

# **PASSENGER TRANSPORT (GENERAL) REGULATIONS 1994**

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[Persons who are on Standing Order with Information SA SAMS for these regulations will receive complete replacement Parts incorporating amendments to these regulations as they come into force.]



(Reprint No. 9)

SOUTH AUSTRALIA

**PASSENGER TRANSPORT (GENERAL) REGULATIONS 1994**

*These regulations are reprinted pursuant to the Subordinate Legislation Act 1978 and incorporate all amendments in force as at 30 November 1997.*

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# REGULATIONS UNDER THE PASSENGER TRANSPORT ACT 1994

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being

No. 127 of 1994: *Gaz.* 28 July 1994, p. 254<sup>1</sup>

as varied by

No. 141 of 1994: *Gaz.* 18 August 1994, p. 495<sup>2</sup>

No. 211 of 1994: *Gaz.* 15 December 1994, p. 2192<sup>3</sup>

No. 83 of 1995: *Gaz.* 10 May 1995, p. 2058<sup>4</sup>

No. 170 of 1995: *Gaz.* 17 August 1995, p. 490<sup>5</sup>

No. 227 of 1995: *Gaz.* 14 December 1995, p. 1718<sup>6</sup>

No. 30 of 1996: *Gaz.* 29 February 1996, p. 1366<sup>7</sup>

No. 59 of 1996: *Gaz.* 18 April 1996, p. 2013<sup>8</sup>

No. 71 of 1996: *Gaz.* 16 May 1996, p. 2520<sup>9</sup>

No. 211 of 1996: *Gaz.* 12 September 1996, p. 1142<sup>10</sup>

No. 212 of 1996: *Gaz.* 12 September 1996, p. 1145<sup>11</sup>

No. 8 of 1997: *Gaz.* 30 January 1997, p. 727<sup>12</sup>

No. 51 of 1997: *Gaz.* 24 April 1997, p. 1650<sup>13</sup>

No. 103 of 1997: *Gaz.* 13 May 1997, p. 1912<sup>14</sup>

No. 179 of 1997: *Gaz.* 31 July 1997, p. 263<sup>15</sup>

**No. 232 of 1997: *Gaz.* 27 November 1997, p. 1475<sup>16</sup>**

<sup>1</sup> Came into operation (except regs. 7(1)(k), 12-15 and Sched. 10) 1 August 1994; regs 7(1)(k), 12-15 and Sched. 10 came into operation 1 September 1994: reg. 2.

<sup>2</sup> Came into operation 18 August 1994: reg. 2.

<sup>3</sup> Came into operation (except regs. 1, 2 and 10) 1 January 1995; regs. 1, 2 and 10 came into operation 15 December 1994: reg. 2

<sup>4</sup> Came into operation 1 July 1995: reg. 2.

<sup>5</sup> Came into operation 17 August 1995: reg. 2.

<sup>6</sup> Came into operation 15 January 1996: reg. 2.

<sup>7</sup> Came into operation 29 February 1996: reg. 2.

<sup>8</sup> Came into operation 1 May 1996: reg. 2.

<sup>9</sup> Came into operation 1 July 1996: reg. 2.

<sup>10</sup> Came into operation 12 September 1996: reg. 2.

<sup>11</sup> Came into operation 18 November 1996: reg. 2.

<sup>12</sup> Came into operation 17 February 1997: reg. 2.

<sup>13</sup> Came into operation 24 April 1997: reg. 2.

<sup>14</sup> Came into operation 1 July 1997: reg. 2.

<sup>15</sup> Came into operation 31 July 1997: reg. 2.

<sup>16</sup> **Came into operation 30 November 1997: reg. 2.**

### NOTE:

- Asterisks indicate repeal or deletion of text.
- Entries appearing in bold type indicate the amendments incorporated since the last reprint.
- For the legislative history of the regulations see Appendix 1.

**PART 1  
PRELIMINARY**

**Citation**

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

**Commencement**

2. (1) These regulations will come into operation on 1 August 1994.
- (2) However, the following will come into operation on 1 September 1994:
- (a) regulation 7(1)(k);
- (b) Division 3 of Part 2;
- (c) schedule 10.

**Interpretation**

3. (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 Board, 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 Board, imposes an inappropriate restriction for the holder of the relevant accreditation;

"**authorised officer**" means—

- (a) an authorised officer under section 53 of the Act; or
- (b) a person who is authorised by the Board 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;

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"**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*;

"**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;

"**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;

"**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 Board; 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 Board, 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.

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- (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.

*Note: For definition of divisional penalties (and divisional expiation fees) see Appendix 2.*

**Exclusions from the definition of "passenger transport service"**

**4.** (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.

**Exclusions from the definition of "regular passenger service"**

**4A.** (1) A service that is within the ambit of a declaration of the Board 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 Board may, on application, make a declaration under this subregulation in respect of a service if the Board 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 Board 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 Board (*see* subregulation (6)), a declaration under subregulation (2) expires at the end of a period (not exceeding five years) specified by the Board 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 Board 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 Board thinks fit, in a manner and form determined by the Board; and
- (b) provide to the Board information about patronage levels for the service, and other information as the Board thinks fit, in a manner and form, and at intervals, determined by the Board; and
- (c) comply with other conditions (if any) determined by the Board on account of the making of the declaration.

(6) The Board 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.

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- (8) The Board must, before it takes 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 Board (in a manner and form determined by the Board) 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 Board 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 its principal office; and
  - (b) that information about declarations made under this regulation in a particular financial year is included in the annual report of the Board for that financial year.

**Act not to apply in certain cases**

5. (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.

(2) However, paragraph (b) of subregulation (1) does not apply in relation to an area if the Board 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.

(3) Section 29 of the Act does not apply with respect to a centralised booking service operated wholly outside Metropolitan Adelaide.

**Volunteer drivers**

**5A.** 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).

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**PART 2  
ACCREDITATION**

**DIVISION 1—GENERAL PASSENGER SERVICES**

**Operators—Eligibility**

6. (1) A person is not eligible to be granted an accreditation under Division 1 of Part 4 of the Act unless the Board 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 Board 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.

**Conditions**

7. (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 Board 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 Board—
  - (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 Board of a change—
  - (i) affecting the accuracy of information furnished to the Board 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 Board—
  - (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 Board 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 IVA 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 Board, in a manner determined by the Board, 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 Board, and in such detail as the Board 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;
  - (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;

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- (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);
- (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 Board—
- (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 Board and specified in the accreditation or otherwise recorded in a manner determined by the Board; 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 Board 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";
- (m) in the case of an accreditation for a service that involves the use of a small passenger vehicle—that the accredited person must have in place a plan of operation approved by the Board (which plan may be altered from time to time with the approval of the Board);
- (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 Board 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 Board under this regulation must provide the information in a manner and form determined by the Board.

(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.

#### **Special condition for a prescribed period**

**7A.** (1) In this regulation—

"**additional vehicle**" in relation to a service operated under an accreditation means a vehicle that was not being used for the purposes of the service immediately before the commencement of the prescribed period;

"**prescribed period**" means the period commencing on the day on which this regulation comes into operation and expiring on 1 February 1998;

"**veteran vehicle**" means a motor vehicle that was manufactured before 1 January 1966 and has not been modified from its original design to any significant extent.

(2) Pursuant to section 31(1)(b)(ii) of the Act, it is a condition of an accreditation under Division 1 of Part 4 of the Act (including an accreditation granted before the day on which this regulation comes into operation) that the accredited person will not during the prescribed period use an additional vehicle for the purposes of any service operated under the accreditation without approval of the Board.

(3) The Board may only give an approval under subregulation (2) if satisfied—

- (a) that the accredited person was the registered owner of the vehicle under the *Motor Vehicles Act 1959* immediately before the commencement of the prescribed period; or
- (b) that the vehicle is a 4-wheel drive vehicle that will, when used as a public passenger vehicle, be used solely for the purposes of a service that is operated wholly or predominantly outside Metropolitan Adelaide; or

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- (c) that the vehicle is a veteran vehicle that will, when used as a public passenger vehicle, be used solely for the purposes of a service that before the commencement of the prescribed period has been promoted as a service offering veteran vehicles for hire; or
  - (d) that the vehicle is of an extraordinary character for use in an innovative or unique service, or only on a limited and occasional basis; or
  - (e) that the vehicle is to be used for the purposes of a service wholly or predominantly associated with tourism or State development identified by the Board, after consultation with other relevant government agencies, as a service justifying special consideration; or
  - (f) that a decision not to give an approval in the particular case would result in the accredited person suffering clear and significant hardship of an extraordinary nature; or
  - (g) that special circumstances justifying an approval in the public interest exist.
- (4) This regulation—
- (a) does not apply to an accreditation for—
    - (i) a taxi service; or
    - (ii) a regular passenger service; and
  - (b) does not apply to—
    - (i) a motor cycle; or
    - (ii) a horse-drawn vehicle; or
    - (iii) a vehicle (of any kind) specifically identified in an application for accreditation under Division 1 of Part 4 of the Act made to the Board before the commencement of the prescribed period.

**Periodical fees and returns**

**8.** (1) Pursuant to section 33(1) of the Act—

- (a) each financial year is a prescribed period for an accreditation under Division 1 of Part 4 of the Act; and
- (b) the relevant day for that kind of accreditation is 21 days after the end of a financial year.

(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—the registration number, make and seating capacity;
- (d) other information determined by the Board.

(3) The Board may require that information contained in a return be verified by statutory declaration.

## **DIVISION 2—DRIVERS**

### **Drivers—Eligibility**

**9.** A person is not eligible to be granted an accreditation under Division 2 of Part 4 of the Act unless the Board 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 Board by such documentary evidence as the Board may require that the person has successfully completed a course approved by the Board will be taken to meet the requirements of this paragraph); and
- (f) if required by the Board—that the person has successfully completed a tourism course recognised by the Board for the purposes of this regulation.

### **Medical examination**

**10.** The Board 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,

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to submit a medical report or other evidence acceptable to the Board 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.

**Conditions**

**11.** (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 Board of a change in the person's name or residential address;
- (b) that the accredited person must, within seven days, inform the Board of a change—
  - (i) affecting the accuracy of information furnished to the Board 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 Board—
  - (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 Board 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 Board;
- (f) that the accredited person will, in a manner and form determined by the Board, 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 Board—
  - (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 Board that clearly indicates that the vehicle is not for hire is displayed on or near the vehicle in a manner determined by the Board 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 Board 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 Board under this regulation must provide the information in a manner and form determined by the Board.

### **DIVISION 3—CENTRALISED BOOKING SERVICES**

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

**12.** (1) A person is not eligible to be granted an accreditation under Division 3 of Part 4 of the Act unless the Board 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 Board in consultation with the relevant service;
- (e) a centralised booking service must have a customer information system to respond to customer inquiries and complaints.

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**Conditions**

13. (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 Board 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 Board—
  - (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 Board of a change—
  - (i) affecting the accuracy of information furnished to the Board 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 Board—
  - (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 Board and will, within 14 days, inform the Board, in a manner and form determined by the Board, 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 Board, that the accredited person will accept and, if necessary, implement or observe, a decision made by the Board in order to resolve the dispute.

(2) A person who is required to provide information to the Board under this regulation must provide the information in a manner and form determined by the Board.

**Periodical fees and returns**

**14.** (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 Board;
- (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 Board.

(3) The Board may require information contained in a return be verified by statutory declaration.

**Powers on inspection**

**15.** (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;

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- (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**

**Accreditations may be held jointly**

**16.** (1) An accreditation under Division 1 or 3 of Part 4 of the Act may, if the Board 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.

**Particulars in accreditation**

**17.** 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 Board in relation to the accreditation under section 31(1)(b)(i) of the Act.

**Death or incapacity of accredited person**

**18.** (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 Board, 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 Board.

(2) For the purposes of subregulation (1)—

- (a) a period determined by the Board must be at least three months; and
- (b) the Board may, if it thinks fit, extend a period; and

- (c) the duration for which a person may operate a service under subregulation (1) cannot exceed 12 months.

**Duty of accredited person to furnish information**

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

(2) The Board may require that information contained in a return under subregulation (1) be verified by statutory declaration.

**Inquiries by the Board**

20. (1) The holder of an accreditation under Part 4 of the Act must, if so required by the Board by notice in writing, attend at its office before the Board, or a person appointed by the Board for the purpose, and there answer such questions as to the accreditation, and the operation of a service under the accreditation, the person's conduct, or any other matter, as the Board 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.

**Defacing, etc., of accreditations**

21. 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.

**Delivery of accreditations**

22. (1) The holder of an accreditation under Part 4 of the Act must within two business days deliver the accreditation to the Board—

- (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 Board by notice in writing to deliver the accreditation to the Board; or
- (e) on the expiry of the accreditation.

**Issue of duplicate if accreditation lost, etc.**

23. If—

- (a) the holder of an accreditation satisfies the Board 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 Board,

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

**Renewals**

**24.** (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.

**Procedure for the variation of an accreditation**

**25.** (1) For the purposes of section 35(4) of the Act, the Board must, before it varies 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 its proposal; and
- (b) allow the person a reasonable opportunity to make submissions in relation to the matter.

(2) A notification of a decision by the Board 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**

**Exemptions under section 45**

26. (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 by the  
Passenger Transport Board

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

**Applicants for licences—Eligibility**

27. (1) A person is not eligible to be granted a taxi licence unless the Board is satisfied that the normal place of residence of the person is within the State or, in the case of a body corporate, that the registered office or principal office of the body corporate is within the State<sup>1</sup>.

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<sup>1</sup> An applicant for a taxi licence must also be an accredited person of an appropriate kind—see section 46(3) of the Act.

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

**Prescribed kinds or grades of licences**

**28.** (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 Board 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.

**Ability of Board to remove prohibition on transfer**

**28A.** (1) The Board may, in its 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 Board may fix a fee that is payable by the holder of a taxi licence that is subject to a determination of the Board under subregulation (1).

(3) A fee fixed under subregulation (2) may, if the Board so determines, be payable in instalments.

(4) However, a fee is not payable under subregulation (2) unless the determination of the Board under subregulation (1) is made on the application, or with the concurrence, of the holder of the taxi licence.

**Special allocation procedure**

**29.** (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).

**Licences may be held jointly**

**30.** (1) A taxi licence may, if the Board 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.

**Conditions and change of information**

**31.** (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;
- (b) it is a condition of a taxi licence that it will only relate to one vehicle;
- (c) it is a condition of a taxi licence that if the Board 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
  - (ii) that the holder of the licence will, before the taxi is used to ply for hire on any occasion, notify the Board, in a manner and form determined by the Board, 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 Board 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 Board of a change—

- (a) affecting the accuracy of information furnished to the Board for the purposes of gaining the licence; or
- (b) affecting the accuracy of particulars specified in the licence.

**Particulars in licence**

**32.** 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 Board in relation to the licence under section 45 of the Act.

**Death or incapacity of holder of a licence**

**33.** (1) If a natural person who is the holder of a taxi licence—

- (a) dies; or

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- (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 Board, continue to operate a taxi under the licence for a period determined by the Board.

(2) For the purposes of subregulation (1)—

- (a) a period determined by the Board must be at least three months; and
- (b) the Board may, if it thinks fit, extend a period; and
- (c) the duration for which a person may operate a taxi under subregulation (1) cannot exceed 12 months.

**Transfer of licence**

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

- (a) the consent is subject to a condition that the 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 Board's consent to its renewal or continuance for a further period of one year.

**Duty of holder of a licence to furnish information**

**35.** (1) The holder of a taxi licence must, if so required by the Board by notice in writing, furnish to the Board, or to a person nominated by the Board for the purpose, within a period specified in the notice, a return in a form determined by the Board 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 Board, or the nominated person, may require.

(2) The Board may require that information contained in a return under subregulation (1) be verified by statutory declaration.

**Inquiries by the Board**

**36.** (1) The holder of a taxi licence must, if so required by the Board by notice in writing, attend at its office before the Board, or a person appointed by the Board for the purpose, and there answer such questions as to the licence, and the operation of 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 Board 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.

**Defacing, lending of licences**

**37.** 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.

**Suspension or cancellation of licences**

**38.** (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 Board, 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 Board must, before it suspends or cancels 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 Board must, before it suspends or cancels a temporary licence under section 50 of the Act, give the holder of the licence at least seven days written notice of its proposed course of action (including in the notice a brief summary of the reasons for its 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 Board 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.

**Delivery of licences**

**39.** (1) The holder of a taxi licence must within two business days deliver the licence to the Board—

- (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 Board by notice in writing to deliver the licence to the Board;  
or
- (e) on the expiry of the licence.

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**Issue of duplicate if licence lost, etc.**

**40.** If—

- (a) the holder of a taxi licence satisfies the Board 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 Board,

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

**Substitution of vehicle**

**41.** (1) The Board 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 Board; and
- (b) be accompanied by the appropriate fee specified in schedule 4.

**DIVISION 2—TAXI SIGNS**

**General requirements for signs**

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

(2) The Board 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 Board 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 Board 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 Board.

**Unauthorised use of signs**

43. 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 Board.

**Removal of signs**

44. 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.

**Loss or theft of signs**

45. (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 Board.

(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 Board of the recovery.

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**DIVISION 3—TAXI METERS AND FARES**

**Requirements for meters**

47. (1) For the purposes of section 45(4)(c) of the Act—

- (a) a taxi-meter must be of a type approved by the Board;
- (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;

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- (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 Board;
  - (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.

**Action required when meter defective**

**48.** 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 Board and found to be in proper working order and registering correctly.

**Compulsory inspection of taxi-meters**

**49.** (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.

**Substitute wheels or alteration of drive train**

**50.** 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 Board and the taxi-meter has been found to be registering correctly.

**Interference with taxi-meters**

**51.** 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.

**Fees for testing of taxi-cab meter**

**52.** 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 Board.

**Operation of meter by taxi driver**

**53.** (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.

(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.

**Fares**

**54.** (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 Board for the purposes of this regulation; or
- (c) by another means determined or approved by the Board.

(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

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- (b) if applicable, by a docket issued as part of the South Australian Transport Subsidy Scheme, or under a similar scheme recognised by the Board for the purposes of this regulation; or
- (c) by another means determined or approved by the Board.

Penalty: Division 9 fine.

**Display of information**

**55.** 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 Board together with other information (whether or not relating to fares) that the Board determines should be displayed in the public interest.

**DIVISION 4—PROVISION OF TAXI SERVICES**

**Stands**

**56.** (1) The Board must maintain at its office 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.

**Duty to accept or continue hiring**

**57.** (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;
- (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 guide dog for the blind or deaf) 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;
- (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 Board that the taxi is available for hire.

**Duty to take shortest route**

**58.** 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.

**Right to terminate or vary the hiring**

**59.** (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.

**Multiple-hiring of taxi-cabs**

**60.** 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.

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**No smoking signs**

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

**PART 4**  
**CONDUCT OF DRIVERS AND GENERAL PASSENGER ISSUES**

**Duties of drivers**

**62.** (1) The driver of a public passenger vehicle must—

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

Penalty: Division 9 fine.

(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;
- (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.

Penalty: Division 9 fine.

**Calculation of fare**

**63.** (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 Board.

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(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.

**Duty to give name and address to driver**

**64.** 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.

Penalty: Division 9 fine.

**Overloading**

**65.** (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.

(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 IVA of the *Road Traffic Act 1961*; or
- (b) a number determined by the Board in relation to the relevant vehicle.

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

**66.** The driver of a public passenger vehicle must not, without the approval of the Board—

- (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.

Penalty: Division 9 fine.

**Obligations of passengers**

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

Penalty: Division 9 fine.

**Luggage**

**68.** (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.

Penalty: Division 9 fine.

(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.

Penalty: Division 9 fine.

**Prohibited acts**

**69.** (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.

Penalty: Division 9 fine.

**Causing inconvenience in vehicles**

**70.** (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 \$50 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.

**Lost property**

**71.** (1) In this regulation—

"**approved collection agent**" means a person appointed by the Board 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.

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- (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 Board, 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 Board (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 Board, notify the Board 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 Board, a weekly report to the Board.

(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 Board, notify the Board 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 Board, provide reports to the Board 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 Board; or
- (c) with the approval of the Board—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 Board 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.

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(14) An administration fee, of an amount determined by the Board, 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>2</sup>.

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<sup>2</sup> The *Passenger Transport (Regular Passenger Services; Conduct of Passenger) 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**

**Age of vehicles**

**72.** (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—more than eight years old;
- (b) in the case of a small passenger vehicle—more than eight years old;
- (c) in any other case—more than 25 years old.

(2) However, subregulation (1) is subject to the following qualifications:

- (a) the Board may approve the use of an older vehicle on the ground—
  - (i) that it is an integral part of the person's business that a vehicle or vehicles of a particular age or period be used; or
  - (ii) that the Board is satisfied that the vehicle provides a reasonable level of passenger safety and comfort, or that there is some other good reason to allow an exemption under this regulation; and
- (b) until 1 July 1995, an age limit does not apply to a small passenger vehicle that was being used for the purposes of a passenger transport service immediately before the commencement of these regulations, provided that—
  - (i) the vehicle is not, after the commencement of these regulations, transferred by the operator of the service to another person; and
  - (ii) the vehicle is the subject of a current certificate of inspection<sup>3</sup>.

(3) For the purposes of this regulation, 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) in any other case—the month of manufacture.

**Airconditioning in taxis**

**73.** 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 Board.

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<sup>3</sup> See regulation 74(4) for transitional provisions relating to certificates of inspection.

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**DIVISION 2—INSPECTIONS AND REPORTING OF ACCIDENTS****Inspections**

**74.** (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 small passenger vehicle—
  - (i) a period of 12 months; or
  - (ii) the period that it takes the vehicle to travel 40 000 kilometres, calculated from the last day of the month in which the vehicle was last inspected under section 54 of the Act (whichever is the lesser);
- (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.

(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 Board 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 IVA 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 IVA of the *Road Traffic Act 1961* will have the same effect as an inspection under section 54 of the Act.

**Prescribed scheme of maintenance**

**74A.** (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 Board 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 Board may exempt a person from compliance with a provision of this regulation.

(5) An exemption may be granted on conditions determined by the Board and a person must not contravene or fail to comply with any such condition.

(6) The Board may, at any time—

- (a) vary or revoke an exemption; or
- (b) vary or revoke a condition of an exemption.

**Passenger Transport (General) Regulations 1994**

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**Duty to facilitate inspections**

75. 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.

**Inspection labels**

75A. (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 determined by the Board; and

(b) indicate, in a manner determined by the Board—

(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.

(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 Board 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 Board 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.

**Reporting of accidents involving taxis**

**76.** (1) If a taxi is involved in an accident, the operator of the taxi service must, within two business days, submit to the Board a written report, in a form determined by the Board, 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 Board 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.

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**PART 6  
REGISTRATION PLATES**

**Prescribed classes of vehicles**

77. 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.

**Defacing, lending and unauthorised use of plates**

78. (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 Board.

(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 Board.

**Seizure of registration plates unlawfully held**

79. 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.

**Surrender of registration plates**

80. 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 Board or an authorised officer within two business days of the relevant event.

**Loss or theft of registration plates**

81. (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 Board; and
- (b) verify the loss or theft by statutory declaration if the Board 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 Board 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 Board.

**Passenger Transport (General) Regulations 1994**

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**PART 7  
MISCELLANEOUS**

**Fees**

**82.** (1) The fees set out in schedule 4 are payable as specified in that schedule.

(2) The Board may, on application, in its discretion, waive payment of the whole or a part of a fee, or refund a fee (in whole or in part).

**Metropolitan Adelaide**

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

**Codes of practice**

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

**Keeping of records**

**85.** 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 Board to do so by notice in writing, produce it for inspection or deliver it to the Board.

**Board may determine fares and charges**

**86.** (1) The Board 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 Board 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>4</sup>; or
- (b) a regular passenger service<sup>5</sup>.

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<sup>4</sup> See Division 3 of Part 3 of these regulations

<sup>5</sup> The Board has power under the *Passenger Transport (Regular Passenger Services; Fees and Charges) Regulations 1994* to set fees and charges for regular passenger services.

**Board may require various notices, etc., to be fitted**

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

**Ability of Board to dispense with certain requirements**

**88.** 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 Board, be dispensed with according to the discretion of the Board.

**Service of documents**

**89.** (1) A notice or document required or authorised by or under the Act to be give 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 Board has been last notified in writing by the person as the person's address for service.

**General offence**

**90.** (1) A person who contravenes or fails to comply with a provision of these regulations 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 a Division 7 fine.

**Evidentiary provision**

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

**Passenger Transport (General) Regulations 1994**

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**PART 8  
TRANSITIONAL ARRANGEMENTS**

**Transitional provisions—Accreditations**

**92.** (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 Board, 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.

**Transitional provisions—Drivers**

**93.** (1) Division 2 of Part 4 of the Act is, until 1 September 1994, limited in its application to the drivers of taxis (and then, on and after that date, will apply to all drivers of public passenger vehicles).

(2) The following are prescribed as criteria for the purposes of clause 7(1) of schedule 4 of the Act—

- (a) for the drivers of taxis—being the holder of a current taxi-cab driver's licence under the *Metropolitan Taxi-Cab Act 1956* on 31 July 1994;
- (b) in any other case—being employed between 1 July 1994 and 31 August 1994 as the driver of a public passenger vehicle.

(3) Unless otherwise determined by the Board, the conditions prescribed by Division 2 of Part 2 of these regulations extend to accreditations under clause 7(1) of schedule 4 of the Act.

(4) For the purposes of clause 7(2) of schedule 4 of the Act, the prescribed period is the period between 1 September 1994 and 17 August 1995.

**Transitional provisions—Taxis**

**94.** (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 Board 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 Board 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 Board to perform the same function under these regulations.

**Transitional provision—Service contracts**

**95.** Pursuant to clause 6(1)(c) of schedule 4 of the Act, the Board must, before it takes action under that clause to terminate a person's right to operate a regular passenger service without a service contract under the Act—

- (a) give the person written notice of the action under consideration; and
- (b) allow the person at least 14 days to make submissions to the Board (in a manner and form determined by the Board) about the proposed course of action; and
- (c) after complying with paragraphs (a) and (b), give the person at least 14 days written notice of termination.

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

**96.** (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.

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**SCHEDULE 1***Special Licence Allocation Procedure*

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

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

- (a) fix a time and date on which tenders close; and
- (b) specify the maximum number of taxi licences that the Board has determined that it 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 Board (and specified in the advertisement); and
  - (ii) to comply with other requirements imposed by the Board 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 Board); and
  - (iii) to be accompanied by the tender fee specified in the advertisement,

and may include other information determined by the Board as being appropriate in the particular circumstances.

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

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

(5) Each tender must—

- (a) be enclosed in an envelope provided by the Board and deposited by the tenderers in the locked box provided at the offices of the Board for that purpose; and
- (b) be otherwise made in the manner and form determined by the Board and comply with any other requirements imposed by the Board (*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 to the Passenger Transport Board (unless otherwise permitted by the Board).

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

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

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

(9) At the close of tenders one of the persons appointed by the Board 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 Board may reject any tender that does not comply with a requirement imposed by this schedule, or by the Board 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 Board under subclause (8) must prepare a schedule of tenders and enter in the schedule—
  - (i) the amount of each tender commencing with the highest amount tendered; and
  - (ii) alongside each tender, the name of the tenderer; 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

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- (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 Board must serve on each person who is a successful tenderer notice in writing requiring the person—
- (a) to pay to the Board—
- (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 Board, be taken to be withdrawn; and
- (b) the Board may, at its discretion, treat as successful tenderers one or more of the tenderers (if any) whose names next appear on the schedule of tenders after the names of all other successful tenderers and accordingly serve further notices under subclause (15) on those further successful tenderers.
- (16a) The Board 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 Board within a time specified by the Board such information, verified by statutory declaration, as the Board 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 Board or if the Board 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 Board may, if it 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 Board 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.

**Passenger Transport (General) Regulations 1994****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 (includes fare for first 108.2 metres) . . . . . \$2.10
- (ii) on tariff 2 (includes fare for first 100.1 metres) . . . . . \$3.00
- (b) for the distance travelled—
- (i) on tariff 1—
- for every additional 106.2 metres or part . . . . . \$0.10
- (ii) on tariff 2—
- for every additional 99.1 metres or part . . . . . \$0.10
- (c) for waiting time after the commencement of the hiring—
- (i) on tariff 1—
- for each period of 17.70 seconds . . . . . \$0.10
- (ii) on tariff 2—
- for each period of 17.24 seconds . . . . . \$0.10

(2) Tariff 2 may be applied for any hiring commenced between the hours of 7.00 p.m. on Monday to Friday inclusive and 6.00 a.m. on the following day, or between the hours of 1.00 p.m. on Saturday and 6.00 a.m. the following Monday, or during 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 \$0.63 per kilometre calculated on the forward and return journey plus waiting time at the rate of \$0.10 for each period of 17.70 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 17.70 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.

**Special services**

4. The fare for—

- (a) a taxi that is used to provide a premium service approved by the Board 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.

\* \* \* \* \*

6. Despite a preceding clause, until 1 September 1994 the legal fares that may be demanded or recovered for a hiring of a taxi will be the fares that applied under the *Metropolitan Taxi-Cab Act 1956* immediately before the commencement of these regulations (and, accordingly, schedule 3 of the *Metropolitan Taxi-Cab Regulations 1992* will be taken to continue to apply as part of this schedule until that date).

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**SCHEDULE 3**

[Schedule appears in *Gaz.* 15.12.94, p. 2192]

**SCHEDULE 4**

*Fees*

1. Application fee for an accreditation under the Act—	
(a) in respect of an accreditation under Division 1 of Part 4 . . . . .	\$211
(b) in respect of an accreditation under Division 2 of Part 4 . . . . .	\$65
(c) in respect of an accreditation under Division 3 of Part 4 . . . . .	\$528
2. Periodical fee payable under section 33(1)(b) of the Act—for a return period ending on 30 June in any year—	
(a) in respect of an accreditation under Division 1 of Part 4 . . . . .	\$211
(b) in respect of an accreditation under Division 3 of Part 4 . . . . .	\$528
3. Penalty for a default under section 33(2) of the Act . . . . .	\$32
4. Renewal fee under section 34 of the Act—	
(a) in respect of an accreditation under Division 1 of Part 4 . . . . .	\$211
(b) in respect of an accreditation under Division 2 of Part 4 . . . . .	\$65
(c) in respect of an accreditation under Division 3 of Part 4 . . . . .	\$528
5. Application to vary an accreditation under Division 2 of Part 4 . . . . .	\$65
6. Notification to the Board of the introduction of a vehicle to a service, or of the withdrawal of a vehicle—per vehicle . . . . .	\$11
7. Application fee for a licence under Part 6 of the Act—	
(a) in respect of a special vehicle licence . . . . .	\$79
(b) in respect of any other kind of licence . . . . .	\$158
8. Renewal fee under Part 6 of the Act—	
(a) in respect of a special vehicle licence . . . . .	\$79
(b) in respect of any other kind of licence . . . . .	\$158
9. Application fee for the consent of the Board under section 49 of the Act . . . . .	\$53
10. Application fee for consent to the substitution of another vehicle for a licensed taxi . . . . .	\$21
11. Fee for issue of a duplicate of an accreditation or licence that has been lost, etc. . . . .	\$32
12. Prescribed fee under section 54 of the Act—	
(a) for a first inspection . . . . .	\$50
(b) for a subsequent inspection (if necessary) . . . . .	\$36
13. Fee for the issue of replacement registration plates under section 63 of the Act . . . . .	\$20
14. Tender fee for the purposes of schedule 1 . . . . .	\$21

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**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 Board.
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 Board policies 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 Board.
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 Board policies 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.

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**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 Board.
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 Board's policies 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.

**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.

**Passenger Transport (General) Regulations 1994**

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**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.
8. Wear the company uniform, with socks or stockings and ensure that clothing is pressed and clean with no holes, tears, stains.
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.

**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 Board, or to the driver, on request.
18. Undertake public awareness and education regarding the use of vehicles participating in the service.

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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, or if the docket is not legible.
20. Take all necessary steps to ensure that SATSS dockets are not being fraudulently or inappropriately lodged.

## APPENDIX 1

### LEGISLATIVE HISTORY

*(entries in bold type indicate amendments incorporated since the last reprint)*

Regulation 3(1):	definition of "community transportation service" inserted by 59, 1996, reg. 3(a) definition of "public directory" inserted by 212, 1996, reg. 3 definition of "volunteer driver" inserted by 59, 1996, reg. 3(b)
Regulation 4A:	inserted by 211, 1996, reg. 3
Regulation 5(1):	varied by 170, 1995, reg. 3; 59, 1996, reg. 4(a)
Regulation 5(2a):	inserted by 59, 1996, reg. 4(b)
Regulation 5A:	inserted by 59, 1996, reg. 5
Regulation 7(1):	varied by 59, 1996, reg. 6; 212, 1996, reg. 4
Regulation 7A:	inserted by 179, 1997, reg. 3
<b>Regulation 7A(1):</b>	<b>definition of "prescribed period" varied by 232, 1997, reg. 3</b>
Regulation 11(1):	varied by 170, 1995, reg. 4; 212, 1996, reg. 5
Regulation 28(3):	varied by 30, 1996, reg. 3; substituted by 51, 1997, reg. 3
Regulation 28A:	inserted by 51, 1997, reg. 4
Regulation 29:	redesignated as reg. 29(1) by 51, 1997, reg. 5
Regulation 29(2) and (3):	inserted by 51, 1997, reg. 5
Regulation 42(1):	varied by 211, 1994, reg. 3(a)
Regulation 42(2):	substituted by 211, 1994, reg. 3(b)
Regulations 43 - 45:	substituted by 211, 1994, reg. 4
Regulation 46:	revoked by 211, 1994, reg. 4
Regulation 54(4):	varied by 30, 1996, reg. 4(a)
Regulation 54(5):	inserted by 141, 1994, reg. 3; varied by 30, 1996, reg. 4(b)
Regulation 57(3):	varied by 211, 1994, reg. 5
Regulation 72(3):	substituted by 141, 1994, reg. 4
Regulation 74(1):	varied by 211, 1994, reg. 6
Regulation 74A:	inserted by 211, 1994, reg. 7
Regulation 75A:	inserted by 211, 1994, reg. 8
Regulation 85:	varied by 211, 1994, reg. 9
Regulation 91:	varied by 170, 1995, reg. 5
Regulation 93(4):	inserted by 170, 1995, reg. 6
Regulation 94(3):	varied by 51, 1997, reg. 6
Regulation 95:	inserted by 211, 1994, reg. 10
Regulation 96:	inserted by 212, 1996, reg. 6
Schedule 1	
Subclause (2):	varied by 51, 1997, reg. 7(a)
Subclause (5):	varied by 51, 1997, reg. 7(b), (c)
Subclauses (5a) and (5b):	inserted by 51, 1997, reg. 7(d)
Subclauses (10a) and (10b):	inserted by 51, 1997, reg. 7(e)
Subclauses (15) and (16):	substituted by 51, 1997, reg. 7(f)
Subclause (16a):	inserted by 51, 1997, reg. 7(f)
Subclause (17):	varied by 51, 1997, reg. 7(g)
Subclauses (18) - (21):	inserted by 51, 1997, reg. 7(h)
Schedule 2	
Clause 1(1):	varied by 227, 1995, reg. 3(a)-(f); 8, 1997, reg. 3(a)-(h)
Clause 2(1):	varied by 211, 1994, reg. 11(a), (b); 227, 1995, reg. 3(g), (h); 8, 1997, reg. 3(i), (j)
Clause 2(3):	varied by 227, 1995, reg. 3(i); 8, 1997, reg. 3(k)
Clause 4:	substituted by 211, 1994, reg. 11(c)
Clause 5:	revoked by 211, 1994, reg. 11(c)
Schedule 3:	substituted by 211, 1994, reg. 12
Schedule 4:	varied by 83, 1995, reg. 3; substituted by 71, 1996, reg. 3; 103, 1997, reg. 3
Schedule 5	
Item 16:	inserted by 30, 1996, reg. 5

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Schedule 6	
Item 16:	inserted by 30, 1996, reg. 6
Schedule 7	
Item 13:	inserted by 30, 1996, reg. 7
Schedule 9	
Item 13:	inserted by 30, 1996, reg. 8(a)
Items 13 - 16:	redesignated as items 14 - 17 by 30, 1996, reg. 8(b)
Schedule 10	
Item 9:	varied by 30, 1996, reg. 9

**APPENDIX 2**

**DIVISIONAL PENALTIES AND EXPIATION FEES**

At the date of publication of this reprint divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	-	\$500	\$100
10	-	\$200	\$75
11	-	\$100	\$50
12	-	\$50	\$25

*Note: This appendix is provided for convenience of reference only.*