the ambit of section 15 of the Code; and
  - (b) retain the record in South Australia in a form that permits quick and convenient reference—
    - (i) in the case of a record in the form of Part 1 of the first Schedule of the Code—for a period of not less than six months;
    - (ii) in the case of a record in the form of Part 2 of the first Schedule of the Code—for a period of not less than 12 months;
    - (iii) in any other case—for a period of not less than three years.
- (4) The Minister may exempt a person from compliance with a provision of this regulation.



- (5) An exemption may be granted on conditions determined by the Minister and a person must not contravene or fail to comply with any such condition.
- (6) The Minister may, at any time—
  - (a) vary or revoke an exemption; or
  - (b) vary or revoke a condition of an exemption.

### **75—Duty to facilitate inspections**

A person who delivers a vehicle to an approved vehicle inspector for inspection under section 54 of the Act must comply with a direction given by the inspector to facilitate the inspection.

### **75A—Inspection labels**

- (1) In this regulation—

*operator* has the same meaning as in section 54 of the Act.
- (2) An approved vehicle inspector who issues a certificate of inspection under section 54 of the Act must at the same time issue an inspection label in accordance with subregulation (3).
- (3) The inspection label must—
  - (a) be in a form, and be a colour, determined by the Minister; and
  - (b) indicate, in a manner determined by the Minister—
    - (i) the month during which the relevant certificate of inspection will expire through effluxion of time; or
    - (ii) in the case of a label issued with a temporary certificate—the time when the certificate will expire.
- (4) The operator of a vehicle to which section 54 of the Act applies must ensure that a valid inspection label for the vehicle is affixed to the inside or back surface of—
  - (a) the left side of the windscreen of the vehicle; or
  - (b) a pivoted or hinged ventilation window adjacent to the left side of the windscreen of the vehicle; or
  - (c) a fixed window adjacent to the left side of the windscreen of the vehicle,in a position where the entire front of the label faces towards, and is visible from, the front or left hand side of the vehicle, whenever the vehicle is used as a public passenger vehicle.

Maximum penalty: \$750  
Expiation fee: \$105.
- (5) A person must not provide or drive a public passenger vehicle for the purposes of a passenger transport service, other than a vehicle that does not require a certificate of inspection under section 54 of the Act, if—
  - (a) an inspection label is not affixed to the vehicle in the manner referred to in subregulation (4); or

- (b) there is affixed to the vehicle an inspection label that has ceased to be in force, or that has been issued in respect of another vehicle; or
  - (c) an inspection label affixed to the vehicle has been altered, defaced, mutilated or added to; or
  - (d) the vehicle has affixed to it an imitation of an inspection label.
- (6) For the purposes of subregulation (5)(b), an inspection label will cease to be in force if the certificate of inspection issued in respect of the vehicle is no longer in force under section 54 of the Act.
- (7) The Minister or an approved vehicle inspector may, if satisfied that an inspection label issued under this section has been lost, destroyed, or rendered useless, issue a substitute label.
- (8) An authorised officer or an approved vehicle inspector may remove from a vehicle an inspection label that relates to a certificate of inspection that is no longer in force under section 54 of the Act.
- (9) This regulation does not apply with respect to a vehicle that is the subject of a certificate of inspection recognised by the Minister under section 54(19) of the Act.
- (10) This regulation does not apply with respect to a vehicle used as a public passenger vehicle immediately before the commencement of this regulation until the vehicle is first inspected under section 54 of the Act after the commencement of this regulation.

## **76—Reporting of accidents involving taxis**

- (1) If a taxi is involved in an accident, the operator of the taxi service must, within two business days, submit to the Minister a written report, in a form determined by the Minister, containing the following information:
- (a) the date, time and place of the accident; and
  - (b) the circumstances of the accident; and
  - (c) particulars of injury to any passenger; and
  - (d) particulars of damage to the vehicle; and
  - (e) the name and identification number of the driver of the vehicle.
- (2) If a taxi is damaged as a result of an accident so that the chassis, body, registration plates, or any sign required to be displayed on the vehicle, needs repairs or replacement, the operator of the service must ensure that the vehicle is not used to provide a passenger transport service, without the authority of the Minister or an authorised officer, until—
- (a) the necessary repairs and replacements have been made; and
  - (b) the vehicle has been found on inspection by an approved vehicle inspector under section 54 of the Act to be free from defects.

## **Part 6—Registration plates**

### **77—Prescribed classes of vehicles**

The following are prescribed for the purposes of the definition of *prescribed vehicle* in section 63(1) of the Act:

- (a) taxis;
- (b) small passenger vehicles.

### **78—Defacing, lending and unauthorised use of plates**

- (1) A person must not—
  - (a) deface, alter, mutilate or damage a registration plate; or
  - (b) lend a registration plate to another person.
- (2) If a registration plate becomes defaced or damaged so that the numbers, letters or symbols on the plate are not distinctly legible, the person to whom it was issued must deliver it to an authorised officer or the Minister.
- (3) A person must not drive on a public street, a road or place a vehicle to which there is fitted a registration plate, or a plate the same as or closely resembling a registration plate, unless the plate or sign is fitted to the vehicle with the authority of the Minister.

### **79—Seizure of registration plates unlawfully held**

If a person has in his or her possession or custody a registration plate that the person is not entitled to hold, an authorised officer may seize and retain possession of it.

### **80—Surrender of registration plates**

If—

- (a) a vehicle ceases to be entitled to bear registration plates; or
- (b) the person to whom registration plates are issued—
  - (i) ceases to hold an accreditation under Division 1 of Part 4 of the Act; or
  - (ii) in the case of plates issued for a taxi—ceases to hold a taxi licence for the taxi,

the person to whom the plates were issued must deliver the plate to the Minister or an authorised officer within two business days of the relevant event.

### **81—Loss or theft of registration plates**

- (1) If a registration plate is lost or stolen, the person to whom it was issued must—
  - (a) within two business days, give written notice of the loss or theft to the Minister; and
  - (b) verify the loss or theft by statutory declaration if the Minister so requests.

- (2) If a registration plate 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) immediately notify the Minister of the recovery; and
  - (b) if another plate has been issued in substitution for the lost or stolen sign—  
deliver the recovered plate to the Minister.

## Part 7—Miscellaneous

### 82—Fees

- (1) The fees set out in Schedule 4 are payable as specified in that Schedule.
- (2) The Minister may, on application, in the Minister's discretion, waive payment of the whole or a part of a fee, or refund a fee (in whole or in part).

### 83—Metropolitan Adelaide

The areas defined in a plan deposited in the General Registry Office by the Minister for the purposes of this regulation and identified by the Minister by notice in the Gazette are included within the ambit of the definition of *Metropolitan Adelaide* under the Act.

### 84—Codes of practice

The codes of practice set out in Schedules 5 to 10 are prescribed for the purposes of Part 4 of the Act.

### 85—Keeping of records

Subject to an express provision in these regulations, a person must retain a record required to be kept by the person under the Act or these regulations for—

- (a) in the case of a work sheet—a period of not less than six months after the date of the last entry in it;
- (b) in any other case—a period of not less than two years after the date of the last entry in it,

and must, if required by the Minister to do so by notice in writing, produce it for inspection or deliver it to the Minister.

### 86—Minister may determine fares and charges

- (1) The Minister may—
  - (a) determine the fares, charges and other arrangements for remuneration (including the mode of computing fares, charges or other rates of remuneration) to be paid by a person for a passenger transport service; and
  - (b) provide for the collection or payment of such fares, charges or other remuneration.
- (2) The Minister must ensure that notice of a determination under subregulation (1) is published in the Gazette.
- (3) This regulation does not apply in relation to—
  - (a) a taxi service<sup>1</sup>; or
  - (b) a regular passenger service<sup>2</sup>.

#### Notes—

- 1 See Division 3 of Part 3 of these regulations.

- 2 The Minister has power under the *Passenger Transport (Regular Passenger Services; Fares and Charges) Regulations 1994* to set fees and charges for regular passenger services.

### **87—Minister may require various notices etc to be fitted**

The Minister may require that public passenger vehicles display or be fitted with such notices, signs, equipment or other devices or fittings as the Minister thinks fit.

### **88—Ability of Minister to dispense with certain requirements**

A requirement or condition under—

- (a) Division 1, 2 or 3 of Part 2 of these regulations; or
- (b) Part 3 of these regulations,

may, in respect of a particular person, or a person of a class determined by the Minister, be dispensed with according to the discretion of the Minister.

### **89—Service of documents**

- (1) A notice or document required or authorised by or under the Act to be given to or served on a person may—
  - (a) be served on the person personally; or
  - (b) be posted in an envelope addressed to the person—
    - (i) at the person's last known address; or
    - (ii) if the person holds an accreditation under Part 4 of the Act—at the person's address for service; or
  - (c) if the person holds an accreditation under Part 4 of the Act—be left for the person at the person's address for service with someone apparently over the age of 16 years; or
  - (d) be transmitted by facsimile transmission to a facsimile number provided by the person (in which case the notice or document will be taken to have been given or served at the time of transmission).
- (2) The address for service of an accredited person is the address of which the Minister has been last notified in writing by the person as the person's address for service.

### **90—General offence**

- (1) A person who contravenes or fails to comply with a provision of these regulations, other than a code of practice, is guilty of an offence.
- (2) A person who is guilty of an offence against these regulations for which no penalty is specifically prescribed is liable to a fine not exceeding \$750.

### **90A—Authority to issue expiation notices**

An expiation notice under these regulations may be issued by—

- (a) a member of the police force; or
- (b) a person who is authorised in writing by the Minister to issue expiation notices for the alleged offence.

### **91—Evidentiary provision**

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

### **91A—Exemption from operation of section 52**

Pursuant to subsection (2)(c) of section 52 of the Act, subsection (1) of that section does not apply in relation to the operator of—

- (a) a centralised booking service for taxis; or
- (b) a booking service for taxis operating outside Metropolitan Adelaide.





## Part 8—Transitional arrangements

### 92—Transitional provisions—Accreditations

- (1) Pursuant to subclause (2) of clause 5 of Schedule 4 of the Act—
  - (a) persons who operate passenger transport services that involve the use of taxis (not being taxis that require a licence under Part 6 of the Act) are persons of a prescribed class; and
  - (b) the areas of the following councils are prescribed:
    - City of Mt. Gambier
    - City of Port Augusta
    - City of Port Lincoln
    - City of Port Pirie
    - City of Whyalla
    - Rural City of Murray Bridge
    - Corporation of the Town of Renmark
    - District Council of Victor Harbor
    - District Council of Murat Bay.
- (2) Unless otherwise determined by the Minister, the conditions prescribed by Division 1 of Part 2 of these regulations extend to accreditations under clause 5(1) of Schedule 4 of the Act.

### 94—Transitional provisions—Taxis

- (1) In this regulation—

*the former Act* means the *Metropolitan Taxi-Cab Act 1956*.
- (2) Pursuant to clause 8(2) of Schedule 4 of the Act—
  - (a) a general taxi-cab licence under the former Act will be taken to be a general taxi licence under the Act and these regulations;
  - (b) a temporary taxi-cab licence under the former Act will be taken to be a temporary taxi licence under the Act and these regulations;
  - (c) a special vehicle licence under the former Act will be taken to be a special vehicle licence under the Act and these regulations;
  - (d) a standby taxi-cab licence under the former Act will be taken to be a standby taxi licence under the Act and these regulations.
- (3) Subject to a determination of the Minister under regulation 28A, none of the following licences under subregulation (2) are transferable:
  - (a) a temporary taxi licence;
  - (b) a special vehicle licence;
  - (c) a standby taxi licence.

- (4) The Minister may impose a fee under section 48 of the Act in respect of a licence in force immediately before the commencement of these regulations under the former Act.
- (5) A person who, immediately before the commencement of these regulations, was approved under the former Act to test taxi-meters will be taken to have been approved by the Minister to perform the same function under these regulations.

#### **96—Transitional provisions—Hire cars—1996 regulations**

- (1) The specification of a place in an accreditation for the purposes of regulation 7(1)(l), as that regulation was in force immediately before 18 November 1996, ceases to apply on 18 November 1996.
- (2) The condition specified by regulation 7(1)(l)(iv) does not apply to a listing or advertisement placed in a public directory before 18 November 1996.
- (3) However, an accredited person must not, after 18 November 1996, renew a listing or advertisement to which subregulation (2) applies.

#### **97—Transitional provisions—Vehicle standards—1998 regulations**

- (1) The conditions specified by regulation 7(1)(la)(i), (lb)(i), (lc)(i) and (ld) do not apply in relation to a vehicle that is being used for the purposes of a passenger transport service immediately before 1 February 1998 while the vehicle remains in that particular service.
- (2) The conditions specified by—
  - (a) regulation 7(1)(la)(ii) and (lc)(ii); and
  - (b) regulation 7(1)(la)(iii) and (lc)(iii),

do not apply in relation to a vehicle that is being used for the purposes of a passenger transport service immediately before 1 February 1998 until after the vehicle is first inspected under section 54 of the Act after the commencement of this regulation.

- (3) The conditions specified by regulation 7(1)(la)(iv) and 7(1)(lc)(iv) do not apply in relation to a service operated by an accredited person immediately before 1 February 1998 until 1 May 1998.
- (4) The condition specified by regulation 7(1)(mb) applies from 1 May 1998.
- (5) Regulation 41A does not apply in relation to a vehicle that is being used under a taxi licence immediately before 1 February 1998.
- (6) Regulation 41B(1) does not apply in relation to a vehicle that is being used under a taxi licence immediately before 1 February 1998.
- (7) Regulation 46 applies from 1 May 1998.
- (8) Regulation 46A does not apply to an advertisement displayed on the outside of a vehicle that is being used under a taxi licence immediately before 1 February 1998 under a contract entered into before that date while that contract remains in operation.

#### **98—Transitional provisions—Security cameras—2001 regulations**

- (1) Regulations 61C, 61E, 61F and 61G apply from 1 December 2001.

- (2) Regulation 61J applies to an operator of a taxi service from the time that a security camera system is fitted to the taxi after the commencement of this regulation and in any event applies to all taxis from 1 December 2001.
- (3) A requirement relating to security cameras contained in a code of practice set out in a Schedule to these regulations applies from 1 December 2001.

#### **99—Transitional provisions—Dissolution of Passenger Transport Board**

A notice displayed under paragraph (d) of regulation 26(2) before the commencement of this regulation may continue to be displayed for the purposes of that paragraph on and after that commencement despite the variation made to that paragraph by the *Passenger Transport (General) (Dissolution of Passenger Transport Board) Variation Regulations 2003*.



## **Schedule 1—Special licence allocation procedure**

- (1) The Minister 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 licences as the Minister 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; and
  - (b) specify the maximum number of taxi licences that the Minister has determined that the Minister will issue according to the results of the tender; and
  - (c) specify the kind or grade and the term of taxi 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 Minister (and specified in the advertisement); and
    - (ii) to comply with other requirements imposed by the Minister for the purposes of the tender (and specified in the advertisement or contained in a document referred to in the advertisement and made reasonably available to interested persons by the Minister); and
    - (iii) to be accompanied by the tender fee specified in the advertisement,and may include other information determined by the Minister as being appropriate in the particular circumstances.
- (3) Tenders will close at the time and date specified in the advertisement.
- (4) The Minister must provide a locked box into which tenders are to be deposited.
- (5) Each tender must—
  - (a) be enclosed in an envelope provided by the Minister and deposited by the tenderers in the locked box provided by the Minister for that purpose; and
  - (b) be otherwise made in the manner and form determined by the Minister and comply with any other requirements imposed by the Minister (see especially subclause (2)(d)); and
  - (c) be accompanied by the tender fee specified in the advertisement.
- (5a) There must be one tender per envelope.
- (5b) The tender fee must be provided in the form of a bank cheque made payable in a manner specified by the Minister (unless otherwise permitted by the Minister).
- (6) The Minister 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 box prior to the close of tenders.
- (8) The Minister must appoint two persons to carry out the process of determining the successful tenderers.
- (9) At the close of tenders one of the persons appointed by the Minister must—

- (a) open the locked box; and
  - (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.
- (10) At the close of tenders, the other person must—
  - (a) prepare a schedule of tenderers; and
  - (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.
- (10a) The two persons appointed by the Minister may reject any tender that does not comply with a requirement imposed by this schedule, or by the Minister for the purposes of the tender.
- (10b) If a tender is rejected under subclause (10a)—
  - (a) an entry recording that fact must be made in the schedule referred to in subclause (10); and
  - (b) the tender will be disregarded for the purposes of the remaining provisions of this Schedule.
- (11) If only one 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 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 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 Minister 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; and
  - (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; and
  - (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; and
  - (d) the amount payable for a licence by a successful tenderer is the amount tendered by that person.
- (15) The Minister must serve on each person who is a successful tenderer notice in writing requiring the person—
  - (a) to pay to the Minister—
    - (i) within seven days of receipt of the notice, a deposit of 10 per cent of the amount tendered; and
    - (ii) within 28 days of receipt of the notice, the balance of the amount tendered and the appropriate licence fee under item 7 of Schedule 4; and
  - (b) if the person is not an accredited person of the appropriate kind—to obtain the necessary accreditation within 28 days of receipt of the notice.
- (16) If one or more successful tenderers fail to comply with a requirement of the notices served under subclause (15)—
  - (a) in respect of the tender, or each or any tender, to which the failure relates—the tender will, subject to any determination or allowance of the Minister, be taken to be withdrawn; and
  - (b) the Minister may, at the Minister's 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 accordingly serve further notices under subclause (15) on those further successful tenderers.
- (16a) The Minister may, in connection with the operation of subclause (16), require a person whose name appears on the schedule of tenders and who may be eligible to be treated as a successful tenderer under subclause (16)(b) to furnish to the Minister within a time specified by the Minister such information, verified by statutory declaration, as the Minister may require to determine whether the person has had an interest in a tender for an amount equal to, or greater than, the amount of the relevant tender and if a person fails to provide that information in accordance with the requirements of the Minister or if the Minister determines that the person has had an interest in such a tender and the tender is a tender that has been taken to be withdrawn under subclause (16)(a) then the Minister may, if the Minister thinks fit, determine that the person will not be treated as a successful tenderer under subclause (16)(b) (and that determination will have effect according to its terms).
- (17) If a person on whom notice has been served under subclause (15)—
  - (a) complies with the notice; and

- (b) satisfies the Minister that he or she is eligible to hold a taxi licence under the Act and these regulations,
- a taxi licence may be issued to the person.
- (18) A person is not entitled to a refund of a tender fee if the tender is rejected, withdrawn or unsuccessful under this Schedule.
- (19) For the purposes of this Schedule, a person has an interest in a tender if—
- (a) the person is a tenderer under the tender; or
  - (b) an associate of the person is a tenderer under the tender.
- (20) For the purposes of subclause (19), two person are associates of each other if—
- (a) they are corporations that are related to each other for the purposes of the *Corporations Law*; or
  - (b) one is a body corporate and the other is a director of the body corporate; or
  - (c) they are in partnership; or
  - (d) one is an agent of the other; or
  - (e) they are both trustees or beneficiaries of the same trust or one is a trustee and the other is a beneficiary of the same trust; or
  - (f) a chain of associations can (by applying one or more of the above provisions) be traced between them through another person or persons.
- (21) In subclause (21)—
- beneficiary** includes a person—
- (a) who is the object of a discretionary trust; or
  - (b) who will take or acquire an interest in default of an appointment under a discretionary trust.

## Schedule 2—Maximum fares chargeable by taxis

### 1—Journeys ending in Metropolitan Adelaide

- (1) For a journey within Metropolitan Adelaide and for a journey that begins and ends in Metropolitan Adelaide, the fare must not exceed the sum of the following:
- (a) flagfall—
    - (i) on tariff 1 \$2.40
    - (ii) on tariff 2 \$4.40
  - (b) for the distance travelled—
    - (i) on tariff 1—for every 75.22 metres or part \$0.10
    - (ii) on tariff 2—for every 70.24 metres or part \$0.10
  - (c) for waiting time after the commencement of the hiring—
    - (i) on tariff 1—for each period of 11.94 seconds \$0.10
    - (ii) on tariff 2—for each period of 11.94 seconds \$0.10



- (2) Tariff 2 may be applied for any hiring commenced between the hours of 7.00 p.m. on Monday to Thursday inclusive and 6.00 a.m. on the following day, or between the hours of 7.00 p.m. on Friday and 6.00 a.m. on the following Monday, or during a public holiday.
- (3) Tariff 1 applies for all other hirings.

## **2—Journeys ending outside the Metropolitan Adelaide**

- (1) For a journey that begins in Metropolitan Adelaide and ends outside that area, the fare must be determined by contract between the hirer and the driver but must not exceed \$0.88 per kilometre calculated on the forward and return journey plus waiting time at the rate of \$0.10 for each period of 11.94 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 11.94 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**

If a taxi 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—Special services**

The fare for—

- (a) a taxi that is used to provide a premium service approved by the Minister for the purposes of this clause; or
  - (b) a taxi that is used for the conveyance of a bridal party and that is specially prepared for the occasion; or
  - (c) a taxi that is used for the conveyance of a person in a funeral procession,
- may, if the taxi is engaged under a prearranged hiring and the parties agree, be a fare determined by contract.

**Schedule 3—Form for certificate of inspection under section 54  
of the Act**

**VEHICLE INSPECTION REPORT**

		Reg'n No. _____
--	--	-----------------

Owner's Name: _____	
Address: _____	

Taxi Meter: _____	Make of Meter: _____	Model: _____	Serial No.: _____
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Compliance Plate No.: _____	Odometer Reading: _____
Chassis No.: _____	Make: _____
Engine No.: _____	Model: _____
Month of Year: _____	Type: (i.e. sedan, van etc.) _____
Seating Capacity: _____	Colour: _____

Receipt No.: _____	Fee: \$ _____	Inspectors No.: _____	Station No.: _____
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Fault Code		✓ = Pass	X = Fail	N = Not applicable			
1st Insp.	2nd Insp.	1st Insp.	2nd Insp.	1st Insp.	2nd Insp.	1st Insp.	2nd Insp.
<input type="checkbox"/> 1. Lights	<input type="checkbox"/>	<input type="checkbox"/> 8. Mirrors	<input type="checkbox"/>	<input type="checkbox"/> 15. Tail Shaft Strap	<input type="checkbox"/>	<input type="checkbox"/> 22. Fire Extinguisher	<input type="checkbox"/>
<input type="checkbox"/> 2. Wipers/Washers	<input type="checkbox"/>	<input type="checkbox"/> 9. Steering	<input type="checkbox"/>	<input type="checkbox"/> 16. Service Brake	<input type="checkbox"/>	<input type="checkbox"/> 23. Noise	<input type="checkbox"/>
<input type="checkbox"/> 3. Warning Device	<input type="checkbox"/>	<input type="checkbox"/> 10. Suspension	<input type="checkbox"/>	<input type="checkbox"/> 17. Park Brake	<input type="checkbox"/>	<input type="checkbox"/> 24. Tow Coupling	<input type="checkbox"/>
<input type="checkbox"/> 4. Numbers Plate	<input type="checkbox"/>	<input type="checkbox"/> 11. Wheels/Tyres	<input type="checkbox"/>	<input type="checkbox"/> 18. Emergency Brake	<input type="checkbox"/>	<input type="checkbox"/> 25. LPG	<input type="checkbox"/>
<input type="checkbox"/> 5. Windscreen/Windows	<input type="checkbox"/>	<input type="checkbox"/> 12. Oil/Fuel/Leaks	<input type="checkbox"/>	<input type="checkbox"/> 19. Transmissions	<input type="checkbox"/>	<input type="checkbox"/> 26. Cleanliness	<input type="checkbox"/>
<input type="checkbox"/> 6. Seats/Belts	<input type="checkbox"/>	<input type="checkbox"/> 13. Chassis	<input type="checkbox"/>	<input type="checkbox"/> 20. Demister	<input type="checkbox"/>	<input type="checkbox"/> 27. Air Conditioner	<input type="checkbox"/>
<input type="checkbox"/> 7. Body	<input type="checkbox"/>	<input type="checkbox"/> 14. Exhaust Emissions	<input type="checkbox"/>	<input type="checkbox"/> 21. Taxi Meter	<input type="checkbox"/>	<input type="checkbox"/> 21. Other	<input type="checkbox"/>

Fault Code No.	FAULT / DETAILS OF MODIFICATIONS	Fault Code No.	FAULT / DETAILS OF MODIFICATIONS

**IMPORTANT READ CONDITIONS OVER PAGE**

<b>PASS</b>	<b>SCHEDULE 3 CERTIFICATE OF INSPECTION</b>	<b>FAIL</b>
Inspector No. _____	Vehicles inspected under section 54 of the Passenger Transport Act, 1994 or vehicles inspected under part IVA of the Road Traffic Act, 1961.	Inspector No. _____
DATE _____		DATE _____

This is to certify that the vehicle, Registration No.....has been inspected and this certificate of inspection is issued subject to the conditions attached to this certificate.

NEXT INSPECTION BY: ...../...../19.....

Signature of Approved Inspector or Authorised Inspector .....DATE.....

WHITE COPY – PASSENGER TRANSPORT BOARD, YELLOW COPY – INSPECTION STATION, PINK COPY – OPERATOR.

**17.7.2005 to 14.10.2005—Passenger Transport (General) Regulations 1994**  
Form for certificate of inspection under section 54 of the Act—Schedule 3

CONDITIONS APPLICABLE TO CERTIFICATE OF INSPECTION

VEHICLES INSPECTED UNDER SECTION 54 OF THE PASSENGER TRANSPORT ACT, 1994  
OR

VEHICLES INSPECTED UNDER PART IVA OF THE ROAD TRAFFIC ACT, 1961.

**CONDITIONS OF INSPECTION**

1. The inspection to which this report refers is visual only and does not include defects or conditions that may be found by dismantling parts, components etc.
2. The report applies only to the condition of the vehicle at the time of inspection, and no liability is accepted for defects or conditions that occur following this inspection.

**OPERATORS COPY**

The following information is relevant if faults have been identified:  
The items listed over page as 'faults' must be rectified before re-inspection.  
This certificate will only be temporary certificate until those faults are rectified.  
Important: If faults have been identified, this form is evidence that the vehicle has previously been inspected and the re-inspection fee will apply.  
It is important that form is handed to the Inspector when the vehicle is re-inspected, or the first inspection fee will be charged.

## Schedule 4—Fees

- 1 Application fee for an accreditation under the Act—
  - (a) in respect of an accreditation under Part 4 Division 1—
    - (i) unless (ii) or (iii) applies \$276
    - (ii) in the case of a Small Passenger Vehicle (Traditional) Accreditation, a Small Passenger Vehicle (Special Purpose) Accreditation or a Small Passenger Vehicle (Non-Metropolitan) Accreditation \$276 plus \$62 for each vehicle that will initially be used for the purposes of a service operated under the accreditation
    - (iii) in the case of a Small Passenger Vehicle (Metropolitan) Accreditation \$276 plus \$1 232 for each vehicle that will initially be used for the purposes of a service operated under the accreditation
  - (b) in respect of an accreditation under Part 4 Division 2 \$85
  - (c) in respect of an accreditation under Part 4 Division 3 \$682
- 2 Periodical fee payable under section 33(1)(b) of the Act—for each prescribed period (see regulation 8(1))—
  - (a) in respect of an accreditation under Part 4 Division 1—
    - (i) unless (ii) or (iii) applies \$276

**Passenger Transport (General) Regulations 1994—17.7.2005 to 14.10.2005**  
 Schedule 4—Fees

	(ii) in the case of a Small Passenger Vehicle (Traditional) Accreditation, a Small Passenger Vehicle (Special Purpose) Accreditation or a Small Passenger Vehicle (Non-Metropolitan) Accreditation	\$276 plus \$62 for each vehicle used (or available for use) for the purposes of a service operated under the accreditation (as at the end of the relevant period)
	(iii) in the case of a Small Passenger Vehicle (Metropolitan) Accreditation	\$276 plus \$1 232 for each vehicle used (or available for use) for the purposes of a service operated under the accreditation (as at the end of the relevant period)
	(b) in respect of an accreditation under Part 4 Division 3	\$682
3	Penalty for a default under section 33(2) of the Act	\$40
4	Renewal fee under section 34 of the Act—	
	(a) in respect of an accreditation under Part 4 Division 1—	
	(i) unless (ii) or (iii) applies	\$276
	(ii) in the case of a Small Passenger Vehicle (Traditional) Accreditation, a Small Passenger Vehicle (Special Purpose) Accreditation or a Small Passenger Vehicle (Non-Metropolitan) Accreditation	\$276 plus \$62 for each vehicle used (or available for use) for the purposes of a service operated under the accreditation at the time of renewal
	(iii) in the case of a Small Passenger Vehicle (Metropolitan) Accreditation	\$276 plus \$1 232 for each vehicle used (or available for use) for the purposes of a service operated under the accreditation at the time of renewal
	(b) in respect of an accreditation under Part 4 Division 2	\$85
	(c) in respect of an accreditation under Part 4 Division 3	\$682
5	Application to vary an accreditation under Part 4 Division 2	\$85
6	Notification to the Minister of—	
	(a) the introduction of a vehicle to a service—	
	(i) unless (ii) or (iii) applies	\$15
	(ii) in the case of a vehicle used for the purposes of a service operated under a Small Passenger Vehicle (Traditional) Accreditation, a Small Passenger Vehicle (Special Purpose) Accreditation or a Small Passenger Vehicle (Non-Metropolitan) Accreditation	\$62 per vehicle
	(iii) in the case of a vehicle used for the purposes of a service operated under a Small Passenger Vehicle (Metropolitan) Accreditation	\$1 232 per vehicle

However, if a vehicle is introduced to a service operated under an accreditation referred to in subparagraph (ii) or (iii) during a prescribed period for that accreditation under regulation 8(1), the fee payable under subparagraph (ii) or (iii) may be adjusted on a pro rata basis by applying the proportion that the number of months that are left to run to the end of that prescribed period bears to 12 months (on the basis that parts of a month count as a full month)

	(b) the withdrawal of a vehicle from a service	\$15
7	Application fee for a licence under Part 6 of the Act—	
	(a) in respect of a special vehicle licence	\$100
	(b) in respect of any other kind of licence	\$208
8	Renewal fee under Part 6 of the Act—	
	(a) in respect of a special vehicle licence	\$100
	(b) in respect of any other kind of licence	\$208
9	Application fee for the consent of the Minister under section 49 of the Act	\$66
10	Application fee for consent to the substitution of another vehicle for a licensed taxi	\$30
11	Fee for issue of a duplicate of an accreditation or licence that has been lost etc	\$40
12	Prescribed fee under section 54 of the Act—	
	(a) for a first inspection	\$69
	(b) for a subsequent inspection (if necessary)	\$51
13	Tender fee for the purposes of Schedule 1	\$27

## **Schedule 5—Code of practice: bus operators**

The operator of passenger transport service involving the use of one or more buses will:

- 1 Treat customers with politeness, courtesy, helpfulness and honesty.
- 2 Observe and promote truth in advertising.
- 3 Deal promptly and courteously with complaints by passengers and other members of the public, and respond promptly to complaints directed from the Minister.
- 4 Employ only appropriately accredited drivers, of a general calibre capable of meeting the needs of customers.
- 5 Ensure that drivers are aware of, and abide by, the code of practice for drivers.
- 6 Promote customer awareness of any authorised star rating system for vehicles, and indicate the rating of his or her vehicles in promotion material, and on the vehicles.
- 7 Keep a vehicle as clean as possible when used for carrying passengers for hire or reward.
- 8 Not engage in dishonest or dishonourable conduct in relation to a service, or in relation to the accreditation, and not permit an employee or agent of the operator to do so.

- 9 At all times comply with policies determined by the Minister directed at promoting service to the public.
- 10 Provide an area of off-street parking adequate to park the number of vehicles under the control of the operator.
- 11 Provide an adequate area and standard of undercover maintenance facilities and equipment in order to garage, service and maintain the vehicles used for the purposes of the service, or else have ready access to an appropriate repair workshop.
- 12 Monitor staff performance and assist in the provision of appropriate skill enhancement training and promote the themes of courtesy, safety and professional service among staff.
- 13 Ensure trip times that do not force drivers to travel in excess of lawful speed limits and enable drivers to abide by any statutory limits on the periods for which a person may drive a vehicle.
- 14 Ensure that all on and off road equipment is correctly maintained, is safe to operate and is appropriately licensed as required.
- 15 Have regard to existing laws about not discriminating against a person because of the person's sex, race, disability, age, marital status, sexuality or pregnancy.
- 16 Be particularly sensitive to the needs of people with disabilities.

## **Schedule 6—Code of practice: small passenger vehicle operators**

The operator of a passenger transport service involving the use of one or more small passenger vehicles will:

- 1 Treat customers with politeness, courtesy, helpfulness and honesty.
- 2 Observe and promote truth in advertising.
- 3 Deal promptly and courteously with complaints by passengers and other members of the public, and respond promptly to complaints directed from the Minister.
- 4 Employ only appropriately accredited drivers, of a general calibre capable of meeting the needs of customers.
- 5 Ensure that drivers are aware of, and abide by, the code of practice for drivers.
- 6 Strive to keep a vehicle as clean as possible when used for carrying passengers for hire or reward.
- 7 Not engage in dishonest or dishonourable conduct in relation to a service or in relation to the accreditation, and not permit an employee or agent of the operator to do so.
- 8 At all times comply with policies determined by the Minister directed at promoting service to the public.
- 9 Provide a standard pre-paid booking record to the public where applicable, with clear conditions for deposits and payments.
- 10 Refund cancellations of bookings in full, or less deposit and costs proportionate to the time elapsed between the time of booking and the time of the booked service, subject to the customer having been advised of cancellation costs in advance.

- 11 Not take bookings unless the operator is confident that the booking can be met.
- 12 Monitor staff performance and assist in the provision of appropriate skill enhancement training and promote the themes of courtesy, safety and professional service among staff.
- 13 Ensure that a driver who has worked for more than five hours in another job does not commence work as a driver without a break.
- 14 Ensure that all on and off road equipment is correctly specified and maintained, is safe to operate and is appropriately licensed as required.
- 15 Have regard to existing laws about not discriminating against a person because of the person's sex, race, disability, age, marital status, sexuality or pregnancy.
- 16 Be particularly sensitive to the needs of people with disabilities.

### **Schedule 7—Code of practice: taxi operators**

The operator of a taxi service will:

- 1 Treat customers with courtesy, helpfulness and honesty.
- 2 Keep a vehicle as clean as possible when used for carrying passengers for hire or reward.
- 3 Ensure that the vehicle is maintained to regulated standards of passenger comfort and safety, and is mechanically and bodily sound.
- 4 Deal promptly and courteously with complaints, including those directed from the Minister.
- 5 Prominently display on a vehicle information identifying the centralised booking service to which it belongs and the credit facilities that are accepted.
- 6 Not engage in dishonest or dishonourable conduct in relation to a service or in relation to the accreditation, and not permit a driver to do so.
- 7 At all times comply with policies determined by the Minister directed at promoting service to the public.
- 8 Ensure that customers will have access to at least all credit facilities authorised by the centralised booking service.
- 9 Ensure that a sufficient supply of credit vouchers is available to the driver at the beginning of each shift.
- 10 Ensure that drivers are aware of the requirements of the relevant code of practice for drivers.
- 11 Not leave the membership of a centralised booking service before the operator has fulfilled all of his or her financial obligations to that service.
- 12 Have regard to existing laws about not discriminating against a person because of the person's sex, race, disability, age, marital status, sexuality or pregnancy.
- 13 Be particularly sensitive to the needs of people with disabilities.
- 14 Ensure that drivers are aware of the procedures to be followed in the event of an incident that requires the downloading of material from a security camera system, including where to take the taxi for that downloading to occur.

- 15 Ensure that the Minister and the relevant centralised booking service are informed when a security camera system is installed in the taxi, or transferred to another taxi.

## **Schedule 8—Code of practice: general passenger service drivers**

A general passenger service driver will:

- 1 Treat customers with politeness, courtesy, helpfulness and honesty.
- 2 Observe the laws that relate to safe driving.
- 3 Ensure that he or she does not have any concentration of alcohol in his or her blood while driving, and observe the laws that relate to driving under the influence of drugs.
- 4 Strictly observe legal requirements relating to driving hours and rest periods.
- 5 Drive defensively in the interests of general public safety.
- 6 Ensure that any destination sign is accurate.
- 7 Be sensibly and safely dressed when dealing with customers, in a manner that will advance the image of the passenger transport industry.
- 8 Have regard to existing laws about not discriminating against a person because of the person's sex, race, disability, age, marital status, sexuality or pregnancy.
- 9 Be particularly sensitive to the needs of people with disabilities.

## **Schedule 9—Code of practice: taxi drivers**

A taxi driver will:

- 1 Treat all customers with courtesy, helpfulness and honesty, and pay particular attention to the needs of the frail aged, disabled and children.
- 2 Take the shortest and/or most practicable route, unless the passenger requests otherwise.
- 3 Observe the laws that relate to safe driving.
- 4 Not take drugs as a means of overcoming fatigue, ensure that he or she does not have any concentration of alcohol in his or her blood while driving, and observe the laws that relate to driving under the influence of drugs.
- 5 Readily accept all credit vouchers authorised by the centralised booking service.
- 6 Offer to put on the air conditioning on warm or hot days.
- 7 Accept all lawful requests for carriage within Metropolitan Adelaide, no matter what the distance.
- 9 Display current identification at all times inside the vehicle.
- 10 Keep the interior of the taxi clean and tidy.
- 11 Drive in a manner that will minimise wear and tear on the vehicle.
- 12 Have regard to existing laws about not discriminating against a person because of the person's sex, race, disability, age, marital status, sexuality or pregnancy.
- 13 Be particularly sensitive to the needs of people with disabilities.



- 14 Be honest, polite and patient in network communication and as far as possible, cooperate in the efficient and responsive processing of network bookings.
- 15 Check the vehicle for lost property at the end of each shift.
- 16 Ensure that the centralised booking service is notified if a mobile telephone or other form of communications facility is installed in the taxi, used in conjunction with the taxi or otherwise used to book the taxi.
- 17 Assist other drivers with disabled vehicles, particularly if the disabled vehicle is carrying a passenger.
- 18 Check that a security camera system fitted to the taxi is operating correctly before commencing a shift.
- 19 Not be available for hire, stand at a taxi-stand or accept a hiring if a security camera system fitted to the taxi is not operating correctly.
- 20 Report any security related incident immediately it is safe to do so.
- 21 Following a security related incident, comply with any direction of the Minister, a police officer, an authorised officer or other officer, or another person acting under the authority of the Minister.

## **Schedule 10—Code of practice: centralised booking services**

The operator of a centralised booking service will:

- 1 Ensure that all customers and potential customers are treated in a courteous manner, and that complaints or enquiries are handled efficiently, honestly, responsibly and impartially.
- 2 Specify a uniform for its drivers. The minimum standard of the uniform will be:
  - \* Shirt: business style, collar attached in the approved service's colour.
  - \* Trousers/skirts/jumpers/cardigans/jackets: as approved by the service.
  - \* Shorts: conventional business style walk shorts can be worn but only with long sock worn pulled up.
  - \* Shoes: black or brown leather, conventional style. Sandals and other footwear may be worn if approved by the service.

All uniforms will show clearly the name of the service.

- 3 Regularly monitor the fleet to ensure that vehicles are kept clean and tidy, both inside and outside.
- 4 Not knowingly allow vehicles with serious defects to use the service.
- 5 Be familiar with and comply with all regulations set down from time to time under Commonwealth laws relating to radio and other forms of communication.
- 6 Ensure that all staff are adequately trained to carry out their respective duties.
- 7 Ensure that there are sufficient telephonists on duty at all times to enable each operator to acquire and record appropriate customer information.
- 8 Ensure that procedures are fair and equitable in the allocation of bookings and are non-discriminatory.

- 9 Ensure telephonists and dispatchers understand that it is unlawful to discriminate against a person because of the person's sex, race, disability, age, marital status, sexuality or pregnancy, and are particularly sensitive to the needs of people with disabilities.
- 10 Ensure that an accredited driver operating within the service is aware of the service's policies, initiatives or other matters relating to an efficient service to its customers.
- 11 Ensure that drivers and operators are aware of, and abide by their respective codes of practice.
- 12 Seek at all times to foster service to the public and promote the passenger transport industry as a whole.
- 13 At all times observe and promote truth in advertising.
- 14 Take immediate disciplinary action against employees and drivers for serious breaches of customer service requirements.
- 15 Not accept an operator into membership of the service unless the operator has a clearance from the service that he or she has left. A decision regarding clearance should be finalised within 24 hours.
- 16 Put into place and observe a policy for ringing off work to ensure that all taxi customers are not disadvantaged.
- 17 Keep a record of all breaches of the drivers code in a register, and make that register available to the Minister, or to the driver, on request.
- 18 Undertake public awareness and education regarding the use of vehicles participating in the service.
- 19 Ensure that all dockets of the South Australian Transport Subsidy Scheme (SATSS dockets) are:
  - \* thoroughly checked at the time of presentation by the driver, to ensure that the driver has actually carried out the work;
  - \* tagged and recorded in such a manner that any information from that docket can be accessed quickly and accurately;
  - \* returned to the operator if there are any obvious deletions or alterations, of if the docket is not legible.
- 20 Take all necessary steps to ensure that SATSS dockets are not being fraudulently or inappropriately lodged.
- 21 Appoint a Security Liaison Officer in connection with the installation and operation of security camera systems in taxis.
- 22 Provide a reasonable level of advice and assistance to operators and drivers in connection with the operation and maintenance of security camera systems installed in taxis.
- 23 Advise the relevant operator if a driver fails to comply with a procedure for the operation and use of a security camera system fitted in the taxi, or for the downloading of material or the provision of material to the police or the Minister.
- 24 On request, provide a driver with information on where material can be downloaded from a security camera system fitted to a taxi following a security related incident.

- 25 Maintain a register of taxis fitted with security camera systems (including details of the registration number of the taxi, the kind of system installed, and other information determined by the Minister).



## Legislative history

### Notes

- This version is comprised of the following:
 

Part 1	1.1.2004 (Reprint No 24)
Part 2	1.1.2004 (Reprint No 24)
Part 3	12.8.2004
Part 4	4.7.2004
Part 5	1.1.2004 (Reprint No 24)
Part 6	1.1.2004 (Reprint No 24)
Part 7	1.1.2004 (Reprint No 24)
Part 8	1.1.2004 (Reprint No 24)
Schedules	17.7.2005
- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1994	127	<i>Gazette 28.7.1994 p254</i>	1.8.1994 except rr 7(1)(k), 12—15 and Sch 10—1.9.1994: r 2
1994	141	<i>Gazette 18.8.1994 p495</i>	18.8.1994: r 2
1994	211	<i>Gazette 15.12.1994 p2192</i>	15.12.1994 except rr 3—9, 11 & 12—1.1.1995: r 2
1995	83	<i>Gazette 10.5.1995 p2058</i>	1.7.1995: r 2
1995	170	<i>Gazette 17.8.1995 p490</i>	17.8.1995: r 2
1995	227	<i>Gazette 14.12.1995 p1718</i>	15.1.1996: r 2
1996	30	<i>Gazette 29.2.1996 p1366</i>	29.2.1996: r 2
1996	59	<i>Gazette 18.4.1996 p2013</i>	1.5.1996: r 2
1996	71	<i>Gazette 16.5.1996 p2520</i>	1.7.1996: r 2
1996	211	<i>Gazette 12.9.1996 p1142</i>	12.9.1996: r 2
1996	212	<i>Gazette 12.9.1996 p1145</i>	18.11.1996: r 2
1997	8	<i>Gazette 30.1.1997 p727</i>	17.2.1997: r 2
1997	51	<i>Gazette 24.4.1997 p1650</i>	24.4.1997: r 2
1997	103	<i>Gazette 13.5.1997 p1912</i>	1.7.1997: r 2

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1997	179	<i>Gazette 31.7.1997 p263</i>	31.7.1997: r 2
1997	232	<i>Gazette 27.11.1997 p1475</i>	30.11.1997: r 2
1998	8	<i>Gazette 22.1.1998 p275</i>	1.2.1998: r 2
1998	9	<i>Gazette 22.1.1998 p286</i>	1.2.1998: r 2
1998	94	<i>Gazette 28.5.1998 p2382</i>	1.7.1998: r 2
1999	17	<i>Gazette 11.3.1999 p1397</i>	29.3.1999: r 2
1999	18	<i>Gazette 11.3.1999 p1398</i>	11.3.1999: r 2
1999	91	<i>Gazette 27.5.1999 p2874</i>	1.7.1999: r 2
1999	119	<i>Gazette 17.6.1999 p3129</i>	17.6.1999: r 2
2000	101	<i>Gazette 25.5.2000 p2798</i>	12.01a.m. on 1.7.2000: r 2
2000	102	<i>Gazette 25.5.2000 p2799</i>	1.7.2000: r 2
2000	180	<i>Gazette 27.7.2000 p343</i>	27.7.2000: r 2
2000	283	<i>Gazette 21.12.2000 p3760</i>	29.1.2001: r 2
2001	75	<i>Gazette 31.5.2001 p2009</i>	1.7.2001: r 2
2001	187	<i>Gazette 3.8.2001 p2864</i>	3.8.2001: r 2
2001	243	<i>Gazette 15.11.2001 p5047</i>	12.01a.m. on 3.12.2001: r 2
2002	112	<i>Gazette 20.6.2002 p2635</i>	1.7.2002: r 2
2003	121	<i>Gazette 29.5.2003 p2316</i>	1.7.2003: r 2
2003	147	<i>Gazette 12.6.2003 p2500</i>	12.6.2003: r 2
2003	166	<i>Gazette 24.7.2003 p3114</i>	27.7.2003: r 2
2003	268	<i>Gazette 18.12.2003 p4639</i>	1.1.2004: r 2
2004	88	<i>Gazette 27.5.2004 p1579</i>	1.7.2004: r 2
2004	138	<i>Gazette 24.6.2004 p2313</i>	4.7.2004: r 2
2004	166	<i>Gazette 12.8.2004 p3222</i>	12.8.2004: r 2
<b>2005</b>	<b>99</b>	<b><i>Gazette 26.5.2005 p1521</i></b>	<b>1.7.2005: r 2</b>
<b>2005</b>	<b>167</b>	<b><i>Gazette 14.7.2005 p2393</i></b>	<b>17.7.2005: r 2</b>
2005	217	<i>Gazette 13.10.2005 p3716</i>	15.10.2005: r 2

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
<i>r 2</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>1.1.2004</i>
r 3(1)		
appropriate driver's licence	varied by 268/2003 r 4(1)	1.1.2004
Australian Design Rules	inserted by 8/1998 r 3(a)	1.2.1998
authorised officer	varied by 268/2003 r 4(2)	1.1.2004
chauffeured vehicle service	inserted by 8/1998 r 3(b)	1.2.1998

community transportation service	inserted by 59/1996 r 3(a)	1.5.1996
department	inserted by 268/2003 r 4(3)	1.1.2004
mm	inserted by 8/1998 r 3(c)	1.2.1998
motor cycle	inserted by 8/1998 r 3(c)	1.2.1998
off-road passenger vehicle	inserted by 8/1998 r 3(c)	1.2.1998
public directory	inserted by 212/1996 r 3	18.11.1996
Small Passenger Vehicle (Metropolitan) Accreditation	inserted by 8/1998 r 3(d)	1.2.1998
	varied by 268/2003 r 4(4)	1.1.2004
Small Passenger Vehicle (Non-Metropolitan) Accreditation	inserted by 8/1998 r 3(d)	1.2.1998
	varied by 268/2003 r 4(5)	1.1.2004
Small Passenger Vehicle (Special Purpose) Accreditation	inserted by 8/1998 r 3(d)	1.2.1998
	varied by 268/2003 r 4(6)	1.1.2004
Small Passenger Vehicle (Traditional) Accreditation	inserted by 8/1998 r 3(d)	1.2.1998
	varied by 268/2003 r 4(7)	1.1.2004
taxi sign	varied by 268/2003 r 4(8)	1.1.2004
volunteer driver	inserted by 59/1996 r 3(b)	1.5.1996
work sheet	varied by 268/2003 r 4(9)	1.1.2004
r 3		
r 3(6)	inserted by 8/1998 r 3(e)	1.2.1998
r 3(7)	inserted by 180/2000 r 3	27.7.2000
r 4		
r 4(3)	inserted by 8/1998 r 4	1.2.1998
r 4A	inserted by 211/1996 r 3	12.9.1996
r 4A(1)	varied by 268/2003 r 5(1)	1.1.2004
r 4A(2)	varied by 268/2003 r 5(2)—(4)	1.1.2004
r 4A(3)	varied by 268/2003 r 5(5)	1.1.2004
r 4A(5)	varied by 268/2003 r 5(6)	1.1.2004
r 4A(6)	varied by 268/2003 r 5(7)	1.1.2004
r 4A(8)	varied by 268/2003 r 5(8), (9)	1.1.2004
r 4A(9)	substituted by 268/2003 r 5(10)	1.1.2004
r 4B	inserted by 180/2000 r 4	27.7.2000
r 5		

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r 5(1)	varied by 170/1995 r 3	17.8.1995
	varied by 59/1996 r 4(a)	1.5.1996
	varied by 180/2000 r 5(a)	27.7.2000
r 5(2)	varied by 268/2003 r 6	1.1.2004
r 5(2a)	inserted by 59/1996 r 4(b)	1.5.1996
r 5(2b)	inserted by 180/2000 r 5(b)	27.7.2000
r 5A	inserted by 59/1996 r 5	1.5.1996
Pt 2		
Div 1		
r 6		
r 6(1)	varied by 268/2003 r 7(1), (2)	1.1.2004
r 7		
r 7(1)	varied by 59/1996 r 6	1.5.1996
	varied by 212/1996 r 4	18.11.1996
	varied by 8/1998 r 5(a)—(d)	1.2.1998
	varied by 268/2003 r 8	1.1.2004
r 7(2)	varied by 268/2003 r 8	1.1.2004
r 7(6)	inserted by 8/1998 r 5(e)	1.2.1998
r 7A	<i>inserted by 179/1997 r 3</i>	<i>31.7.1997</i>
	<i>varied by 232/1997 r 3</i>	<i>30.11.1997</i>
	<i>deleted by 8/1998 r 6</i>	<i>1.2.1998</i>
r 8		
r 8(1)	varied by 8/1998 r 7(a)	1.2.1998
r 8(2)	varied by 8/1998 r 7(b)	1.2.1998
	varied by 268/2003 r 9(1)	1.1.2004
r 8(3)	varied by 268/2003 r 9(2)	1.1.2004
Div 2		
r 9	varied by 8/1998 r 8	1.2.1998
	varied by 268/2003 r 10	1.1.2004
r 10	varied by 268/2003 r 11(1), (2)	1.1.2004
r 11		
r 11(1)	varied by 170/1995 r 4	17.8.1995
	varied by 212/1996 r 5	18.11.1996
	varied by 268/2003 r 12(1)	1.1.2004
r 11(2)	varied by 268/2003 r 12(2)	1.1.2004
Div 3		
r 12		
r 12(1)	varied by 268/2003 r 13(1)	1.1.2004
r 12(2)	varied by 268/2003 r 13(2)	1.1.2004
r 13		
r 13(1)	varied by 268/2003 r 14(1)	1.1.2004
r 13(2)	varied by 268/2003 r 14(2)	1.1.2004
r 14		



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r 14(2)	varied by 268/2003 r 15(1)	1.1.2004
r 14(3)	varied by 268/2003 r 15(2)	1.1.2004
Div 4		
r 16		
r 16(1)	varied by 268/2003 r 16	1.1.2004
r 17	varied by 268/2003 r 17	1.1.2004
r 18		
r 18(1)	varied by 268/2003 r 18(1)	1.1.2004
r 18(2)	varied by 268/2003 r 18(2), (3)	1.1.2004
r 19		
r 19(1)	varied by 268/2003 r 19(1)	1.1.2004
r 19(2)	varied by 268/2003 r 19(2)	1.1.2004
r 20		
r 20(1)	substituted by 268/2003 r 20	1.1.2004
r 22		
r 22(1)	varied by 268/2003 r 21	1.1.2004
r 23	varied by 268/2003 r 22	1.1.2004
r 25		
r 25(1)	varied by 268/2003 r 23(1), (2)	1.1.2004
r 25(2)	varied by 268/2003 r 23(3)	1.1.2004
Pt 3		
Div 1		
r 26		
r 26(2)	varied by 268/2003 r 24	1.1.2004
r 27		
r 27(1)	<i>deleted by 119/1999 r 3</i>	<i>17.6.1999</i>
r 27(2)	varied by 268/2003 r 25	1.1.2004
r 28(3)	varied by 30/1996 r 3	29.2.1996
	substituted by 51/1997 r 3	24.4.1997
	varied by 268/2003 r 26	1.1.2004
r 28A	inserted by 51/1997 r 4	24.4.1997
r 28A(1)	varied by 268/2003 r 27(1)	1.1.2004
r 28A(2)	varied by 268/2003 r 27(2), (3)	1.1.2004
r 28A(3)	varied by 268/2003 r 27(4)	1.1.2004
r 28A(4)	varied by 268/2003 r 27(5)	1.1.2004
r 29		
r 29(1)	r 29 redesignated as r 29(1) by 51/1997 r 5	24.4.1997
r 29(2) and (3)	inserted by 51/1997 r 5	24.4.1997
r 30		
r 30(1)	varied by 268/2003 r 28	1.1.2004
r 31		
r 31(1)	varied by 268/2003 r 29(1), (2)	1.1.2004
	varied by 166/2004 r 4	12.8.2004

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r 31(2)	varied by 268/2003 r 29(3)	1.1.2004
r 32	varied by 268/2003 r 30	1.1.2004
r 33		
r 33(1)	varied by 268/2003 r 31(1)	1.1.2004
r 33(2)	varied by 268/2003 r 31(2), (3)	1.1.2004
r 34	varied by 268/2003 r 32(1), (2)	1.1.2004
r 35		
r 35(1)	varied by 268/2003 r 33(1)	1.1.2004
r 35(2)	varied by 268/2003 r 33(2)	1.1.2004
r 36		
r 36(1)	substituted by 268/2003 r 34	1.1.2004
r 38		
r 38(1)	varied by 268/2003 r 35(1)	1.1.2004
r 38(2)	varied by 268/2003 r 35(2)	1.1.2004
r 38(3)	substituted by 268/2003 r 35(3)	1.1.2004
r 38(5)	varied by 268/2003 r 35(4)	1.1.2004
r 39		
r 39(1)	varied by 268/2003 r 36	1.1.2004
r 40	varied by 268/2003 r 37	1.1.2004
r 41		
r 41(1)	varied by 268/2003 r 38(1)	1.1.2004
r 41(2)	varied by 268/2003 r 38(2)	1.1.2004
Div 1A	inserted by 8/1998 r 9	1.2.1998
r 41B		
r 41B(2)	varied by 268/2003 r 39	1.1.2004
Div 2		
r 42		
r 42(1)	varied by 211/1994 r 3(a)	1.1.1995
	varied by 268/2003 r 40(1)	1.1.2004
r 42(2)	substituted by 211/1994 r 3(b)	1.1.1995
	varied by 268/2003 r 40(2)	1.1.2004
r 42(3)	varied by 268/2003 r 40(3)	1.1.2004
r 42(4)	varied by 268/2003 r 40(4)	1.1.2004
r 42(7)	varied by 268/2003 r 40(5)	1.1.2004
r 43	substituted by 211/1994 r 4	1.1.1995
	varied by 268/2003 r 41	1.1.2004
r 44	substituted by 211/1994 r 4	1.1.1995
r 45	substituted by 211/1994 r 4	1.1.1995
r 45(2)	varied by 268/2003 r 42(1)	1.1.2004
r 45(3)	varied by 268/2003 r 42(2)	1.1.2004
r 46	deleted by 211/1994 r 4	1.1.1995
	inserted by 8/1998 r 10	1.2.1998
r 46(1)	varied by 268/2003 r 43	1.1.2004

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r 46A	inserted by 8/1998 r 10	1.2.1998
r 46A(1)	varied by 268/2003 r 44(1)	1.1.2004
r 46A(2)	varied by 268/2003 r 44(2)	1.1.2004
r 46B	inserted by 18/1999 r 3	11.3.1999
Div 3		
r 47		
r 47(1)	varied by 268/2003 r 45	1.1.2004
r 48	varied by 268/2003 r 46	1.1.2004
r 50	varied by 268/2003 r 47	1.1.2004
r 52	varied by 268/2003 r 48	1.1.2004
r 53		
r 53(1)	varied by 18/1999 r 4	11.3.1999
r 54		
r 54(4)	varied by 30/1996 r 4(a) varied by 268/2003 r 49(1)	29.2.1996 1.1.2004
r 54(5)	inserted by 141/1994 r 3 varied by 30/1996 r 4(b) varied by 18/1999 r 5(a) varied by 268/2003 r 49(2)	18.8.1994 29.2.1996 11.3.1999 1.1.2004
r 54(6)	inserted by 18/1999 r 5(b)	11.3.1999
r 55	varied by 18/1999 r 6 varied by 268/2003 r 50	11.3.1999 1.1.2004
Div 4		
r 56		
r 56(1)	varied by 268/2003 r 51	1.1.2004
r 57		
r 57(3)	varied by 211/1994 r 5 varied by 166/2004 r 5(1)	1.1.1995 12.8.2004
r 57(7)	varied by 268/2003 r 52	1.1.2004
r 57(8)	inserted by 18/1999 r 7	11.3.1999
r 57(9) and (10)	inserted by 166/2004 r 5(2)	12.8.2004
r 58	varied by 18/1999 r 8	11.3.1999
r 60	varied by 18/1999 r 9	11.3.1999
r 61	varied by 18/1999 r 10 varied by 268/2003 r 53	11.3.1999 1.1.2004
Div 5	inserted by 187/2001 r 3	3.8.2001
r 61A		
approved	varied by 268/2003 r 54(1)	1.1.2004
authorised purpose	varied by 268/2003 r 54(2)	1.1.2004
prescribed officer	varied by 268/2003 r 54(3)	1.1.2004
recognised procedures	varied by 268/2003 r 54(4)	1.1.2004
r 61B		

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r 61B(1)	varied by 268/2003 r 55(1)	1.1.2004
r 61B(2)	varied by 268/2003 r 55(2)—(4)	1.1.2004
r 61B(3)	varied by 268/2003 r 55(5)	1.1.2004
r 61B(4)	varied by 268/2003 r 55(6)	1.1.2004
r 61C		
r 61C(3)	varied by 268/2003 r 56	1.1.2004
r 61E		
r 61E(1)	varied by 268/2003 r 57(1)	1.1.2004
r 61E(2)	varied by 268/2003 r 57(2)	1.1.2004
r 61E(3)	varied by 268/2003 r 57(3)	1.1.2004
r 61E(4)	varied by 268/2003 r 57(4)	1.1.2004
r 61E(5)	varied by 268/2003 r 57(5), (6)	1.1.2004
r 61E(6)	varied by 268/2003 r 57(7)	1.1.2004
r 61F	varied by 268/2003 r 58	1.1.2004
r 61G		
r 61G(1)	varied by 268/2003 r 59(1)	1.1.2004
r 61G(3)	varied by 268/2003 r 59(2)	1.1.2004
r 61I		
r 61I(1)	varied by 268/2003 r 60(1)	1.1.2004
r 61I(2)	varied by 268/2003 r 60(2)	1.1.2004
r 61I(3)	varied by 268/2003 r 60(3)	1.1.2004
r 61I(4)	varied by 268/2003 r 60(4)	1.1.2004
r 61I(5)	varied by 268/2003 r 60(5)	1.1.2004
r 61J		
r 61J(1)	varied by 268/2003 r 61(1)	1.1.2004
	varied by 166/2004 r 6	12.8.2004
r 61J(2)	varied by 268/2003 r 61(2)	1.1.2004
r 61K		
r 61K(2)	varied by 268/2003 r 62	1.1.2004
r 61L	varied by 268/2003 r 63	1.1.2004
Pt 4		
r 62		
r 62(1)	varied by 8/1998 r 11(a)	1.2.1998
	varied by 18/1999 r 11(a)	11.3.1999
	varied by 268/2003 r 64(1)	1.1.2004
r 62(2)	varied by 18/1999 r 11(b)	11.3.1999
r 62(3)	inserted by 8/1998 r 11(b)	1.2.1998
	varied by 268/2003 r 64(2)	1.1.2004
r 63		
r 63(2)	varied by 268/2003 r 65	1.1.2004
r 64	varied by 18/1999 r 12	11.3.1999
r 65		
r 65(1)	varied by 18/1999 r 13	11.3.1999

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r 65(2)	varied by 268/2003 r 66	1.1.2004
r 66	varied by 18/1999 r 14	11.3.1999
	varied by 268/2003 r 67	1.1.2004
r 67	varied by 18/1999 r 15	11.3.1999
r 68		
r 68(1)	varied by 18/1999 r 16(a)	11.3.1999
r 68(2)	varied by 18/1999 r 16(b)	11.3.1999
r 69	varied by 18/1999 r 17	11.3.1999
r 70		
r 70(1)	varied by 18/1999 r 18	11.3.1999
	varied by 138/2004 r 4	4.7.2004
r 71		
r 71(1)		
approved collection agent	varied by 268/2003 r 68(1)	1.1.2004
r 71(5)	varied by 268/2003 r 68(2)	1.1.2004
r 71(6)	varied by 268/2003 r 68(3)	1.1.2004
r 71(8)	varied by 268/2003 r 68(4)	1.1.2004
r 71(9)	varied by 268/2003 r 68(5)	1.1.2004
r 71(11)	varied by 268/2003 r 68(6)	1.1.2004
r 71(14)	varied by 268/2003 r 68(7)	1.1.2004
Pt 5		
Div 1		
r 72		
r 72(1)	varied by 8/1998 r 12(a)	1.2.1998
	varied by 119/1999 r 4(a)	17.6.1999
r 72(2)	varied by 8/1998 r 12(b)	1.2.1998
	varied by 119/1999 r 4(b)	17.6.1999
	varied by 268/2003 r 69(1)	1.1.2004
r 72(3)	substituted by 141/1994 r 4	18.8.1994
	deleted by 8/1998 r 12(c)	1.2.1998
	inserted by 119/1999 r 4(c)	17.6.1999
	varied by 268/2003 r 69(2)	1.1.2004
r 72(4)	inserted by 119/1999 r 4(c)	17.6.1999
	varied by 268/2003 r 69(3)	1.1.2004
r 72(5)	inserted by 119/1999 r 4(c)	17.6.1999
	varied by 268/2003 r 69(4)	1.1.2004
r 72A	inserted by 119/1999 r 5	17.6.1999
r 73		
r 73(1)	r 73 redesignated as r 73(1) by 8/1998 r 13	1.2.1998
	varied by 268/2003 r 70(1)	1.1.2004
r 73(2)	inserted by 8/1998 r 13	1.2.1998
r 73(3)	inserted by 8/1998 r 13	1.2.1998

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	varied by 268/2003 r 70(2)	1.1.2004
Div 2		
r 74		
r 74(1)	varied by 211/1994 r 6	1.1.1995
	varied by 8/1998 r 14(a)	1.2.1998
r 74(2a)	inserted by 8/1998 r 14(b)	1.2.1998
r 74(3)	varied by 268/2003 r 71	1.1.2004
r 74A	inserted by 211/1994 r 7	1.1.1995
r 74A(1)		
the Code	varied by 268/2003 r 72(1)	1.1.2004
r 74A(4)	varied by 268/2003 r 72(2)	1.1.2004
r 74A(5)	varied by 268/2003 r 72(3)	1.1.2004
r 74A(6)	varied by 268/2003 r 72(4)	1.1.2004
r 75A	inserted by 211/1994 r 8	1.1.1995
r 75A(3)	varied by 8/1998 r 15	1.2.1998
	varied by 268/2003 r 73(1)	1.1.2004
r 75A(4)	varied by 18/1999 r 19	11.3.1999
r 75A(7)	varied by 268/2003 r 73(2)	1.1.2004
r 75A(9)	varied by 268/2003 r 73(3)	1.1.2004
r 76		
r 76(1)	varied by 268/2003 r 74(1)	1.1.2004
r 76(2)	varied by 268/2003 r 74(2)	1.1.2004
Pt 6		
r 78		
r 78(2)	varied by 268/2003 r 75(1)	1.1.2004
r 78(3)	varied by 268/2003 r 75(2)	1.1.2004
r 80	varied by 268/2003 r 76	1.1.2004
r 81		
r 81(1)	varied by 268/2003 r 77(1)	1.1.2004
r 81(2)	varied by 268/2003 r 77(2)	1.1.2004
Pt 7		
r 82		
r 82(2)	varied by 268/2003 r 78	1.1.2004
r 83	varied by 268/2003 r 79	1.1.2004
r 85	varied by 211/1994 r 9	1.1.1995
	varied by 268/2003 r 80	1.1.2004
r 86		
r 86(1)	varied by 268/2003 r 81(1)	1.1.2004
r 86(2)	varied by 268/2003 r 81(2)	1.1.2004
r 86(3)	varied by 268/2003 r 81(3)	1.1.2004
r 87	varied by 268/2003 r 82(1), (2)	1.1.2004
r 88	varied by 268/2003 r 83	1.1.2004
r 89		

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r 89(2)	varied by 268/2003 r 84	1.1.2004
r 90		
r 90(1)	varied by 18/1999 r 20(a)	11.3.1999
r 90(2)	varied by 18/1999 r 20(b)	11.3.1999
r 90A	inserted by 18/1999 r 21	11.3.1999
	varied by 268/2003 r 85	1.1.2004
r 91	varied by 170/1995 r 5	17.8.1995
	varied by 268/2003 r 86(1), (2)	1.1.2004
r 91A	inserted by 180/2000 r 6	27.7.2000
Pt 8		
r 92		
r 92(2)	varied by 268/2003 r 87	1.1.2004
r 93	<i>varied by 170/1995 r 6</i>	<i>17.8.1995</i>
	<i>deleted by 268/2003 r 88</i>	<i>1.1.2004</i>
r 94		
r 94(3)	varied by 51/1997 r 6	24.4.1997
	varied by 268/2003 r 89(1)	1.1.2004
r 94(4)	varied by 268/2003 r 89(2)	1.1.2004
r 94(5)	varied by 268/2003 r 89(3)	1.1.2004
r 95	<i>inserted by 211/1994 r 10</i>	<i>15.12.1994</i>
	<i>deleted by 268/2003 r 90</i>	<i>1.1.2004</i>
r 96	inserted by 212/1996 r 6	18.11.1996
r 97	inserted by 8/1998 r 16	1.2.1998
r 98	inserted by 187/2001 r 4	3.8.2001
r 99	inserted by 268/2003 r 91	1.1.2004
Sch 1		
scl (1)	varied by 268/2003 r 92(1), (2)	1.1.2004
scl (2)	varied by 51/1997 r 7(a)	24.4.1997
	varied by 268/2003 r 92(3)—(5)	1.1.2004
scl (4)	varied by 268/2003 r 92(6)	1.1.2004
scl (5)	varied by 51/1997 r 7(b), (c)	24.4.1997
	varied by 268/2003 r 92(7)—(9)	1.1.2004
scl (5a)	inserted by 51/1997 r 7(d)	24.4.1997
scl (5b)	inserted by 51/1997 r 7(d)	24.4.1997
	substituted by 268/2003 r 92(10)	1.1.2004
scl (6)	varied by 268/2003 r 92(11)	1.1.2004
scl (8)	varied by 268/2003 r 92(12)	1.1.2004
scl (9)	varied by 268/2003 r 92(13)	1.1.2004
scl (10a)	inserted by 51/1997 r 7(e)	24.4.1997
	varied by 268/2003 r 92(14)	1.1.2004
scl (10b)	inserted by 51/1997 r 7(e)	24.4.1997
scl (14)	varied by 268/2003 r 92(15)	1.1.2004
scl (15)	substituted by 51/1997 r 7(f)	24.4.1997

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	varied by 268/2003 r 92(16), (17)	1.1.2004
scl (16)	substituted by 51/1997 r 7(f)	24.4.1997
	varied by 268/2003 r 92(18), (19)	1.1.2004
scl (16a)	inserted by 51/1997 r 7(f)	24.4.1997
	varied by 268/2003 r 92(20)—(22)	1.1.2004
scl (17)	varied by 51/1997 r 7(g)	24.4.1997
	varied by 268/2003 r 92(23)	1.1.2004
scll (18)—(21)	inserted by 51/1997 r 7(h)	24.4.1997
Sch 2		
cl 1		
<i>cl 1(1) before substitution by 138/2004</i>	<i>varied by 227/1995 r 3(a)—(f)</i>	<i>15.1.1996</i>
	<i>varied by 8/1997 r 3(a)—(h)</i>	<i>17.2.1997</i>
	<i>varied by 9/1998 r 3(a)</i>	<i>1.2.1998</i>
	<i>varied by 17/1999 r 3(a)—(d)</i>	<i>29.3.1999</i>
	<i>varied by 101/2000 r 3(a)—(f)</i>	<i>1.7.2000</i>
	<i>varied by 283/2000 r 3(a), (b)</i>	<i>29.1.2001</i>
	<i>varied by 243/2001 r 3(a)—(c)</i>	<i>3.12.2001</i>
	<i>varied by 166/2003 r 4(1)—(4)</i>	<i>27.7.2003</i>
cl 1(1)	substituted by 138/2004 r 5(1)	4.7.2004
	<b>substituted by 167/2005 r 4(1)</b>	<b>17.7.2005</b>
cl 1(2)	substituted by 9/1998 r 3(b)	1.2.1998
cl 2		
cl 2(1)	varied by 211/1994 r 11(a), (b)	1.1.1995
	varied by 227/1995 r 3(g), (h)	15.1.1996
	varied by 8/1997 r 3(i), (j)	17.2.1997
	varied by 17/1999 r 3(e), (f)	29.3.1999
	varied by 101/2000 r 3(g), (h)	1.7.2000
	varied by 283/2000 r 3(c)	29.1.2001
	varied by 243/2001 r 3(d)	3.12.2001
	varied by 166/2003 r 4(5), (6)	27.7.2003
	varied by 138/2004 r 5(2)	4.7.2004
	<b>varied by 167/2005 r 4(2)</b>	<b>17.7.2005</b>
cl 2(3)	varied by 227/1995 r 3(i)	15.1.1996
	varied by 8/1997 r 3(k)	17.2.1997
	varied by 17/1999 r 3(g)	29.3.1999
	varied by 101/2000 r 3(i)	1.7.2000
	varied by 166/2003 r 4(7)	27.7.2003
	<b>varied by 167/2005 r 4(3)</b>	<b>17.7.2005</b>
cl 4	substituted by 211/1994 r 11(c)	1.1.1995
	varied by 268/2003 r 93	1.1.2004
cl 5	<i>deleted by 211/1994 r 11(c)</i>	<i>1.1.1995</i>



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<i>cl 6</i>	<i>deleted by 147/2003 Sch 1</i>	<i>12.6.2003</i>
Sch 3	substituted by 211/1994 r 12	1.1.1995
	heading substituted by 147/2003 Sch 1	12.6.2003
<i>Sch 4 before substitution by 88/2004</i>	<i>varied by 83/1995 r 3</i>	<i>1.7.1995</i>
	<i>substituted by 71/1996 r 3</i>	<i>1.7.1996</i>
	<i>substituted by 103/1997 r 3</i>	<i>1.7.1997</i>
	<i>varied by 8/1998 r 17</i>	<i>1.2.1998</i>
	<i>varied by 94/1998 r 3</i>	<i>1.7.1998</i>
	<i>substituted by 91/1999 r 3</i>	<i>1.7.1999</i>
	<i>substituted by 102/2000 r 3</i>	<i>1.7.2000</i>
	<i>substituted by 75/2001 r 3</i>	<i>1.7.2001</i>
	<i>substituted by 112/2002 r 3</i>	<i>1.7.2002</i>
	<i>substituted by 121/2003 r 4</i>	<i>1.7.2003</i>
	<i>varied by 268/2003 r 94</i>	<i>1.1.2004</i>
Sch 4	substituted by 88/2004 r 4	1.7.2004
	<b>substituted by 99/2005 r 4</b>	<b>1.7.2005</b>
Sch 5		
Item 3	varied by 268/2003 r 95(1)	1.1.2004
Item 9	varied by 268/2003 r 95(2)	1.1.2004
Item 16	inserted by 30/1996 r 5	29.2.1996
Sch 6		
Item 3	varied by 268/2003 r 96(1)	1.1.2004
Item 8	varied by 268/2003 r 96(2)	1.1.2004
Item 16	inserted by 30/1996 r 6	29.2.1996
Sch 7		
Item 4	varied by 268/2003 r 97(1)	1.1.2004
Item 7	varied by 166/2004 r 7	12.8.2004
Item 13	inserted by 30/1996 r 7	29.2.1996
Item 14	inserted by 187/2001 r 5	3.8.2001
Item 15	inserted by 187/2001 r 5	3.8.2001
	varied by 268/2003 r 97(2)	1.1.2004
Sch 9		
Item 8	<i>deleted by 18/1999 r 22</i>	<i>11.3.1999</i>
Item 14	Item 13 inserted by 30/1996 r 8(a)	29.2.1996
	Item 13 redesignated as item 14 by 30/1996 r 8(b)	29.2.1996
Item 15	Item 14 redesignated as item 15 by 30/1996 r 8(b)	29.2.1996
Item 16	Item 15 redesignated as item 16 by 30/1996 r 8(b)	29.2.1996
Item 17	Item 16 redesignated as item 17 by 30/1996 r 8(b)	29.2.1996
Items 18—20	inserted by 187/2001 r 6	3.8.2001

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Item 21	inserted by 187/2001 r 6	3.8.2001
	varied by 268/2003 r 98	1.1.2004
Sch 10		
Item 9	varied by 30/1996 r 9	29.2.1996
Item 17	varied by 268/2003 r 99(1)	1.1.2004
Items 21 and 22	inserted by 187/2001 r 7	3.8.2001
Item 23	inserted by 187/2001 r 7	3.8.2001
	varied by 268/2003 r 99(2)	1.1.2004
Item 24	inserted by 187/2001 r 7	3.8.2001
Item 25	inserted by 187/2001 r 7	3.8.2001
	varied by 268/2003 r 99(3)	1.1.2004

### Historical versions

Reprint No 1—1.5.1996  
Reprint No 2—1.7.1996  
Reprint No 3—12.9.1996  
Reprint No 4—18.11.1996  
Reprint No 5—17.2.1997  
Reprint No 6—24.4.1997  
Reprint No 7—1.7.1997  
Reprint No 8—31.7.1997  
Reprint No 9—30.11.1997  
Reprint No 10—1.2.1998  
Reprint No 11—1.7.1998  
Reprint No 12—11.3.1999  
Reprint No 13—29.3.1999  
Reprint No 14—1.7.1999  
Reprint No 15—1.7.2000  
Reprint No 16—27.7.2000  
Reprint No 17—29.1.2001  
Reprint No 18—1.7.2001  
Reprint No 19—3.8.2001  
Reprint No 20—3.12.2001  
Reprint No 21—1.7.2002  
Reprint No 22—1.7.2003  
Reprint No 23—27.7.2003  
Reprint No 24—1.1.2004  
1.7.2004 (electronic only)  
4.7.2004  
12.8.2004  
1.7.2005 (electronic only)