

Authorised Version

Transport (Buses, Taxi-Cabs and Other Commercial Passenger Vehicles) (Taxi-Cab Industry Accreditation and Other Matters) Regulations 2017

S.R. No. 50/2017

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Authorised Version

STATUTORY RULES 2017

S.R. No. 50/2017

Transport (Compliance and Miscellaneous) Act 1983

Transport (Buses, Taxi-Cabs and Other Commercial Passenger Vehicles) (Taxi-Cab Industry Accreditation and Other Matters) Regulations 2017

The Governor in Council makes the following Regulations:

Dated: 14 June 2017

Responsible Minister:

JACINTA ALLAN
Minister for Public Transport

ANDREW ROBINSON
Clerk of the Executive Council

Part 1—Preliminary matters

1 Objectives

The main objectives of these Regulations are to support the provision of bus and commercial passenger vehicle services that are safe for persons using the services by prescribing requirements for or in relation to—

- (a) driver accreditation and conduct; and
- (b) the inspection of commercial passenger vehicles; and
- (c) the operation of taxi-cabs; and
- (d) hirings, the charging and payment of fares and charges for taxi-cabs; and

- (e) the conduct of passengers; and
- (f) accreditation of operators of taxi-cabs and providers of taxi-cab network services.

2 Authorising provisions

These Regulations are made under sections 137E, 162, 169Z, 228RZI and 256 of the **Transport (Compliance and Miscellaneous) Act 1983**.

3 Commencement

These Regulations come into operation on 26 June 2017.

4 Revocations

The following Regulations are **revoked**—

- (a) Transport (Taxi-cab Industry Accreditation) Regulations 2007¹;
- (b) Transport (Taxi-cab Industry Accreditation) Amendment Regulations 2012²;
- (c) Transport (Taxi-cab Industry Accreditation) Amendment Regulations 2014³;
- (d) Transport (Buses, Taxi-Cabs and Other Commercial Passenger Vehicles) Regulations 2016⁴.

5 Definitions

In these Regulations—

accredited taxi-cab driver means the holder of a taxi-cab driver accreditation;

driver, in relation to a commercial passenger vehicle, means any person who drives the commercial passenger vehicle;

externally-administered company has the same meaning as in the Corporations Act;

fare calculation device means a mechanical, electrical or electronic device that records and displays information about taxi-cab fares and hiring charges;

hirer, in relation to a taxi-cab, includes a person who is attempting to hire the taxi-cab;

licence means a commercial passenger vehicle licence granted under Part VI of the Act;

licence holder means the holder of a licence;

licensed taxi tester means a person who is licensed under Chapter 6 of the Road Safety (Vehicles) Regulations 2009 to examine and test taxi-cabs;

licensed vehicle tester means a person who is licensed under Chapter 6 of the Road Safety (Vehicles) Regulations 2009 to examine and test light vehicles within the meaning of those Regulations;

network service provider means a person who is accredited to provide a taxi-cab network service;

shift means a period of operation of a commercial passenger vehicle by a driver that is continuous apart from meal and comfort breaks;

taxi-cab driver accreditation means a driver accreditation accrediting a person to drive a taxi-cab;

taxi-cab network service has the same meaning as it has in section 130A of the Act;

Transport (Buses, Taxi-Cabs and Other Commercial Passenger Vehicles)
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Part 1—Preliminary matters

termination, in relation to the hiring of a taxi-cab, means the time when the hiring ends for any reason, including because—

- (a) the agreed destination for the hiring has been reached; or
- (b) the hirer has requested the termination before the agreed destination for the hiring has been reached;

the Act means the **Transport (Compliance and Miscellaneous) Act 1983**.

Part 2—Driver accreditation and identification

Division 1—Driver accreditation

6 Prescribed class of person that may give medical certificate

For the purposes of section 167(2)(a) of the Act, a prescribed class of person is a registered medical practitioner.

Division 2—Identification of accredited drivers

7 Application of this Division

This Division applies to an applicant for, or holder of, a taxi-cab driver accreditation.

8 Licensing authority may provide accredited taxi-cab driver identification

The licensing authority may provide an identification of the holder as an accredited taxi-cab driver that includes—

- (a) a photograph or digitised image of the holder obtained by the licensing authority under section 167(2) of the Act; and
- (b) the number of the certificate of accreditation issued under section 169D of the Act; and
- (c) the date on which the accreditation expires.

Note

The licensing authority is defined in section 2(1) of the **Transport (Compliance and Miscellaneous) Act 1983** to mean the Taxi Services Commission.

9 Accredited driver must ensure identification is clearly visible at all times

An accredited taxi-cab driver must ensure that the identification provided under regulation 8 is clearly visible at all times to passengers hiring the taxi-cab driven by the accredited taxi-cab driver.

Penalty: 5 penalty units.

Part 3—Commercial passenger vehicles

Division 1—Inspection of commercial passenger vehicles

10 Definitions

In this Division—

appropriate person means—

- (a) a police officer; or
- (b) a licensed vehicle tester; or
- (c) a licensed taxi tester; or
- (d) a person authorised by the licensing authority under regulation 11;

relevant person, in relation to a commercial passenger vehicle, means—

- (a) if the vehicle is not a taxi-cab, the licence holder in respect of that vehicle; or
- (b) if the vehicle is a taxi-cab, the operator or driver of the vehicle.

11 Licensing authority may authorise persons to inspect taxi-cabs

The licensing authority may, in writing, authorise a person to inspect taxi-cabs under this Division.

12 Inspection of commercial passenger vehicles

- (1) A police officer, the licensing authority or a person authorised by the licensing authority may require a relevant person to produce a commercial passenger vehicle at or within a time specified by the officer, licensing authority or person for inspection by an appropriate person.

Part 3—Commercial passenger vehicles

- (2) Subject to subregulation (4), a person who is subject to a requirement made under subregulation (1) must comply with the requirement.

Penalty: 20 penalty units

- (3) If a requirement is made under subregulation (1) on a person who is the driver of a commercial passenger vehicle but not the owner, operator or licence holder in respect of the vehicle, the driver must advise the owner, operator or licence holder of the vehicle as soon as is practicable after the requirement is made.

Penalty: 5 penalty units.

- (4) If the owner, operator or licence holder has received advice in respect of a requirement under subregulation (3), the owner, operator or licence holder must ensure the vehicle is produced for inspection in accordance with the requirement made under subregulation (1).

Penalty: 20 penalty units.

13 Notice to rectify defects

- (1) A police officer, the licensing authority, or a person authorised by the licensing authority may serve a notice on a relevant person requiring that the matters set out in the notice be rectified if a commercial passenger vehicle—
- (a) is unsafe; or
 - (b) is unfit for use for the purpose for which the vehicle is licensed; or
 - (c) does not comply with requirements specified under the Act or these Regulations.

Part 3—Commercial passenger vehicles

- (2) A notice served under subregulation (1) must—
- (a) include sufficient details to identify the commercial passenger vehicle; and
 - (b) set out the matters that must be rectified.
- (3) If the driver of a taxi-cab on whom a notice under subregulation (1) is served is not the operator of the taxi-cab, the driver must, as soon as is practicable after service of the notice, give, or cause to be sent to, the operator the notice or a copy of the notice.

Penalty: 5 penalty units.

- (4) If a person is served with a notice under subregulation (1), the person must not operate the commercial passenger vehicle to which the notice relates for the purpose for which the vehicle is licensed until—
- (a) the matters in the notice served under subregulation (1) have been rectified; and
 - (b) the vehicle has been inspected by an appropriate person.

Penalty: 20 penalty units.

14 Evidence of inspection

- (1) This regulation applies if a person is required to produce a commercial passenger vehicle under regulation 12 for inspection.
- (2) A police officer, the licensing authority or a person authorised by the licensing authority may require the person to provide evidence that the vehicle has been inspected by an appropriate person and of the result of that inspection.
- (3) A police officer, the licensing authority or a person authorised by the licensing authority may specify the manner and form in which

Part 3—Commercial passenger vehicles

evidence required under subregulation (2) must be provided.

- (4) A person who is subject to a requirement made under subregulation (2) must comply with the requirement within 7 days after the requirement is made.

Penalty: 20 penalty units.

Division 2—Number plates, signs, symbols etc.

15 Number plates, signs, symbols etc.

- (1) A person must not operate or drive a commercial passenger vehicle or permit the vehicle to be operated or driven unless the vehicle is fitted with number plates, signs, symbols, notices or labels that are—
- (a) required to be fitted by the Roads Corporation or the licensing authority; and
 - (b) of a type or design approved by the Roads Corporation or the licensing authority.

Penalty: 5 penalty units.

- (2) A person who operates or drives a commercial passenger vehicle must ensure that a number plate, sign, symbol, notice or label required to be fitted under subregulation (1) is fitted so that it is clearly visible at all times.

Penalty: 5 penalty units.

Division 3—General

16 Smoking prohibited

A person must not smoke tobacco or any other substance in a commercial passenger vehicle.

Penalty: 5 penalty units.

17 Animals

- (1) The driver of a commercial passenger vehicle must accept an animal for carriage in that vehicle if—
 - (a) the animal is an assistance animal; and
 - (b) the animal is accompanied by a hirer of the commercial passenger vehicle.

Penalty: 10 penalty units.

- (2) In this regulation—

assistance animal has the same meaning as it has in the Disability Discrimination Act 1992 of the Commonwealth.

18 Commercial passenger vehicle licences

- (1) A licence holder must return the licence to the licensing authority within 7 days after—
 - (a) the licensing authority notifies the licence holder in writing that the licence is suspended, cancelled or revoked; or
 - (b) the licence is suspended or revoked by force of section 156A of the Act.

Penalty: 10 penalty units.

- (2) On application, the licensing authority may issue a duplicate licence if it is satisfied that the licence is altered, defaced or illegible or that the licence has been lost, stolen or destroyed.

Part 4—Taxi-cabs

Division 1—Specifications and equipment for taxi-cabs

19 Taxi-cab specifications

- (1) The licensing authority may determine and publish in the Government Gazette specifications with which a taxi-cab, or a taxi-cab of a particular class, must comply in relation to the following—
 - (a) fare calculation devices;
 - (b) accessibility and safety in respect of wheelchair accessible taxi-cabs;
 - (c) security cameras.

- (2) The operator of a taxi-cab must not operate the taxi-cab, or permit the taxi-cab to be operated, unless the taxi-cab complies with all specifications made under subregulation (1) that apply to the taxi-cab.

Penalty: 20 penalty units.

- (3) The licensing authority may exempt a taxi-cab from complying with any specification made under subregulation (1) if, in the opinion of the licensing authority, the specification is inappropriate to the nature or construction of the taxi-cab or to the circumstances in which the taxi-cab is licensed to operate.

20 Emergency warning devices

- (1) The operator of a taxi-cab must not operate the taxi-cab, or permit the taxi-cab to be operated, unless the taxi-cab is fitted with an emergency warning device.

Penalty: 10 penalty units.

- (2) An emergency warning device referred to in subregulation (1) must have an activating switch readily accessible by the driver of the taxi-cab seated in the normal driving position.

Penalty: 10 penalty units.

21 Security cameras

- (1) This regulation applies to a taxi-cab licensed to operate in the Melbourne Metropolitan Zone or the Urban or Large Regional Zone.
- (2) The operator of a taxi-cab to which this regulation applies must not operate the taxi-cab, or permit the taxi-cab to be operated, unless a security camera approved by the licensing authority is fitted to the taxi-cab in a manner approved by the licensing authority and is maintained in good working order.

Penalty: 20 penalty units.

- (3) The driver of a taxi-cab to which this regulation applies must not operate the taxi-cab unless the camera referred to in subregulation (2) is operating.

Penalty: 20 penalty units.

22 Protective screens

If the driver of a taxi-cab requests the operator or the owner of the taxi-cab to provide a protective screen, the operator or the owner of the taxi-cab must fit a protective screen suitable for use inside the taxi-cab.

Penalty: 10 penalty units.

23 Interference with equipment in or on taxi-cab

A person must not interfere with any equipment in or on a taxi-cab—

- (a) so as to prevent the equipment from operating as required by the Act or these Regulations or by or under any other Act or law; or
- (b) with the intention of preventing the equipment from so operating.

Penalty: 15 penalty units.

Division 2—Appearance of taxi-cab

24 Livery

- (1) The operator of a taxi-cab must not operate the taxi-cab, or permit the taxi-cab to be operated, unless there is displayed on the outside of the taxi-cab, so as to be clearly visible, the name, telephone number and trade mark or trade name of—

- (a) the operator; or
- (b) a taxi-cab network service provider with whom the operator has an arrangement for the provision of taxi-cab network services.

Penalty: 10 penalty units.

- (2) The operator of a taxi-cab must not operate the taxi-cab, or permit the taxi-cab to be operated, unless the taxi-cab is painted in a colour or colours approved by the licensing authority.

Penalty: 10 penalty units.

25 Sign on taxi-cab

The operator of a taxi-cab must not operate the taxi-cab or permit the taxi-cab to be operated unless the taxi-cab is fitted with a sign capable of being lit—

- (a) that displays the word "TAXI"; and
- (b) that indicates whether or not the taxi-cab is available for hire; and
- (c) that is capable of being operated by the driver of the taxi-cab seated in the normal driving position.

Penalty: 10 penalty units.

Division 3—Driver responsibilities

26 Passenger routes

- (1) Subject to subregulation (2), the driver of a taxi-cab must take a person who has hired the taxi-cab or who is attempting to hire the taxi-cab if it is available for hire, to the place where that person wants to be taken.

Penalty: 10 penalty units.

- (2) Unless a person is going to or is being taken to a hospital, the driver of a taxi-cab may refuse to take or continue to carry a person in the taxi-cab if—
 - (a) in the opinion of the driver—
 - (i) the person is violent, noisy, misbehaving, filthy or offensive; or
 - (ii) the person is in possession of an item that is not able to be safely and securely accommodated within the taxi-cab; or

- (b) a sign showing the word "Destination" and the name of a suburb is attached to the taxi-cab so as to be clearly visible from the outside of the taxi-cab and the place where the person wants to be taken to is—
- (i) outside a 5 kilometre radius of the suburb shown on the sign; or
 - (ii) more than 5 kilometres either side of the most direct, practicable route between the hiring point and the suburb shown on the sign.
- (3) If the hirer of a taxi-cab nominates a route to the place where the hirer wants to be taken, the driver of the taxi-cab must take that route.

Penalty: 10 penalty units.

- (4) If the hirer of a taxi-cab does not nominate the route that the hirer wishes to be taken, the driver of the taxi-cab must take the most direct and practicable route from the place where the taxi-cab was hired to the intended destination of the hirer.

Penalty: 10 penalty units.

27 Passenger assistance

The driver of a taxi-cab must give reasonable help to passengers to get them into and out of the taxi-cab.

Penalty: 5 penalty units.

28 Driver appearance

While operating a taxi-cab, the driver of the taxi-cab must wear a uniform that conforms to a design approved by—

- (a) the operator of the taxi-cab; or

- (b) if the operator of the taxi-cab has entered into an arrangement with a network service provider for the receipt and dispatch of bookings or orders for the hiring of that taxi-cab, that network service provider.

Penalty: 5 penalty units.

Division 4—Fares, charges and fare calculation devices

29 Fares and additional charges

- (1) The driver of a taxi-cab must not charge for the hiring of the taxi-cab for a part of a journey that is delayed to allow the taxi-cab to be refuelled or repaired.

Penalty: 10 penalty units.

- (2) The driver of a taxi-cab in the licence of which the Melbourne Metropolitan Zone or the Urban and Large Regional Zone is specified must not charge or ask for payment of a fare or additional charges that are in excess of the fare or hiring rates permitted by a determination of the Essential Services Commission under Division 5A of Part VI of the Act.

Penalty: 10 penalty units.

- (3) The driver of a taxi-cab in the licence of which the Regional Zone or the Country Zone is specified must not charge or ask for payment of a fare or additional charges that are in excess of the maximum fare or hiring rates submitted to the licensing authority under section 162EA of the Act in respect of that taxi-cab.

Penalty: 10 penalty units.

30 Receipt for payment of fares and additional charges

- (1) On payment by the hirer of a taxi-cab of a fare and any additional charges for a hiring, the driver of the taxi-cab must provide the hirer with a receipt for the total amount paid.

Penalty: 10 penalty units.

- (2) A receipt provided under subregulation (1) must be legible and include—
 - (a) unless the receipt is produced using electronic facilities, the driver's signature; and
 - (b) the registration plate number of the taxi-cab; and
 - (c) the number of the driver's certificate of accreditation; and
 - (d) all the items that make up the fare and any additional rates and charges; and
 - (e) the total amount paid; and
 - (f) the date of the payment.

Penalty: 10 penalty units.

31 Obligations for estimated fares

- (1) If a hirer requests an estimate of the fare for a hiring of a taxi-cab, the driver of the taxi-cab must give the hirer the estimate of the fare.
- (2) A driver of a taxi-cab may ask a hirer to pay an amount of up to an estimate of the fare for a hiring before the hiring starts.
- (3) If a driver of a taxi-cab has asked the hirer to pay an amount in accordance with subregulation (2), the hirer must pay the amount when asked.

- (4) If the hirer of a taxi-cab has paid an amount in accordance with subregulation (3), the driver of a taxi-cab must, before the hiring starts, provide the hirer with a receipt for that amount.

Penalty: 10 penalty units.

- (5) If a hirer of a taxi-cab has paid an amount in accordance with subregulation (3), on the termination of the hiring the driver of the taxi-cab must—
- (a) if the amount paid is less than the fare and additional charges for the hiring, deduct the amount from the amount payable for the hiring; or
 - (b) if the amount paid exceeds the fare and additional charges for the hiring, repay to the hirer the amount in excess of the amount payable for the hiring.

Penalty: 10 penalty units.

32 Prescribed information—notices of maximum fares or hiring rates in Regional and Country Zones

- (1) For the purposes of section 162EA(2)(a) of the Act, the prescribed information relating to the maximum fares or hiring rates to be charged in respect of a taxi-cab is—
- (a) the information specified in subregulation (2) in relation to the taxi-cab; and
 - (b) if the notice containing the information is to be submitted by a network service provider, a statement that the operator of the taxi-cab has authorised that network service provider to submit the notice.

- (2) For the purposes of subregulation (1)(a), the following information is specified—
- (a) the name and number of the certificate of accreditation of the operator of the taxi-cab;
 - (b) the name, business address, telephone number, email address and number of the certificate of accreditation of the person submitting the notice containing the information;
 - (c) the zones specified in licences held by or assigned to the operator of the taxi-cab;
 - (d) the registration plate number of the taxi-cab;
 - (e) the maximum fares or hiring rates to be charged in respect of the taxi-cab;
 - (f) the date from which the fares or hiring rates are to be charged;
 - (g) details of any amounts that are to be charged in addition to the maximum fares or hiring rates.

Note

Maximum rates are notified under Division 5AB of Part VI of the Act.

33 Prescribed standard for availability of information on maximum fares or hiring rates in Regional and Country Zones

- (1) For the purposes of section 162EC of the Act, the prescribed standard for information about the maximum fares or hiring rates chargeable in respect of a taxi-cab is that the fares and rates are displayed inclusive of GST.
- (2) The operator of a taxi-cab operated under a licence in which the Regional Zone or the Country Zone is specified must not operate the taxi-cab, or permit the taxi-cab to be operated,

unless information about the maximum fares or hiring rates chargeable in respect of the taxi-cab is shown on—

- (a) a notice that is fixed to the outside of the taxi-cab so as to be clearly visible from the left side of the taxi-cab; and
- (b) notices fixed on the inside of the taxi-cab so that the information is able to be clearly read from each seating position in the taxi-cab.

Penalty: 20 penalty units.

34 Fare calculation devices

- (1) The operator of a taxi-cab must not operate the taxi-cab or permit the taxi-cab to be operated unless a fare calculation device that complies with subregulation (2) is functioning in the taxi-cab.

Penalty: 10 penalty units.

- (2) A fare calculation device in a taxi-cab must—
 - (a) have been tested by a person authorised to do so by the licensing authority; and
 - (b) record and display only the fares and additional charges determined under the Act for the licence under which the taxi-cab is operated; and
 - (c) be able to be clearly read from each forward-facing seating position in the taxi-cab.
- (3) Subject to subregulation (4), the operator of a taxi-cab must ensure that the fare calculation device in the taxi-cab is the device that has been most recently tested in the taxi-cab by a person authorised by the licensing authority.

Penalty: 10 penalty units.

- (4) If a fare calculation device or a component of a fare calculation device in a taxi-cab, or any equipment in or on the taxi-cab that may affect the correct operation of the fare calculation device, is substituted or altered, the operator of the taxi-cab must not operate the taxi-cab or permit the taxi-cab to be operated until the fare calculation device has been recalibrated and tested by a person authorised to do so by the licensing authority.

Penalty: 10 penalty units.

- (5) A person authorised by the licensing authority may, by giving written notice to the operator or the driver of a taxi-cab, require the operator or driver to take the taxi-cab to a person authorised by the licensing authority, at or within a time specified in the notice, to have the fare calculation device inspected and tested.

- (6) The operator or driver of a taxi-cab must comply with a requirement made under subregulation (5).

Penalty: 10 penalty units.

- (7) If a fare calculation device in a taxi-cab does not comply with subregulation (2)—

(a) the operator of the taxi-cab must not operate the taxi-cab or permit the taxi-cab to be operated; and

(b) the driver of the taxi-cab must not operate the taxi-cab—

until the fare calculation device has been repaired (if necessary), and has been inspected and tested by a person authorised by the licensing authority.

Penalty: 10 penalty units.

35 Operation of fare calculation devices

- (1) The driver of a taxi-cab must not operate the fare calculation device in the taxi-cab if the taxi-cab is not hired.

Penalty: 10 penalty units.

- (2) If the driver of a taxi-cab carries out activities for which a wheelchair lifting subsidy is payable during, or in relation to, a hiring, the driver must start the fare calculation device immediately after—

- (a) the driver has accepted the hirer's request to be taken to a destination; and
- (b) the hirer and any passengers accompanying the hirer, and their luggage or other items, are safely secured in the taxi-cab; and
- (c) the taxi-cab is ready to move off.

Penalty: 10 penalty units.

- (3) A driver of a taxi-cab must ensure that a fare calculation device is paused while the driver is carrying out activities for which a wheelchair lifting subsidy is payable.

Penalty: 10 penalty units.

- (4) A driver of a taxi-cab must tell the hirer immediately if the fare calculation device changes to a different tariff during a hiring.

Penalty: 10 penalty units.

- (5) The driver of a taxi-cab must ensure that the fare calculation device is stopped immediately at the termination of a hiring.

Penalty: 10 penalty units.

- (6) For the purposes of this regulation, activities for which a *wheelchair lifting subsidy* is payable are—
- (a) loading a passenger into, or unloading a passenger from, a wheelchair accessible taxi-cab (within the meaning of section 147A(2C)(b) of the Act); or
 - (b) loading a wheelchair into, or unloading a wheelchair from, the boot of a taxi-cab that—
 - (i) is a sedan or station wagon; and
 - (ii) is operated under a licence in which the Regional or Country Zone is specified.

Division 5—General

36 Records to be kept of non-cash payment surcharges

- (1) In this regulation—

non-cash payment processing device has the same meaning as it does in section 228RA of the Act;

relevant service means a non-cash payment processing service as defined in section 228RA of the Act;

taxi non-cash payment surcharge has the same meaning as it does in section 228RA of the Act;

taxi non-cash payment transaction has the same meaning as it does in section 228RA of the Act.

- (2) This regulation applies to a person who provides a relevant service that facilitates the processing of a taxi non-cash payment transaction that is a payment of an amount that includes a

taxi non-cash payment surcharge (a *relevant transaction*).

- (3) A person to whom this regulation applies must keep records sufficient to identify—
- (a) in respect of each relevant transaction facilitated by the relevant service—
 - (i) the amount of the taxi non-cash payment surcharge; and
 - (ii) the amount that would have been payable by the hirer in respect of the hiring to which the transaction relates if the hiring had been paid for in cash; and
 - (iii) the date on which the transaction was processed; and
 - (b) in respect of each day on which the relevant service facilitated the processing of a relevant transaction—
 - (i) the total amount of the taxi non-cash payment surcharges that were added to the relevant transactions on that day; and
 - (ii) the total amount that would have been payable by the hirers in respect of the hirings to which the relevant transactions on that day relate if those hirings had been paid for in cash; and
 - (c) in respect of each non-cash payment processing device supplied by the person or used to process a relevant transaction—
 - (i) if the device is programmed to add a taxi non-cash payment surcharge that is a fixed amount, the amount of that surcharge; and

- (ii) if the device is programmed to add a taxi non-cash payment surcharge that is not a fixed amount, the basis on which the amount of the surcharge is determined; and
 - (iii) any day on which the programming of the device is set or changed—
 - (A) to make the device add a taxi non-cash payment surcharge; or
 - (B) to change the amount the device adds as a taxi non-cash payment surcharge; and
 - (iv) each taxi-cab in relation to which the device is used; and
 - (v) the periods during which the device is used in relation to each taxi-cab; and
 - (vi) if the device is supplied by the person—
 - (A) each operator or driver to whom the person supplies the device; and
 - (B) the period during which the person supplies the device to each operator or driver.
- (4) A person to whom this regulation applies must keep the records required under subregulation (3) for a period of at least 5 years after the last entries in the records are made.

Note

The **Electronic Transactions (Victoria) Act 2000** provides that a requirement to keep written records is taken to have been met if the person records information in electronic form.

37 Authorisation to trade in taxi-cab licences

For the purposes of section 150A of the Act, a person is authorised to trade in taxi-cab licences if the person is not—

- (a) in the case of a natural person, an insolvent under administration; or
- (b) in the case of a company, an externally-administered company.

38 Identity cards for taxi compliance officers

For the purposes of section 228RD(2)(c) of the Act, a prescribed matter that must be included in an identity card issued to a taxi compliance officer is the taxi compliance officer's appointment number or badge number.

39 No drinking liquor or possessing open liquor containers

- (1) A passenger in a taxi-cab must not drink from a container that contains, or purports to contain, liquor.

Penalty: 5 penalty units.

- (2) A passenger in a taxi-cab must not possess an open container that contains, or purports to contain, liquor.

Penalty: 5 penalty units.

- (3) In this regulation—

liquor has the same meaning as in section 3 of the **Liquor Control Reform Act 1998**.

Part 5—Commercial passenger vehicles other than taxi-cabs

40 Records—non-taxi commercial passenger vehicles

- (1) This regulation applies to the holder of a commercial passenger vehicle licence granted under Part VI of the Act other than a taxi-cab licence.
- (2) A licence holder to whom this regulation applies must keep an up-to-date record of the name, address, driver licence number and number of the certificate of accreditation of each driver of the vehicle in respect of which the licence is granted.

Penalty: 10 penalty units.

- (3) A licence holder to whom this regulation applies must keep a record of the following for each booking of the vehicle in respect of which the licence is granted—
 - (a) the date and time of the booking;
 - (b) the name of the driver of the vehicle;
 - (c) the street number, street name and suburb or town name at which the hirer was picked up;
 - (d) the street number, street name and suburb or town name to which the hirer was taken.

Penalty: 10 penalty units.

- (4) A licence holder to whom this regulation applies must keep the records referred to in subregulations (2) and (3) in a form and manner that enables access to be provided to the licensing authority on request.

Penalty: 10 penalty units.

Part 5—Commercial passenger vehicles other than taxi-cabs

- (5) A licence holder to whom this regulation applies must keep the records referred to in subregulations (2) and (3) for a period of at least 3 years after the last entries in the records are made.

Penalty: 10 penalty units.

- (6) A licence holder to whom this regulation applies must keep the records referred to in subregulations (2) and (3) in a manner that enables the records to be read, or reproduced by the licence holder on request of the licensing authority, in the English language.

Penalty: 5 penalty units.

- (7) On request of the licensing authority or a person approved by the licensing authority, a licence holder to whom this regulation applies must make the records referred to in subregulations (2) and (3) available for inspection.

Penalty: 10 penalty units.

- (8) If requested by the licensing authority or a person approved by the licensing authority, a licence holder to whom this regulation applies must provide a copy of any part or all of the records referred to in subregulations (2) and (3) to the authority or person making the request within the time specified in the request.

Penalty: 10 penalty units.

41 Driver must not consume alcohol

The driver of a commercial passenger vehicle that is not a taxi-cab must not consume alcohol from the time the driver commences a shift until the time the driver finishes the shift.

Penalty: 12 penalty units.

Part 6—Taxi industry accreditation

Division 1—Definitions

42 Definitions

In this Part—

accreditation means accreditation under
Division 4 of Part VI of the Act;

AS/NZS 10002:2014 means the Standard
AS/NZS 10002:2014—Guidelines for
complaint management in organizations;

driver agreement has the same meaning as it
has in section 162J of the Act;

national police certificate means a certificate
issued as a result of a national police records
check;

national police records check means a search
of the records of the police forces of each
State and Territory to determine whether the
subject of the search has been found guilty
of a criminal offence;

record-keeping arrangement means an
arrangement between a person who is
accredited as a provider of taxi-cab network
services and a person who is accredited as a
taxi-cab operator in accordance with which
the network service provider agrees to keep
a record of the information specified in
Schedule 2 on the taxi-cab operator's behalf
in relation to the taxi-cabs operated or
permitted to be operated by the taxi-cab
operator;

relevant person has the same meaning as it has in
section 130A(1) of the Act;

system data means data relating to the operation of the global positioning system including data about malfunctions, tampering or attempted tampering with the system;

taxi-cab licence holder means the holder of a taxi-cab licence;

Telematics In-Vehicle Unit (IVU) Functional and Technical Specification means the Telematics In-Vehicle Unit (IVU) Functional and Technical Specification, published by Transport Certification Australia in May 2014 as in force from time to time;

travel data, in relation to a taxi-cab, means information about the position, speed and direction of the taxi-cab whenever that taxi-cab is operating and includes the date and time that the information is generated.

Division 2—Applications for taxi-cab industry accreditation

43 Applications for accreditation

For the purposes of section 132(2)(b)(ii) of the Act, an application for accreditation must be accompanied by—

- (a) written disclosure by the applicant of any findings of guilt in relation to the applicant and each relevant person of a tier 1 offence, a tier 2 offence or a tier 3 offence; and
- (b) evidence as to whether or not the applicant and each relevant person has been found guilty of a tier 1 offence, a tier 2 offence or a tier 3 offence; and

Part 6—Taxi industry accreditation

- (c) the written consent of the applicant and each relevant person—
 - (i) to the request by the licensing authority of a—
 - (A) national police records check; or
 - (B) police records check that includes the search of records held by police forces in other countries; and
 - (ii) to retention by the licensing authority of the applicant's national police certificate; and
- (d) if the applicant or a relevant person has been found guilty of a tier 1 offence, a tier 2 offence or a tier 3 offence—
 - (i) a description of the offence; and
 - (ii) the details of any sentencing order made on that finding of guilt.

Division 3—Records

44 Records to be kept by network service providers

The accreditation of a person as a provider of taxi-cab network services is subject to the condition that the person must keep a record of the information specified in Schedule 1.

45 Records to be kept by taxi-cab operators

- (1) The accreditation of a person as a taxi-cab operator is subject to the condition that the person must keep a record of the information specified in Schedule 2.

- (2) Subregulation (1) does not apply if a taxi-cab network service provider keeps, in accordance with a record-keeping arrangement with the person accredited as a taxi-cab operator, records on the taxi-cab operator's behalf in relation to the taxi-cabs operated, or permitted to be operated by the taxi-cab operator.

46 Records to be kept by network service providers in respect of taxi-cab operations

- (1) This regulation applies if there is a record-keeping arrangement in effect between a person who is accredited as a provider of taxi-cab network services and a person who is accredited as a taxi-cab operator.
- (2) The accreditation of a person as a provider of taxi-cab network services is subject to the condition that the person must keep a record of—
- (a) the record-keeping arrangement; and
 - (b) the information specified in Schedule 2 on the taxi-cab operator's behalf in relation to the taxi-cabs operated or permitted to be operated by the taxi-cab operator.

47 Period records are to be kept

A record kept under regulation 44, 45, 46 or 57 must be kept—

- (a) subject to paragraph (d), for a period of 3 years commencing on the date the record was created; and
- (b) in a manner that enables the records to be read or reproduced in the English language; and
- (c) in any manner, form (including electronic) or format determined by the licensing authority; and

- (d) in the case of a record of information specified in item 1 of Schedule 2, until the later of—
- (i) the date that is 3 years after the date the record was created; or
 - (ii) if the record is specified in a request made under regulation 48(1)(a) or 49(a) before the end of the period specified in subparagraph (i), the date the licensing authority receives the requested record.

Division 4—Inspection, audit and submission of information

48 Taxi-cab operator records to be made available

- (1) A police officer may request the operator of a taxi-cab—
- (a) to make available a specified record to the officer for inspection by the officer; or
 - (b) to give the officer, within a reasonable period specified by the officer, an accurate copy of a specified record.
- (2) An operator of a taxi-cab who receives a request under subregulation (1)(a) must without delay comply with that request.
- Penalty: 10 penalty units.
- (3) An operator of a taxi-cab who receives a request under subregulation (1)(b) must comply with that request.
- Penalty: 10 penalty units.
- (4) In this regulation—

specified record means a record of the information described in item 1(c) of Schedule 2.

49 Inspection and audit

An accreditation is subject to the condition that the accredited person must—

- (a) make any or all of the records that the accredited person is required to keep under these Regulations available on request to the licensing authority for the purpose of inspecting or auditing those records; and
- (b) provide the licensing authority with all reasonable assistance in the carrying out of that inspection or audit.

50 Submission of information

An accreditation is subject to the condition that the accredited person must—

- (a) if the accredited person is requested to do so by the licensing authority, give to the licensing authority a copy of any or all of the records that the accredited person is required to keep under these Regulations that are specified in the request—
 - (i) in any manner, form (including electronic) or format specified in the request; and
 - (ii) in respect of any period that is specified in the request; and
 - (iii) within the time that is, or at the intervals that are, specified in the request; and
- (b) give the licensing authority any other information that the licensing authority may request relating to the accreditation or the activities for which the accredited person is accredited within the time specified by the licensing authority.

Division 5—Conditions on accreditation of taxi-cab operators

51 Driver health and fitness

The accreditation of a person as a taxi-cab operator is subject to the condition that the person must take reasonable steps to verify that a driver of a taxi-cab operated or permitted to be operated by that person is of sufficient good health and fitness to operate the taxi-cab.

52 Drivers of wheelchair accessible taxi-cabs

- (1) The accreditation of a person as a taxi-cab operator is subject to the condition that the person must not operate or permit to be operated a taxi-cab that is a wheelchair accessible taxi-cab unless the driver of that taxi-cab has successfully completed—
 - (a) any specified course of training or test required by the licensing authority under section 167 of the Act; and
 - (b) any specified course of training required to be undertaken as a condition of the driver accreditation held by the driver.
- (2) In this regulation—

wheelchair accessible taxi-cab has the same meaning as it does in section 147A(2C) of the Act.

Note

See section 169A(2A) of the Act.

Division 6—Complaints handling

53 Complaints handling—taxi-cab operators

- (1) The accreditation of a person as a taxi-cab operator is subject to the condition that the person must ensure that—
 - (a) every complaint relating to the operation of a taxi-cab operated, or permitted to be operated by that person, is investigated promptly; and
 - (b) any action required to adequately address the complaint is taken promptly.
- (2) Subregulation (1) does not apply if a person who is accredited as a provider of taxi-cab network services provides, in accordance with an arrangement with the person accredited as a taxi-cab operator, a complaints handling system on the taxi-cab operator's behalf in relation to taxi-cabs operated, or permitted to be operated by the taxi-cab operator.

54 Complaints handling in respect of taxi-cab operations—providers of taxi-cab network services

- (1) This regulation applies if there is an arrangement in effect between a person who is accredited as a provider of taxi-cab network services and a person who is accredited as a taxi-cab operator (the *taxi-cab operator*) that relates to a complaints handling system in relation to taxi-cabs operated or permitted to be operated by the taxi-cab operator.
- (2) The accreditation of a person as a provider of taxi-cab network services is subject to the condition that the person must ensure that—

- (a) every complaint relating to the operation of a taxi-cab operated, or permitted to be operated by the taxi-cab operator, is investigated promptly; and
- (b) any action required to adequately address the complaint is taken promptly.

55 Complaints handling—providers of taxi-cab network services

The accreditation of a person as a provider of taxi-cab network services is subject to the condition that the person must—

- (a) for the purposes of regulations 53 and 54, establish, implement and maintain a complaints handling system that is consistent with AS/NZS 10002:2014; and
- (b) ensure that every complaint relating to taxi-cab network services the person provides is investigated promptly and in a manner consistent with AS/NZS 10002:2014; and
- (c) ensure that any action required to adequately address the complaint is taken promptly.

Division 7—Global positioning systems

56 Global positioning systems

A taxi-cab operator must not operate the taxi-cab or permit the taxi-cab to be operated under licences in which the Melbourne Metropolitan Zone is specified and that are held by or assigned to the operator unless the taxi-cab is fitted with a functioning global positioning system that meets the Telematics In-Vehicle Unit (IVU) Functional and Technical Specification.

Penalty: 20 penalty units.

57 Global positioning system records to be kept

The accreditation of a person as a taxi-cab operator is subject to the condition that the person must keep records, or arrange for records to be kept, in accordance with regulation 47(a), (b) and (c), of system data and travel data in relation to taxi-cabs operated or permitted to be operated by the person under a licence in which the Melbourne Metropolitan Zone is specified.

58 Global positioning system records to be provided

- (1) The licensing authority, by written notice, may direct a taxi-cab operator or, if another person is permitted to operate a taxi-cab, that person, to provide to the licensing authority any record referred to in regulation 57.
- (2) A person given a direction under subregulation (1) must comply with the direction without delay unless the person has a reasonable excuse.

Penalty: 10 penalty units.

Schedule 1—Information to be recorded and kept by network service providers

Regulation 44

- 1 The following information in respect of each booking or hiring in relation to each taxi-cab in respect of which the provider provides taxi-cab network services—
- (a) in respect of each hiring—
 - (i) the driver accreditation number of the driver of the taxi-cab;
Note
Section 165 of the Act makes it an offence for a person to drive a commercial passenger vehicle unless that person holds a driver accreditation.
 - (ii) the registration plate number issued by the Roads Corporation of the taxi-cab hired;
 - (iii) whether the hiring was a booked, hail or rank hiring;
 - (iv) the date and time the journey for which the hiring was made commenced;
Note
Where the journey is provided in a taxi-cab, the date and time is the date and time the fare calculation device was started at the commencement of the journey. See regulation 35.
 - (v) the date and time the journey for which the hiring was made ended;
Note
Where the journey is provided in a taxi-cab, the date and time when the journey ended is the date and time the fare calculation device was turned off in respect of that journey. See regulation 35.
 - (vi) whether or not the hiring was for a wheelchair accessible taxi-cab;

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- (b) in the case of a booking—
 - (i) the date and time the booking was made;
 - (ii) the date and time the person requested that a journey commence;
 - (iii) the street number, street name and suburb or town name at which the person requested that a journey commence;
 - (iv) whether or not the booking or order was for a wheelchair accessible taxi-cab;
 - (v) whether or not the booking was offered to drivers and, if so, the date and time when that offer was made;
 - (vi) whether or not the booking was accepted by a driver and, if so, the date and time the driver accepted the booking;
 - (vii) whether the booking was completed, cancelled, re-booked or did not eventuate in a journey.

Schedule 2—Information to be recorded and kept by taxi-cab operators

Regulations 45 and 46

- 1 The following information in respect of each taxi-cab operated, or permitted to be operated, by the taxi-cab operator—
 - (a) the total revenue earned during each shift during which the taxi-cab is operated;
 - (b) the number of hirings of the taxi-cab during each shift;
 - (c) the name, address, driver licence number and the number of the driver's certificate of accreditation of each person who has operated the taxi-cab and the days on which, and the times during those days, when that person operated the taxi-cab;
 - (d) the contents of all driver agreements, within the meaning of section 162J of the Act, entered into by the taxi-cab operator;
 - (e) the following details in relation to all faults in, or damage to, the taxi-cab of which the operator is aware—
 - (i) the date the operator became aware of the fault or damage;
 - (ii) the nature of the fault or damage;
 - (iii) the date the fault was remedied or the damage was repaired;
 - (f) the nature and date of all maintenance work carried out on the taxi-cab.

Schedule 2—Information to be recorded and kept by taxi-cab operators

- 2 The following information in respect of each complaint made to the taxi-cab operator or the operator's employees in relation to a taxi-cab operated or permitted to be operated by the operator or the service provided by the operator or a complaint made in relation to a driver of such a taxi-cab—
- (a) the date the complaint was received;
 - (b) the nature of the complaint;
 - (c) the capacity in which the complainant made the complaint (for example, as a customer, driver, member of the public);
 - (d) the name and the address or other contact details of the complainant;
 - (e) all actions taken by or on behalf of the operator in response to the complaint;
 - (f) the date and time that the actions referred to in paragraph (e) were taken;
 - (g) the outcome of the complaint.
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Endnotes

¹ Reg. 4(a): S.R. No. 149/2007. Reprint No. 1 as at 7 August 2013.
Reprinted to S.R. No. 111/2012. Subsequently amended by
S.R. No. 62/2014.

² Reg. 4(b): S.R. No. 11/2012.

³ Reg. 4(c): S.R. No. 62/2014.

⁴ Reg. 4(d): S.R. No. 67/2016.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2016 is \$155.46.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

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Endnotes

Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 55	Standard AS/NZS 10002:2014 Guidelines for complaint management in organizations (ISO 10002:2014, MOD incorporating Amendment No. 1), published by Standards Australia on 29 October 2014	The whole
Regulation 56	Telematics In-Vehicle Unit (IVU) Functional and Technical Specification, published by Transport Certification Australia in May 2014	The whole