



New South Wales

Passenger Transport Amendment (Hire Cars in Rural Areas) Regulation 2015

under the

Passenger Transport Act 1990

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Passenger Transport Act 1990*.

ANDREW CONSTANCE, MP
Minister for Transport and Infrastructure

Explanatory note

The object of this Regulation is to further regulate private hire vehicles that operate in certain rural areas (that is, areas outside the Metropolitan, Newcastle and Wollongong transport districts and the Gosford and Wyong local government areas) as follows:

- (a) by prohibiting any advertisement (including any decal or sign) on a private hire vehicle that advertises the service provided,
- (b) by prohibiting any advertising or representation, by whatever means, that the driver of a private hire vehicle may accept a hiring less than 30 minutes before it is required,
- (c) by prohibiting the driver or operator of a private hire vehicle from accepting a hiring where the booking is made less than 30 minutes before the private hire service is required (subject to exceptions for medical emergencies or where no taxi-cab service is available),
- (d) by requiring the keeping of records in relation to the hiring of private hire vehicles,
- (e) by providing for the issue of penalty notices for the new offences.

The proposed provisions will be automatically repealed after 1 year.

This Regulation is made under the *Passenger Transport Act 1990*, including section 63 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Passenger Transport Amendment (Hire Cars in Rural Areas) Regulation 2015*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Passenger Transport Regulation 2007

[1] Part 9, Division 2A

Insert after clause 198:

Division 2A Drivers, operators and licensees in certain rural areas

198A Application

This Division applies to all areas other than the following:

- (a) the Metropolitan, Newcastle and Wollongong transport districts,
- (b) the Gosford and Wyong local government areas.

198B Advertisements and notices in or on outside of private hire vehicles

- (1) The driver, operator or licensee of a private hire vehicle must not display, affix or install, or cause or permit another person to display, affix or install, any service advertisement within or on the outside of the vehicle.

Maximum penalty: 50 penalty units.

- (2) An authorised officer may direct the driver, operator or licensee of a private hire vehicle to remove any service advertisement that contravenes this clause.
- (3) A person who is given a direction under subclause (2) must comply with the direction.

Maximum penalty: 10 penalty units.

- (4) In this clause:

service advertisement means any notice, sign or decal that advertises the service that a person may provide in relation to a private hire vehicle.

198C No advertisements that booking can be made less than 30 minutes before hiring

- (1) The driver, operator or licensee of a private hire vehicle must not advertise, or otherwise represent, that the driver or operator may be booked for a hiring, hailed or otherwise accept a hiring, less than 30 minutes before the hiring is required.

Maximum penalty: 20 penalty units.

- (2) For this purpose, *advertise or otherwise represent* includes direct advertising or any interview:
 - (a) on the internet, or
 - (b) in any other form of media (including television, radio, newspapers or other publications), or
 - (c) by means of short message service or instant messaging, or
 - (d) by means of any sign, poster or leaflet.

- (3) This clause does not limit clause 234.

Note. Clause 234 (1) (a) also makes it an offence for the driver or operator of a private hire vehicle to advertise, or otherwise represent, that the person is accredited under the Act to carry on a taxi service (if the person is not so accredited).

198D Booking cannot be made less than 30 minutes before hiring

- (1) The driver or operator of a private hire vehicle must not accept a hiring if the booking is made, or the hiring is otherwise offered, less than 30 minutes before the hiring is required.
Maximum penalty: 50 penalty units.
- (2) This clause does not prohibit the acceptance of a hiring:
 - (a) if the hirer requires to be taken to a medical practitioner or hospital for urgent medical treatment, or
 - (b) in circumstances where there is no taxi-cab licensed under the Act to service the area for which the private hire vehicle is to be hired.

198E Record keeping requirements

- (1) The driver or operator of a private hire vehicle must keep the following records of each hiring accepted in relation to the private hire vehicle:
 - (a) the time and date on which the booking for the hiring was made,
 - (b) the person or body for whom the booking was made,
 - (c) the time and date on which the hiring for that person or body occurred.Maximum penalty: 50 penalty units.
- (2) The driver or operator of a private hire vehicle:
 - (a) must keep those records in the English language in a form that is capable of being audited, and
 - (b) must retain the records for a period of at least 2 years.
- (3) The driver or operator of a private hire vehicle must, on demand by an authorised officer, produce any such record in written form for inspection.
Maximum penalty: 10 penalty units.

198F Repeal of Division

This Division is repealed on the first anniversary of the commencement of this Division.

[2] Schedule 3 Penalty notice offences

Insert in appropriate order in Part 2, in Columns 1 and 2, respectively:

Clause 198B (1)	\$1,000
Clause 198B (3)	\$250
Clause 198C (1)	\$500
Clause 198D (1)	\$1,000
Clause 198E (1)	\$1,000
Clause 198E (3)	\$250