



Western Australia

# **Taxi Drivers Licensing Act 2014**

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# Taxi Drivers Licensing Act 2014

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### Defined terms



Western Australia

## **Taxi Drivers Licensing Act 2014**

**An Act to —**

- **provide for the licensing and regulation of taxi drivers; and**
  - **make consequential amendments to various Acts,**
- and for related purposes.**

The Parliament of Western Australia enacts as follows:

## **Part 1 — Preliminary**

### **1. Short title**

This is the *Taxi Drivers Licensing Act 2014*.

### **2. Commencement**

This Act comes into operation as follows —

- (a) Part 1 comes into operation on the day on which this Act receives the Royal Assent;
- (b) Parts 3, 7, 8 and 9, Part 10 (other than Divisions 1, 2, 3, 5 and 6) and Part 11 come into operation on a day fixed by proclamation (***proclamation day***);
- (c) Part 10 Division 1 —
  - (i) if the *Road Traffic Legislation Amendment Act 2012* section 8 does not come into operation on or before proclamation day — comes into operation on proclamation day; or
  - (ii) otherwise — does not come into operation;
- (d) Part 10 Division 2 comes into operation —
  - (i) if the *Road Traffic Legislation Amendment (Information) Act 2011* Part 4 (***Part 4***) comes into operation before proclamation day — on proclamation day; or
  - (ii) otherwise — immediately after Part 4 comes into operation;
- (e) Part 10 Division 3 —
  - (i) if the *Road Traffic Legislation Amendment Act 2012* section 191 does not come into operation on or before the day on which section 87 comes into operation under paragraph (f) — comes into operation on that day; or
  - (ii) otherwise — does not come into operation;

- (f) the rest of the Act comes into operation on the day after the expiry of the period of 6 months beginning on proclamation day.

**3. Terms used**

- (1) In this Act, unless the contrary intention appears —

**additional identification document** means a document referred to in section 24(1)(b);

**applicable training course or test**, in relation to a person, means a training course or test that —

- (a) is approved under section 56(1) for the purposes of the provision in which the term is used; and

- (b) under that approval, applies to the person;

**approved** means approved in writing by the CEO;

**approved medical report** has the meaning given in section 5;

**authorised officer** has the meaning given in section 41(1);

**cancellation order** means an order made under section 32;

**CEO** means the chief executive officer of the Department;

**class**, in relation to a vehicle, means a class of vehicle prescribed by regulations under section 62(2)(a);

**Commissioner of Police** means the person holding or acting in the office of Commissioner of Police under the *Police Act 1892*;

**conviction** includes a finding of guilty, or the acceptance of a guilty plea, whether or not a conviction is recorded;

**criminal record check** means a document issued by the Police Force of Western Australia, the Australian Federal Police or another body or agency approved by the CEO that sets out, or summarises in a manner acceptable to the CEO, the convictions of an individual for offences under the law of this State, the Commonwealth, another State or a Territory;

**current penalty points** means penalty points recorded in the penalty points register that have not —

- (a) expired; or
- (b) been cancelled; or
- (c) been removed from the penalty points register;

**dealt with by infringement notice**, in relation to an alleged penalty points offence, means that —

- (a) an infringement notice has been issued for the alleged offence; and
- (b) the matter has been dealt with by the payment of an amount in accordance with the infringement notice;

**Department** means the department of the Public Service principally assisting the Minister in the administration of this Act;

**designated area** has the meaning given in section 7;

**disqualification offence** has the meaning given in section 33(1);

**disqualified**, in relation to a person, means —

- (a) disqualified from holding or obtaining a licence under section 33(2)(b); or
- (b) disqualified from holding or obtaining a licence under section 38(3)(b);

**drive a vehicle as a taxi** has the meaning given in section 4;

**driver's licence** —

- (a) before the coming into operation of the *Road Traffic (Administration) Act 2008* section 4 — has the meaning given in the *Road Traffic Act 1974* section 5(1); or
- (b) after the coming into operation of the *Road Traffic (Administration) Act 2008* section 4 — has the meaning given in that section;

**driving authorisation** means —

- (a) a driver's licence; or



- (b) a licence or other authorisation granted to a person under a law of another State or a Territory authorising the person to drive a motor vehicle on a road other than solely for the purpose of learning to drive the vehicle; or
- (c) a foreign driving authorisation authorising a person to drive a motor vehicle on a road other than solely for the purpose of learning to drive the vehicle,

and has a meaning affected by subsection (2);

***driving authorisation law*** —

- (a) before the coming into operation of the *Road Traffic (Authorisation to Drive) Act 2008* section 3 — means the *Road Traffic Act 1974*; or
- (b) after the coming into operation of the *Road Traffic (Authorisation to Drive) Act 2008* section 3 — means the *Road Traffic (Authorisation to Drive) Act 2008*;

***excessive penalty points notice*** means a notice given under section 38;

***foreign driving authorisation*** means an authorisation that —

- (a) was granted to a person under a law of an external Territory (as defined in the *Acts Interpretation Act 1901* (Commonwealth)) or a law of another country; and
- (b) under a driving authorisation law, authorises the holder of that authorisation to drive in this State;

***infringement notice*** means a notice issued to a person under a written law —

- (a) alleging the commission of an offence; and
- (b) offering the person an opportunity, by paying an amount of money prescribed under the written law and specified in the notice, to have that matter dealt with out of court;

***learner's permit*** —

- (a) before the coming into operation of the *Road Traffic (Administration) Act 2008* section 4 — has the meaning given in the *Road Traffic Act 1974* section 5(1); or

- (b) after the coming into operation of the *Road Traffic (Administration) Act 2008* section 4 — has the meaning given in that section;

**licence** or **taxi driver licence** means a licence granted under Part 3;

**licence document** means a licence document issued to a licensee under section 20;

**licensee** means a person who holds a licence (whether or not the licence is suspended);

**medical practitioner** means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession;

**notifiable condition**, in relation to a person, means any permanent or long-term mental or physical condition that is likely to, or treatment for which is likely to, impair a person's mental or physical fitness to drive a vehicle as a taxi;

**penalty points offence** has the meaning given in section 34(1);

**penalty points register** means the register maintained under section 37;

**provider**, of a taxi dispatch service, means —

- (a) a person who is registered as the provider of a taxi dispatch service under the *Taxi Act 1994*; or
- (b) a person who provides a taxi dispatch service in respect of vehicles operated (as defined in the *Transport Co-ordination Act 1966* section 47Z) under taxi-car licences issued under the *Transport Co-ordination Act 1966*;

**qualification period**, in relation to a training course or test approved under section 56(1), means the qualification period specified in the approval in relation to the training course or test in accordance with section 56(2)(c);

**suspended** means suspended under section 30(4);

**suspension order** means an order made under section 30;

***taxi dispatch service*** means a service that provides —

- (a) radio base, computer or telephone services for vehicles driven as taxis or makes arrangements for such vehicles to be provided with such services; and
- (b) controlling, coordinating, administrative and other services to the taxi industry,

for the purpose of arranging for a person who requests such a vehicle to be provided with one;

***test*** means a written test, an oral test, a practical assessment or any combination of those things;

***traffic record check*** means a document issued by the Police Force of Western Australia or another body or agency approved by the CEO that sets out, or summarises in a manner acceptable to the CEO, either or both of the following —

- (a) the convictions of an individual for driving-related offences under the law of this State, another State or a Territory;
- (b) the infringement notices issued to an individual in relation to alleged driving-related offences under the law of this State, another State or a Territory.

- (2) For the purposes of this Act, a person is to be taken not to hold a driving authorisation during any period during which the person was excluded by law from driving under that authorisation.

#### **4. Driving vehicle as taxi**

- (1) For the purposes of this Act, a person drives a vehicle as a taxi if —
  - (a) the person uses the vehicle for the purpose of standing or plying for hire or otherwise for the purposes of carrying passengers for reward; and

- (b) the vehicle is —
  - (i) operated (as defined in the *Taxi Act 1994* section 3(1)) using taxi plates issued under that Act; or
  - (ii) operated (as defined in the *Transport Co-ordination Act 1966* section 47Z) under a taxi-car licence issued under that Act.
- (2) For the purposes of subsection (1), passengers are not carried for reward in a vehicle if the amount received for carrying those passengers is not intended to exceed the running costs of the vehicle.
- (3) An amount referred to in subsection (2) is to be taken not to be intended to exceed the running costs of the vehicle if it does not exceed an amount calculated in accordance with the regulations.

**5. Approved medical reports**

For the purposes of this Act, an approved medical report about a person is a report that —

- (a) is in the approved form; and
- (b) is prepared by a medical practitioner; and
- (c) is based on an examination of the person by the medical practitioner that was conducted —
  - (i) for the purpose of assessing the person's mental and physical fitness to drive a vehicle as a taxi; and
  - (ii) no earlier than 3 months before the report is given to the CEO.

**6. Fit and proper person to hold a licence**

- (1) Without limiting the matters to which the CEO may have regard in determining, for the purposes of this Act, whether the CEO is satisfied that a person is a fit and proper person to hold a

licence, the CEO may have regard to whether the CEO suspects on reasonable grounds that the person has contravened —

- (a) this Act; or
  - (b) the regulations; or
  - (c) the code of conduct approved under section 29.
- (2) A person who has applied for a taxi driver licence is to be taken not to be a fit and proper person to hold a licence if —
- (a) the person has been convicted of a disqualification offence; and
  - (b) the conviction has not been quashed or set aside; and
  - (c) the period of disqualification prescribed for the purposes of section 33(5) in relation to the disqualification offence has not passed since the conviction.

## 7. Designated areas

- (1) For the purposes of this Act, a designated area is —
- (a) a control area (as defined in the *Taxi Act 1994* section 3(1)); or
  - (b) another area in the State that is prescribed by regulations for the purposes of this paragraph.
- (2) For the purposes of this Act, a vehicle is to be taken not to be driven as a taxi in a designated area if the vehicle is being driven —
- (a) to carry passengers to a place in the designated area from a place outside the designated area; or
  - (b) in other circumstances prescribed by the regulations.

*[Parts 2-11 have not come into operation<sup>2</sup>.]*

**Notes**

<sup>1</sup> This is a compilation of the *Taxi Drivers Licensing Act 2014*. The following table contains information about that Act <sup>1a</sup>.

**Compilation table**

| <b>Short title</b>                           | <b>Number and year</b> | <b>Assent</b> | <b>Commencement</b>      |
|--|------------------------|---------------|--------------------------|
| <i>Taxi Drivers Licensing Act 2014</i> Pt. 1 | 18 of 2014             | 2 Jul 2014    | 2 Jul 2014 (see s. 2(a)) |

<sup>1a</sup> On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

**Provisions that have not come into operation**

| <b>Short title</b>  | <b>Number and year</b> | <b>Assent</b> | <b>Commencement</b>            |
|---|------------------------|---------------|--------------------------------|
| <i>Taxi Drivers Licensing Act 2014</i> Pts. 2-11 <sup>2</sup>           | 18 of 2014             | 2 Jul 2014    | To be proclaimed (see s. 2)    |
| <i>Transport (Road Passenger Services) Act 2018</i> s. 304 <sup>3</sup> | 26 of 2018             | 30 Oct 2018   | To be proclaimed (see s. 2(b)) |

<sup>2</sup> On the date as at which this compilation was prepared, the *Taxi Drivers Licensing Act 2014* Pts. 2-11 had not come into operation. They read as follows:

“

**Part 2 — Unlicensed persons driving taxis and related offences**

**8. Driving taxi while not authorised by licence**

- (1) A person commits an offence if—
- (a) the person drives a vehicle as a taxi; and
  - (b) the person does not hold a licence that is in force.

Penalty:

- (a) for a first offence, a fine of \$10 000;
  - (b) for a subsequent offence, a fine of \$10 000, but the minimum penalty is a fine of \$2 000.
- (2) A person commits an offence if—
- (a) the person drives a vehicle as a taxi; and

- (b) the person —
  - (i) is disqualified; or
  - (ii) holds a licence that is suspended.

Penalty: a fine of \$10 000, but the minimum penalty is a fine of \$2 000.

- (3) A person charged with an offence under subsection (2) may be convicted of an offence under subsection (1) if that offence is established by the evidence.

- (4) A person commits an offence if —
  - (a) the person drives a vehicle as a taxi; and
  - (b) under a driving authorisation law, the person is not authorised to drive the vehicle.

Penalty: a fine of \$10 000, but the minimum penalty is a fine of \$2 000.

- (5) It is a defence to a charge of an offence under subsection (4) to prove that —

- (a) the person charged was not authorised to drive the vehicle because the person —
  - (i) was disqualified from holding or obtaining a driver's licence under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 19 or 43; or
  - (ii) was the subject of any disqualification or suspension under a law of another jurisdiction that is prescribed for the purposes of the *Road Traffic Act 1974* section 49(9)(b);

and

- (b) the person did not know of the circumstance mentioned in paragraph (a).

- (6) A person commits an offence if —
  - (a) the person drives a vehicle of a particular class as a taxi in a designated area; and
  - (b) the person holds a licence that is in force, but the licence does not authorise either or both of the following —
    - (i) the person to drive a vehicle of that class as a taxi;
    - (ii) the person to drive a vehicle as a taxi in that designated area.

Penalty: a fine of \$2 500.

- (7) For the purposes of this Act, an offence under subsection (1) is to be taken to be a subsequent offence if the person has previously been convicted of an offence under subsection (1), (2) or (4).
- (8) This section does not limit or affect —
  - (a) any requirement for a person to hold a driving authorisation; or
  - (b) any requirement under the *Taxi Act 1994* relating to taxi plates; or
  - (c) any requirement under the *Transport Co-ordination Act 1966* relating to taxi-car licences; or
  - (d) any other requirement under a written law for a person to hold any licence or authorisation in relation to the operation of a vehicle.

**9. Causing or permitting unlicensed driver to drive taxi**

- (1) A person commits an offence if —
  - (a) the person —
    - (i) causes or permits another person (the *driver*) to drive a vehicle as a taxi; or
    - (ii) is the provider of a taxi dispatch service that is used by another person (the *driver*) for the purpose of the driver driving a vehicle as a taxi;
  - and
  - (b) the driver —
    - (i) is not authorised under a licence to drive the vehicle as a taxi; or
    - (ii) is not authorised under a driving authorisation law to drive the vehicle.

Penalty:

- (a) for a first offence, a fine of \$10 000;
  - (b) for a subsequent offence, a fine of \$10 000, but the minimum penalty is a fine of \$2 000.
- (2) It is a defence to a charge for an offence under subsection (1) to prove that the person charged took reasonable steps to ensure that the driver —
    - (a) was authorised under a licence to drive the vehicle as a taxi; and
    - (b) was authorised under a driving authorisation law to drive the vehicle.

**10. Forgery and improper use of identifying details**

- (1) In this section —



**identifying details**, of a licensee, means any or all of the following —

- (a) the licence document issued to the licensee;
  - (b) any additional identification document issued to the licensee;
  - (c) information that identifies the licensee in communications with the provider of a taxi dispatch service.
- (2) A person commits an offence if the person —
- (a) forges or fraudulently alters a licence document; or
  - (b) uses a licence document that has been forged or fraudulently altered.
- Penalty: a fine of \$2 500.
- (3) A licensee commits an offence if —
- (a) the licensee causes or permits another person to use the licensee's identifying details; and
  - (b) the other person uses the identifying details for the purposes of impersonating the licensee or holding out that the person is authorised to drive a vehicle as a taxi.
- Penalty: a fine of \$2 500.
- (4) A person commits an offence if the person uses a licensee's identifying details for the purposes of impersonating the licensee or holding out that the person is authorised to drive a vehicle as a taxi.
- Penalty: a fine of \$2 500.

### **Part 3 — Licensing of taxi drivers**

#### **11. Application for licence**

- (1) An individual may apply to the CEO for a taxi driver licence.
  - (2) An individual who is disqualified cannot apply for a taxi driver licence.
  - (3) The application must —
    - (a) be in the approved form; and
    - (b) specify —
      - (i) each class of vehicle that the applicant wants to be authorised to drive as a taxi; and
      - (ii) each designated area in which the applicant wants to be authorised to drive a vehicle as a taxi;
- and

- (c) be accompanied by an approved medical report about the applicant; and
- (d) be accompanied by any documents or information specified in the approved form; and
- (e) be accompanied by the prescribed application fee.

**12. Grant of licence**

- (1) The CEO may, on application under section 11, grant the applicant a taxi driver licence if the CEO is satisfied that —
    - (a) the applicant holds a driver's licence; and
    - (b) the applicant has, for a period of at least 3 years or periods adding up to at least 3 years, held a driving authorisation; and
    - (c) the applicant has reached 20 years of age; and
    - (d) the applicant is a fit and proper person to hold a licence; and
    - (e) the applicant is mentally and physically fit to drive a vehicle as a taxi; and
    - (f) for each applicable training course or test (if any) —
      - (i) the applicant has successfully completed the training course or test; and
      - (ii) the qualification period has not expired since the applicant completed the training course or test;and
  - (g) the applicant meets any other criteria prescribed by the regulations.
- (2) The CEO may, by written notice given to an applicant, waive the requirement in subsection (1)(f) in relation to an applicable training course or test if the CEO is satisfied, on any basis and in any circumstances, that the applicant holds the competency that was to be demonstrated by the successful completion of the training course or test.

**13. Application for renewal of licence**

- (1) A licensee may, within 6 months before the expiry day specified on the licence document, apply to the CEO for the grant of a licence by way of renewal.
- (2) The application must —
  - (a) be in the approved form; and
  - (b) be accompanied by any documents or information specified in the approved form; and
  - (c) be accompanied by the prescribed application fee.

- (3) A person whose licence is suspended cannot apply for the grant of a licence by way of renewal.

**14. Renewal of licence**

The CEO may, on application under section 13, grant the applicant a taxi driver licence by way of renewal if the CEO is satisfied that the applicant —

- (a) meets the criteria set out in section 12(1)(a) to (e); and
- (b) meets any other criteria prescribed by the regulations.

**15. Duration of licence**

- (1) A licence comes into force —
- (a) for a licence granted under section 12 — on the day on which it is granted; or
  - (b) for a licence granted under section 14 — on the day after the expiry day for the licensee's previous licence.
- (2) A licence expires at the end of the day (the *expiry day*) that is 2 years after the day on which it comes into force.
- (3) The expiry day for a licence must be specified on the licence document.
- (4) A licence remains in force until whichever of the following occurs first —
- (a) it expires;
  - (b) it is cancelled.
- (5) A licence is not in force during any period for which it is suspended.

**16. Conditions of licence**

- (1) A licence must be granted subject to the following conditions —
- (a) a condition specifying each class of vehicle that the licensee is authorised to drive as a taxi;
  - (b) a condition specifying each designated area in which the licensee is authorised to drive a vehicle as a taxi.
- (2) A licence may be granted subject to such other conditions as the CEO thinks fit and specifies on the licence document.
- (3) The regulations may provide for conditions of licences.

**17. Application for variation of licence conditions**

- (1) A licensee may apply to the CEO for the variation of the conditions of the licence.
- (2) The application must —
- (a) be in the approved form; and

- (b) be accompanied by any documents or other information specified in the approved form; and
- (c) be accompanied by the prescribed application fee.

**18. Variation of licence conditions**

- (1) The CEO may vary the conditions of a licence if the CEO is satisfied that —
  - (a) the variation is appropriate in the circumstances; and
  - (b) for each applicable training course or test (if any) —
    - (i) the applicant has successfully completed the applicable training course or test; and
    - (ii) the qualification period has not expired since the applicant completed the applicable training course or test.
- (2) A variation under subsection (1) may be made on application under section 17 or on the CEO's own initiative.
- (3) Without limiting subsection (1), the CEO may vary the conditions of a licence by varying existing conditions, removing conditions or specifying additional conditions.
- (4) The CEO may, by written notice given to a licensee, waive the requirement in subsection (1)(b) in relation to an applicable training course or test if the CEO is satisfied, on any basis and in any circumstances, that the licensee holds the competency that was to be demonstrated by the successful completion of the training course or test.

**19. Notice of decisions on licences to be given**

- (1) The CEO must give an applicant written notice of a decision to grant, or refuse to grant, a licence under section 12 or 14.
- (2) The CEO must give a licensee written notice of a decision —
  - (a) to refuse an application under section 17 for the variation of the conditions of a licence; or
  - (b) to vary the conditions of a licence under section 18.
- (3) If the decision is a decision to refuse to grant a licence, a decision to vary the conditions of a licence on the CEO's own initiative, or a decision to refuse an application for the variation of the conditions of a licence, the notice must state —
  - (a) the reasons for the decision; and
  - (b) that the person has a right to a review under section 55.

**20. Licence document to be issued to licensee**

- (1) The CEO must issue a licence document to a licensee.

- (2) A licence document must be in the approved form.
- (3) The CEO may at any time —
  - (a) issue a new licence document to a licensee; and
  - (b) give the licensee a written notice requiring the licensee to surrender to the CEO any previous licence document issued to the licensee.

## **Part 4 — Obligations of taxi drivers**

### **Division 1 — Requirements relating to medical reports and training**

#### **21. Requirement to give approved medical report**

- (1) A licensee must give the CEO an approved medical report about the licensee —
  - (a) if a notice given under subsection (2) is in force — in accordance with that notice; or
  - (b) otherwise — on or before each day that ends 5 years after the day on which the licensee last gave an approved medical report to the CEO under this Act.
- (2) If the CEO suspects on reasonable grounds that a licensee is affected by a notifiable condition, the CEO may give the licensee a written notice requiring the licensee to give the CEO an approved medical report about the licensee —
  - (a) on or before a day stated in the notice; and
  - (b) subsequently, at intervals of a period stated in the notice.
- (3) If the CEO considers it appropriate in the circumstances, the CEO may, by written notice given to the licensee —
  - (a) cancel a notice given under subsection (2); or
  - (b) vary a notice given under subsection (2).
- (4) The CEO must, by written notice given to the licensee, cancel a notice given under subsection (2) if the CEO becomes satisfied that the licensee is no longer affected by a notifiable condition.
- (5) A notice given under subsection (2) or (3)(b) must state that the licensee has a right to a review under section 55.

#### **22. Requirement to complete applicable training course or test**

- (1) The CEO may, from time to time, give a licensee a written notice stating —
  - (a) that the licensee is required to complete an applicable training course or test; and

- (b) the day by which the licensee is required to successfully complete the training course or test; and
  - (c) that the licensee has a right to a review under section 55; and
  - (d) that a suspension order may be made if the licensee does not comply with the requirement.
- (2) The CEO may, by written notice given to the licensee, waive the requirement for the licensee to complete an applicable training course or test under this section if the CEO —
  - (a) is satisfied, on any basis and in any circumstances, that the licensee holds the competency that was to be demonstrated by the successful completion of the training course or test; or
  - (b) otherwise considers it appropriate in the circumstances.
- (3) The CEO may extend the day stated in a notice given under subsection (1).
- (4) If a notice has been given to a licensee under subsection (1) and the requirement under the notice has not been waived, the licensee must complete the training course or test in compliance with the notice.

#### **Division 2 — Offences**

**23. Requirement to comply with licence conditions**

A licensee commits an offence if the licensee contravenes a condition to which the licence is subject under section 16(2) or the regulations.

Penalty: a fine of \$1 000.

**24. Requirements to display and produce documents**

- (1) A licensee must, at all times when driving a vehicle as a taxi, display in the vehicle, in a prominent position and in the approved manner —
  - (a) the licensee's licence document; and
  - (b) any additional document issued to the licensee by the CEO and prescribed by the regulations as a document that must be displayed in vehicles of that class that are driven as taxis.

Penalty: a fine of \$1 000.

- (2) A licensee must produce the licensee's licence document at the request of an authorised officer.

Penalty: a fine of \$1 000.

**25. Requirements to surrender documents**

- (1) A person whose licence is suspended under section 30(4), or has been cancelled under section 32(3), 33(2)(a) or 38(3)(a), must —
- (a) if an authorised officer requests the person to surrender the licence document and the licence document is in the person's physical possession when the request is made — surrender the licence document to the authorised officer; or
  - (b) otherwise — surrender the licence document to the CEO, in the approved manner, within 14 days after the suspension or cancellation takes effect.

Penalty: a fine of \$1 000.

- (2) A licensee who has been given a notice under section 20(3)(b) must surrender the licensee's licence document, in the approved manner, within 14 days after the notice is given.

Penalty: a fine of \$1 000.

- (3) A person who is required to surrender a licence document under subsection (1) or (2) must surrender with the licence document any additional identification document issued to the person.

Penalty: a fine of \$1 000.

**26. Requirement to notify CEO of change of address**

A licensee must, in the approved manner, give the CEO notice of any change to the licensee's residential address within 21 days after the change occurs.

Penalty: a fine of \$1 000.

**27. Requirements to notify CEO of certain mental or physical conditions**

- (1) A licensee who becomes affected by a notifiable condition must give the CEO notice of the condition in the approved manner as soon as is reasonably practicable after becoming aware of the condition.

Penalty: a fine of \$1 000.

- (2) A licensee who has given the CEO notice of a condition under subsection (1) must give the CEO notice in the approved manner of any substantial increase in the degree to which the licensee is affected by the condition as soon as is reasonably practicable after becoming aware of the increase.

Penalty: a fine of \$1 000.

**Division 3 — Regulations and code of conduct**

**28. Regulations about conduct of licensees**

- (1) The regulations may regulate the conduct and behaviour of licensees in relation to the driving of vehicles as taxis.
- (2) Without limiting subsection (1), the regulations may make provision in relation to the following —
  - (a) circumstances under which a licensee may, must or must not —
    - (i) refuse to accept a prospective passenger; or
    - (ii) terminate a hiring; or
    - (iii) carry any thing;
  - (b) the conduct and behaviour of licensees towards passengers and prospective passengers;
  - (c) the route that a licensee must drive to reach any destination;
  - (d) the standard of dress, or uniforms, to be worn by licensees.

**29. Code of conduct**

- (1) The CEO may approve in writing a code of conduct for licensees.
- (2) A code of conduct approved under subsection (1) is subsidiary legislation for the purposes of the *Interpretation Act 1984* and section 42 of that Act applies to and in relation to the code of conduct as if it were a regulation.
- (3) The CEO must ensure that the code of conduct approved under subsection (1), as in force from time to time, is published on a website maintained by the Department.

**Part 5 — Suspension, cancellation and disqualification**

**Division 1 — Suspension**

**30. Suspension order**

- (1) The CEO may make an order (a *suspension order*) suspending a licence if—
  - (a) the licensee is charged with a disqualification offence; or
  - (b) the CEO suspects on reasonable grounds that the licensee —
    - (i) has committed a disqualification offence; or
    - (ii) is not a fit and proper person to hold a licence;or



- (iii) is mentally or physically unfit to drive a vehicle as a taxi;
- or
- (c) the licensee has contravened —
  - (i) a requirement under section 21(1) to give the CEO an approved medical report; or
  - (ii) a requirement under section 22(4) to complete a training course or test.
- (2) A suspension order made under subsection (1)(a) or (b) may include a requirement that the licensee undertake remedial action.
- (3) The CEO must give written notice of a suspension order to the licensee stating the following —
  - (a) that the licence is suspended;
  - (b) the day on which the period of suspension commences;
  - (c) the grounds on which the order is made;
  - (d) any remedial action that the licensee is required to take under subsection (2);
  - (e) if the order is made under subsection (1)(b) or (c) — that the licensee has a right to a review under section 55.
- (4) A licence subject to a suspension order is suspended under the order for a period —
  - (a) commencing on the day stated in the notice under subsection (3)(b); and
  - (b) ending on whichever of the following occurs first —
    - (i) the day stated in a notice of revocation of the suspension order under section 31(5)(b);
    - (ii) the day on which the licence expires or is cancelled.
- (5) A suspension order may be made even if the licence is already suspended when the order is made.
- (6) The CEO may, by written notice given to the licensee, vary or waive a requirement imposed under subsection (2).

**31. Revocation of suspension order**

- (1) The CEO may at any time revoke a suspension order.
- (2) The CEO must revoke a suspension order made under section 30(1)(a) or (b) as soon as is reasonably practicable after the CEO becomes satisfied that —

- (a) if the suspension order includes a requirement under section 30(2) that the licensee undertake any remedial action — that action has been undertaken; and
  - (b) the grounds for making the suspension order no longer exist.
- (3) The CEO must revoke a suspension order made under section 30(1)(c)(i) as soon as is reasonably practicable after the licensee gives the CEO an approved medical report about the licensee.
- (4) The CEO must revoke a suspension order made under section 30(1)(c)(ii) as soon as is reasonably practicable after —
  - (a) the CEO becomes satisfied that the licensee has successfully completed a training course or test that is the same as, or substantially equivalent to, the training course or test that the licensee was required to complete under section 22(4); or
  - (b) the CEO becomes satisfied, on any basis and in any circumstances, that the licensee holds the competency that was to be demonstrated by the successful completion of the training course or test that the licensee was required to complete under section 22(4).
- (5) The CEO must give a written notice of a revocation of a suspension order to the licensee stating the following —
  - (a) that the suspension of the licensee’s licence has been revoked;
  - (b) the day on which the suspension of the person’s licence under the order ends;
  - (c) the reasons for the revocation.

**Division 2 — Cancellation: by order**

**32. Cancellation order**

- (1) The CEO may make an order (a ***cancellation order***) cancelling a licence if the CEO is satisfied that —
  - (a) the licensee is not a fit and proper person to hold a licence; or
  - (b) the licensee is mentally or physically unfit to drive a vehicle as a taxi.
- (2) The CEO must give written notice of a cancellation order to the licensee stating the following —
  - (a) that the licence is cancelled;
  - (b) the day on which the cancellation takes effect;

- (c) the grounds on which the order is made;
  - (d) that the licensee has a right to a review under section 55.
- (3) A licence subject to a cancellation order is cancelled on the day stated in the order.
- (4) A cancellation order may be made even if the licence is suspended when the order is made.

**Division 3 — Cancellation and disqualification: conviction of certain offences**

**33. Cancellation and disqualification when convicted of offence**

- (1) For the purposes of this Act, a disqualification offence is —
- (a) an offence under section 8(1), (2) or (4); or
  - (b) an offence under —
    - (i) this Act or another written law; or
    - (ii) a law of the Commonwealth; or
    - (iii) a law of another State or a Territory,that is prescribed by the regulations as a disqualification offence.
- (2) If a licensee is convicted of a disqualification offence then, by force of this section —
- (a) the licence is cancelled; and
  - (b) the licensee is disqualified from holding or obtaining a licence for the period prescribed by the regulations.
- (3) The CEO must give a person written notice of the cancellation of the person's licence under subsection (2) stating the following —
- (a) that the licence is cancelled;
  - (b) that the person is disqualified from holding or obtaining a licence;
  - (c) the period prescribed by the regulations for which the person is disqualified;
  - (d) that the cancellation took effect and the period of disqualification commenced when the person was convicted of the disqualification offence;
  - (e) the grounds for the cancellation and disqualification.
- (4) A period of disqualification under subsection (2)(b) —
- (a) commences when the licensee is convicted of the disqualification offence; and
  - (b) ends when the period of disqualification prescribed by the regulations has expired.

- (5) A period of disqualification (which may be permanent) must be prescribed by the regulations in relation to each disqualification offence.
- (6) Different periods of disqualification may be prescribed in relation to a disqualification offence depending on any of the following —
  - (a) whether the offence is a first or subsequent offence;
  - (b) the circumstances in which the offence is committed;
  - (c) the length of time that the licensee has continuously held a licence that is in force when the offence is committed;
  - (d) whether or not the licensee has previously been disqualified under subsection (2)(b).
- (7) Despite subsection (4)(b), if a person's conviction for a disqualification offence is quashed or set aside, then the period of disqualification ends when the conviction is quashed or set aside.
- (8) For the purposes of determining when a period of disqualification under this section ends, the period is to be taken to have commenced at the start of the day on which the person was convicted of the disqualification offence.
- (9) The cancellation of a licence under subsection (2)(a) has effect even if the licence is suspended when the licensee is convicted of the disqualification offence.
- (10) Nothing in this section prevents the commencement of a period of disqualification from being postponed under section 39.
- (11) The regulations may provide for the reinstatement of licences, or make any other provision necessary or convenient to be made, to deal with consequences of a conviction for a disqualification offence being quashed or set aside in a case in which a licence has been cancelled under subsection (2)(a) because of the conviction.

**Division 4 — Cancellation and disqualification: penalty points**

**Subdivision 1 — Penalty points register**

**34. Penalty points offences**

- (1) For the purposes of this Act, a penalty points offence is an offence (other than a disqualification offence) —
  - (a) under this Act, the *Taxi Act 1994* or the *Transport Co-ordination Act 1966* that is prescribed by the regulations as a penalty points offence; or
  - (b) under the *Tobacco Products Control Act 2006* that relates to smoking in an enclosed place and is prescribed by the regulations as a penalty points offence.

- (2) A number of penalty points must be prescribed by the regulations to apply in relation to each penalty points offence.
- (3) Different numbers of penalty points may be prescribed that apply in relation to a penalty points offence depending on any of the following —
  - (a) whether the offence is a first or subsequent offence;
  - (b) the circumstances in which the offence is committed.

**35. Recording, expiry and cancellation of penalty points**

- (1) If the CEO becomes aware that a licensee, or a person who has held a licence within the previous 3 years —
  - (a) has been convicted of a penalty points offence; or
  - (b) has been dealt with by infringement notice for an alleged offence that is a penalty points offence,

the CEO must cause the penalty points offence, and the number of penalty points that apply in relation to that offence, to be recorded against that person in the penalty points register.

- (2) Penalty points recorded against a person in the penalty points register in relation to a penalty points offence or alleged penalty points offence expire at the end of the period of 3 years after the day on which the penalty points offence was committed or allegedly committed.
- (3) Penalty points recorded against a person in the penalty points register on or before the day on which an excessive penalty points notice is given to the person under section 38 are cancelled when the notice is given.

**36. Removal of penalty points from register**

- (1) The CEO must cause any penalty points recorded against a person in the penalty points register to be removed from the register —
  - (a) in the case of penalty points recorded under section 35(1)(a) because a person has been convicted of a penalty points offence — if the conviction is quashed or set aside; or
  - (b) in the case of penalty points recorded under section 35(1)(b) because an alleged penalty points offence has been dealt with by infringement notice — if the CEO is satisfied that —
    - (i) the infringement notice has been withdrawn; or
    - (ii) proceedings under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*

Part 3 in relation to the infringement notice have been withdrawn; or

- (iii) the matter has come before a court for determination.
- (2) Penalty points removed from the penalty points register under subsection (1) are to be taken never to have been recorded.
- (3) Subsection (1)(b) does not prevent the penalty points removed from being again recorded if the alleged offender is convicted of the alleged offence.
- (4) The regulations may provide for the adjustment of the penalty points register, or make any other provision necessary or convenient to be made, to deal with consequences of subsection (1) in a case in which, before the penalty points are removed from the penalty points register, anything has been done on the basis that the penalty points were recorded.
- (5) Regulations referred to in subsection (4) may provide for penalty points cancelled under section 35(3) to be again recorded against a person.

**37. Penalty points register**

- (1) The CEO is to ensure that a penalty points register is maintained in accordance with this section.
- (2) There is to be recorded in the penalty points register —
  - (a) the name of each person against whom penalty points are recorded under this Subdivision; and
  - (b) against the name of each person recorded in the penalty points register —
    - (i) each offence or alleged offence for which penalty points are recorded against the person under section 35(1); and
    - (ii) the day on which each offence or alleged offence mentioned in subparagraph (i) was committed or allegedly committed; and
    - (iii) the number of penalty points recorded against the person for each offence or alleged offence mentioned in subparagraph (i); and
    - (iv) if an excessive penalty points notice has been given to the person under section 38 — the day on which the notice was given, the number of penalty points stated in the notice and the period of disqualification stated in the notice; and

- (v) if any penalty points recorded against the person have expired under section 35(2) — the number of penalty points that expired and the day on which this occurred; and
- (vi) if any penalty points recorded against the person have been cancelled under section 35(3) — the number of penalty points that were cancelled and the day on which this occurred; and
- (vii) if any penalty points recorded against the person have been removed under section 36 — the number of penalty points that have been removed;

and

- (c) anything else prescribed by the regulations.

**Subdivision 2 — Cancellation and disqualification due to excessive penalty points**

**38. Excessive penalty points notice**

- (1) The CEO must give a person a notice (an *excessive penalty points notice*) as soon as is reasonably practicable after —
  - (a) the day on which the number of current penalty points recorded against the person in the penalty points register reaches at least 12, if the person, on that day, has continuously for at least the previous 12 months held a licence that is in force; or
  - (b) the day on which the number of current penalty points recorded against the person in the penalty points register reaches at least 6, if the person, on that day —
    - (i) holds a licence, but has not continuously for at least the previous 12 months held a licence that is in force; or
    - (ii) does not hold a licence.
- (2) An excessive penalty points notice given to a person must state the following —
  - (a) if the person holds a licence — that the licence is cancelled;
  - (b) that the person is disqualified from holding or obtaining a licence;
  - (c) the period prescribed by the regulations for which the person is disqualified;
  - (d) the day on which the notice is given;
  - (e) the number of current penalty points reached on that day;

- (f) the day on which the cancellation (if any) takes effect and the period of disqualification commences.
- (3) If the CEO gives a person an excessive penalty points notice —
  - (a) any licence held by the person is cancelled on the day stated in the notice; and
  - (b) the person is disqualified from holding or obtaining a licence for the period prescribed by the regulations.
- (4) The regulations may prescribe periods of disqualification (which may be permanent) for the purposes of subsection (3)(b).
- (5) Different periods of disqualification may be prescribed depending on any of the following —
  - (a) the number of current penalty points reached on the day the notice is given;
  - (b) whether or not the person holds a licence that is in force, or the length of time that the person has continuously held a licence that is in force, when the notice is given;
  - (c) whether or not the person has previously been disqualified under subsection (3)(b).
- (6) The cancellation of a licence under subsection (3)(a) has effect even if the licence is suspended when the notice is given.
- (7) Nothing in this section prevents the commencement of a period of disqualification from being postponed under section 39.

#### **Division 5 — General provisions**

##### **39. Cumulative effect of disqualification**

- (1) This section applies if, when the period for which a person is disqualified (the *new disqualification period*) under section 33(2)(b) or 38(3)(b) would otherwise commence, the person is already disqualified under either of those sections.
- (2) The commencement of the new disqualification period is postponed, and the disqualification does not have effect, until the existing period of disqualification, and any period of disqualification that commences subsequently, has ended.
- (3) Postponing the commencement of the new disqualification period does not reduce the new disqualification period.

##### **40. Effect of permanent disqualification**

If a person is permanently disqualified under section 33(2)(b) or 38(3)(b), then despite any other provision of this Act, the CEO is not required —



- (a) to record penalty points against the person in the penalty points register; or
- (b) to give the person an excessive penalty points notice.

## **Part 6 — Enforcement**

### **41. Authorised officers**

- (1) For the purposes of this Act, an authorised officer is —
  - (a) a police officer; or
  - (b) a person designated by the CEO under subsection (2).
- (2) The CEO may designate as an authorised officer a person employed in, or engaged for the purposes of, the Department.
- (3) The CEO must ensure that each authorised officer designated under subsection (2) is issued with an identity card in the approved form.
- (4) An authorised officer designated under subsection (2) must —
  - (a) carry the officer's identity card when performing functions under this Act; and
  - (b) if it is practicable to do so, produce the officer's identity card before exercising a power under this Act.
- (5) In any proceedings, the production of an identity card is evidence of the designation under subsection (2) of the authorised officer to whom the card relates.

### **42. Powers of authorised officers**

- (1) An authorised officer may exercise the powers set out in this Part for the following purposes —
  - (a) to monitor compliance with this Act, the regulations or a code of conduct approved under section 29;
  - (b) to investigate a suspected contravention of this Act or the regulations;
  - (c) to investigate whether there are grounds for making a suspension order or cancellation order.
- (2) For purposes mentioned in subsection (1), an authorised officer may do any or all of the following in relation to a vehicle —
  - (a) stop and detain the vehicle for as long as is reasonably necessary;
  - (b) direct the person driving the vehicle to produce for inspection either or both of the following —
    - (i) the person's licence document;
    - (ii) the person's driver's licence;

- (c) direct any person to alight from, or not to enter, the vehicle;
  - (d) direct the person driving the vehicle, or any passenger, to —
    - (i) give such information as is required; or
    - (ii) answer a question put to the person; or
    - (iii) state the person's name and address; or
    - (iv) produce a document or record that is in the person's possession or under the person's control;
  - (e) inspect the vehicle;
  - (f) inspect, retain or make copies of any document or record produced under paragraph (d)(iv).
- (3) For purposes mentioned in subsection (1), an authorised officer may do any or all of the following —
- (a) direct a person mentioned in subsection (5) —
    - (i) to give such information as is required; or
    - (ii) to answer a question put to the person;
  - (b) direct a person mentioned in subsection (5) to produce a document or record that is in the person's possession or under the person's control;
  - (c) inspect, retain or make copies of any document or record produced under paragraph (b).
- (4) For purposes mentioned in subsection (1), an authorised officer may, in accordance with subsection (6), enter premises occupied by a person mentioned in subsection (5) and do any or all of the following at the premises —
- (a) search the premises;
  - (b) operate a computer or other thing at the premises;
  - (c) make a copy of, take an extract from, download or print out any document or record;
  - (d) seize a document or record and retain it for as long as is reasonably necessary;
  - (e) direct the occupier of the place, or a person at the place, to give the authorised officer such assistance as the officer reasonably requires for purposes mentioned in subsection (1).
- (5) The powers in subsections (3) and (4) may be exercised in relation to —
- (a) a person who holds or has held a licence; or

- (b) a person whom an authorised officer suspects on reasonable grounds has driven a vehicle as a taxi; or
  - (c) a provider of a taxi dispatch service; or
  - (d) an owner or lessee of taxi plates issued under the *Taxi Act 1994* or a holder of a taxi-car licence issued under the *Transport Co-ordination Act 1966 Part IIIB*; or
  - (e) a person who acts as an agent for a person referred to in paragraph (d).
- (6) The power to enter premises under subsection (4) must be exercised —
- (a) with the consent of the occupier; or
  - (b) under an entry warrant issued under section 44.
- (7) Where under this section a person is directed to give any information, answer any question or produce any document or record —
- (a) that person cannot refuse to comply with that direction on the ground that the information, answer, document or record may tend to incriminate the person or render the person liable to any penalty; but
  - (b) the information or answer given, or document or record produced, by the person is not admissible in evidence in any criminal proceedings against the person other than proceedings for perjury.

**43. Application for entry warrant**

- (1) In this section —
- remote communication*** means any way of communicating at a distance including by telephone, fax, email and radio.
- (2) A reference in this section to making an application includes a reference to giving information in support of the application.
- (3) An authorised officer may apply to a JP for an entry warrant authorising the entry of a place for purposes mentioned in section 42(1).
- (4) The application must be made in accordance with this section and must include the prescribed information (if any).
- (5) An application must be made in person before a JP unless —
- (a) the warrant is needed urgently; and
  - (b) the applicant reasonably suspects that a JP is not available within a reasonable distance of the applicant,
- in which case —

- (c) the application may be made to the JP by remote communication; and
  - (d) the JP must not grant it unless satisfied about the matters in paragraphs (a) and (b).
- (6) An application must be made in writing unless —
  - (a) the application is made by remote communication; and
  - (b) it is not practicable to send the JP written material,in which case —
  - (c) the application may be made orally; and
  - (d) the JP must make a written record of the application and any information given in support of it.
- (7) An application must be made on oath unless —
  - (a) the application is made by remote communication; and
  - (b) it is not practicable for the JP to administer an oath to the applicant,in which case —
  - (c) the application may be made in an unsworn form; and
  - (d) if the JP issues an entry warrant, the applicant must as soon as is reasonably practicable send the JP an affidavit verifying the application and any information given in support of it.
- (8) If on application made by remote communication a JP issues an entry warrant, the JP must if practicable send a copy of the original warrant to the applicant by remote communication, but otherwise —
  - (a) the JP must send the applicant by remote communication any information that must be set out in the warrant; and
  - (b) the applicant must complete a form of warrant with the information received and give the JP a copy of the form as soon as is practicable after doing so; and
  - (c) the JP must attach a copy of the form to the original warrant and any affidavit received from the applicant and make them available for collection by the applicant.
- (9) The copy of the original warrant sent, or the form of the warrant completed, as the case may be, under subsection (8) has the same force and effect as the original warrant.
- (10) If an applicant contravenes subsection (7)(d) or (8)(b), any evidence obtained under the entry warrant is not admissible in proceedings in court or in the State Administrative Tribunal.

**44. Issue and content of entry warrant**

- (1) On application under section 43, a JP may issue an entry warrant if satisfied that it is necessary for an authorised officer to enter a place for purposes mentioned in section 42(1).
- (2) An entry warrant must contain the following information —
  - (a) a reasonably particular description of the place to which it relates;
  - (b) a reasonably particular description of the purposes for which entry is required;
  - (c) if a contravention of this Act or the regulations is suspected — the provision concerned;
  - (d) the period during which it may be executed, which must not be longer than 14 days;
  - (e) the name of the JP who issued it;
  - (f) the date and time when it was issued.
- (3) An entry warrant must be in the prescribed form.
- (4) If a JP refuses to issue an entry warrant, the JP must record on the application the fact of, the date and time of, and the reasons for, the refusal.

**45. Effect of entry warrant**

- (1) An entry warrant has effect according to its content and this section.
- (2) An entry warrant comes into force when it is issued by a JP.
- (3) An entry warrant may be executed by any authorised officer.

**46. Obstructing authorised officer or not complying with direction**

- (1) A person must comply with a direction given by an authorised officer under this Part.  
Penalty: a fine of \$2 500.
- (2) A person must not hinder or obstruct an authorised officer in the exercise of a function under this Part.  
Penalty: a fine of \$2 500.

**Part 7 — Exchange of information**

**47. Terms used**

In this Part —

*disclose* includes to provide, to release and to give access to;

*driver's licence information* means —

- (a) information about drivers' licences including —

- (i) details of the persons who have made applications for or in relation to those licences; and
- (ii) details of the persons who hold or have held those licences; and
- (iii) information contained in a driver's licence register maintained under a driving authorisation law;

or

- (b) information about driving authorisations (other than drivers' licences) obtained by the road traffic Director General from an authority of another State, a Territory, or another country under a road law,

but does not include photographs or signatures provided in connection with the grant of drivers' licences or driving authorisations;

***infringement notice information*** means information about infringement notices including information about the following —

- (a) the giving of an infringement notice to a person;
- (b) the payment of an amount of money in accordance with an infringement notice;
- (c) the withdrawal of an infringement notice;
- (d) a matter in relation to which an infringement notice was issued coming before a court for determination;
- (e) the registration of an infringement notice under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* Part 3;
- (f) any withdrawal of proceedings under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* Part 3 in relation to the infringement notice;

***interstate taxi authority*** means a person, agency or authority of another State or a Territory that administers or performs functions under an interstate taxi law;

***interstate taxi law*** means a law of another State or a Territory that deals with taxis or the authorisation of persons to drive taxis;

***law enforcement official*** means a person prescribed, or a person of a class prescribed, by the regulations;

***offence information*** means the following —

- (a) details of the following —
  - (i) any offence with which a person has been charged, or of which a person has been convicted, in the State;

- (ii) any penalty, suspension, cancellation or disqualification resulting from such a conviction;
- (b) any details the Commissioner of Police has of the following —
  - (i) any offence with which a person has been charged, or of which a person has been convicted, elsewhere than in the State;
  - (ii) any penalty, suspension, cancellation or disqualification resulting from such a conviction;

**relevant person** means a person who has applied for a licence, holds a licence or has held a licence;

**road law** means —

- (a) the *Road Traffic Act 1974*;
- (b) the *Road Traffic (Administration) Act 2008*;
- (c) the *Road Traffic (Authorisation to Drive) Act 2008*;
- (d) the *Road Traffic (Vehicles) Act 2012*;

**road traffic Director General** —

- (a) before the coming into operation of the *Road Traffic (Administration) Act 2008* section 4 — means the Director General as defined in the *Road Traffic Act 1974* section 5(1); or
- (b) after the coming into operation of the *Road Traffic (Administration) Act 2008* section 4 — means the CEO as defined in that section;

**taxi driver licence information** means information about licences, including —

- (a) details of the persons who have made applications under this Act for or in relation to those licences; and
- (b) details of the persons who hold or have held those licences; and
- (c) details of suspensions and cancellations of, and disqualifications from holding or obtaining, those licences; and
- (d) details of charges and convictions for offences under this Act;

**traffic infringement notice information** means details of the instances in which a person has paid a penalty under an infringement notice under a road law, obtained by the road traffic Director General from the Commissioner of Police under a road law.

**48. Use of and access to information**

The CEO may have access to and make use of the following for the purposes of the performance of the CEO's functions under this Act but not for any other purpose —

- (a) information disclosed to the CEO under this Part;
- (b) photographs disclosed to the CEO under a driving authorisation law.

**49. Use of photographs**

The CEO is authorised, for the purposes of producing a licence document or an additional identification document in relation to a licence (the *taxi driver licence*), to use any photograph that was provided by the licensee —

- (a) under a driving authorisation law in connection with the grant of a driver's licence or learner's permit to the licensee; and
- (b) within 10 years before the taxi driver licence is granted.

**50. Disclosure of information by CEO to Commissioner of Police or other authorities**

- (1) The CEO must disclose the following information to the Commissioner of Police —
  - (a) taxi driver licence information;
  - (b) any other information prescribed by the regulations.
- (2) Information disclosed under subsection (1) —
  - (a) may be used in the performance of the Commissioner of Police's functions under a written law but not for any other purpose; and
  - (b) may be disclosed by the Commissioner of Police to a police officer for use in the performance of the functions of that officer under this Act or another written law but not for any other purpose.
- (3) The CEO may disclose the following information to a body or person with whom an agreement has been made under section 58 if the CEO considers that the information is required for the purposes of the performance of a function under the agreement —
  - (a) taxi driver licence information;
  - (b) infringement notice information relating to any infringement notice given for an alleged offence under this Act;
  - (c) any information disclosed to the CEO under section 51 or by an interstate taxi authority;



- (d) any other information prescribed by the regulations.
- (4) The CEO may disclose the following information to a law enforcement official if the CEO considers that the information is required by the official for the purposes of the performance of the official's functions —
  - (a) taxi driver licence information;
  - (b) any other information prescribed by the regulations.

**51. Disclosure of information to CEO by Commissioner of Police or other authorities**

- (1) The Commissioner of Police must disclose the following information to the CEO —
  - (a) offence information about a relevant person;
  - (b) any other information prescribed by the regulations.
- (2) The road traffic Director General must disclose the following information to the CEO —
  - (a) driver's licence information about a relevant person;
  - (b) traffic infringement notice information about a relevant person;
  - (c) any other information prescribed by the regulations.
- (3) The Director General (as defined by the *Taxi Act 1994* section 3(1)) must disclose the following information to the CEO —
  - (a) information about any offence with which a relevant person has been charged under the *Taxi Act 1994*;
  - (b) infringement notice information relating to any infringement notice given to a relevant person for an alleged offence under the *Taxi Act 1994*;
  - (c) any other information prescribed by the regulations.
- (4) The Director General (as defined by the *Transport Co-ordination Act 1966* section 4(1)) must disclose the following information to the CEO —
  - (a) information about any offence with which a relevant person has been charged under the *Transport Co-ordination Act 1966*;
  - (b) infringement notice information relating to any infringement notice given to a relevant person for an alleged offence under the *Transport Co-ordination Act 1966*;
  - (c) any other information prescribed by the regulations.

**52. Exchange of information between CEO and interstate taxi authorities**

- (1) The CEO may disclose the following information to an interstate taxi authority if the CEO considers that the information is required by the authority for the purposes of the performance of its functions —
  - (a) taxi driver licence information;
  - (b) infringement notice information relating to any infringement notice given for an alleged offence under this Act.
- (2) If information disclosed under subsection (1) includes information about an offence of which a person has been convicted or an alleged offence for which a person has been given an infringement notice, the CEO must also disclose to the relevant authority —
  - (a) any quashing or setting aside of the conviction; or
  - (b) any withdrawal of the infringement notice or the matter coming before a court for determination; or
  - (c) any withdrawal of proceedings under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* Part 3 in respect of the infringement notice; or
  - (d) anything else known to the CEO concerning the offence or alleged offence the disclosure of which is likely to be favourable to that person.
- (3) The CEO may seek from an interstate taxi authority any information that the CEO considers is required for the purposes of the performance of the CEO's functions under this Act.

**53. Disclosures under this Part free of charge**

A disclosure of information under this Part must be free of charge.

**54. Regulations may exempt information**

The regulations may exempt specified information from any requirement to disclose information under this Part.

**Part 8 — Miscellaneous**

**55. Reviewable decisions**

- (1) In this section —

**reviewable decision** means a decision of the CEO to —

  - (a) refuse to grant a licence under section 12 or 14; or
  - (b) impose conditions on a licence under section 16(1) or (2);or

- (c) refuse an application under section 17 for the variation of the conditions of a licence; or
  - (d) vary the conditions of a licence under section 18 on the CEO's own initiative; or
  - (e) give a licensee a notice under section 21(2); or
  - (f) vary a notice under section 21(3)(b); or
  - (g) give a licensee a notice under section 22; or
  - (h) make a suspension order under section 30(1)(b) or (c); or
  - (i) make a cancellation order under section 32.
- (2) A person aggrieved by a reviewable decision may request the CEO in writing to reconsider the decision.
  - (3) A request under subsection (2) must be made within 28 days after the CEO gives the person notice under this Act of the reviewable decision.
  - (4) On request under subsection (2), the CEO must reconsider the decision and may confirm, alter or revoke the decision.
  - (5) A person aggrieved by a reviewable decision, or the decision made by the CEO under subsection (4) on reconsidering a reviewable decision, may apply to the State Administrative Tribunal for a review of the decision by which the person is aggrieved.

**56. Training courses and tests**

- (1) The CEO may, for the purposes of each of sections 12(1)(f), 18(1)(b) and 22(1), approve in writing either or both of the following —
  - (a) one or more training courses;
  - (b) one or more tests.
- (2) An approval under subsection (1) must —
  - (a) describe the training course or test; and
  - (b) specify the classes of person to whom the training course or test applies; and
  - (c) if the approval is for the purposes of section 12(1)(f) or 18(1)(b) — specify a period of time (the *qualification period*) commencing on the successful completion of the training course or test during which a person will be considered to hold the competency demonstrated by the successful completion of the training course or test.
- (3) Without limiting subsection (1), the CEO may approve different training courses or tests that apply to different classes of person depending on any or all of the following —

- (a) the conditions that apply, or the conditions that the person wants to apply, to a licence that the person holds or for which the person has applied;
  - (b) whether or not, and under what circumstances, the person has previously been disqualified;
  - (c) whether or not the person holds a licence that is in force, or the length of time that the person has continuously held a licence that is in force.
- (4) The CEO may approve a training course or test under subsection (1) whether that training course or test is administered by the CEO or by another person or body.
  - (5) The CEO may revoke an approval under subsection (1).
  - (6) The CEO is authorised to administer, or cause to be administered, any training course or test approved by the CEO under subsection (1).

**57. Delegation**

- (1) The CEO may delegate to a person any power or duty of the CEO under another provision of this Act.
- (2) The delegation must be in writing signed by the CEO.
- (3) A person to whom a power or duty is delegated cannot delegate that power or duty.
- (4) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (5) Nothing in this section limits the ability of the CEO to perform a function through an officer or agent.

**58. Agreements for performance of functions**

- (1) The CEO may enter into an agreement providing for the CEO's functions under this Act that are described in the agreement to be performed on behalf of the CEO.
- (2) The agreement may be with the Commissioner of Police, a local government, or any other person or body, whether or not the person or body has itself functions of a public nature.
- (3) A function described in the agreement may be performed —
  - (a) in accordance with the agreement; and
  - (b) on and subject to the terms and conditions of the agreement.

- (4) If the performance of a function is dependent upon the opinion, belief or state of mind of the CEO it may be performed under the agreement upon the opinion, belief or state of mind of the body or person with whom the agreement is made or another person provided for in the agreement.
- (5) For the purposes of this Act or any other written law, an act or thing done by, to, by reference to, or in relation to, a body or person in connection with the performance by that body or person under the agreement of a function of the CEO is as effectual as if it had been done by, to, by reference to, or in relation to, the CEO.

**59. Protection from personal liability**

- (1) An action in tort does not lie against a person for anything that the person has done, in good faith, in the performance or purported performance of a function under this Act.
- (2) The Minister and the State are also relieved of any liability that either of them might otherwise have had for another person having done anything as described in subsection (1).
- (3) The protection given by this section applies even though the thing done as described in subsection (1) may have been capable of being done whether or not this Act had been enacted.
- (4) In this section, a reference to the doing of anything includes a reference to an omission to do anything.
- (5) To avoid doubt, subsection (1) applies to a function performed pursuant to an agreement referred to in section 58.

**60. Protection of people testing or examining or giving certain information**

- (1) The protection given by this section is in addition to any protection given by section 59.
- (2) Proceedings for an offence are not to be brought against a person for giving or reporting to the CEO, in good faith, an opinion formed as a result of having administered a training course or test for the purposes of this Act.
- (3) An action in tort does not lie against a person, and proceedings for an offence are not to be brought against a person, for giving or reporting to the CEO, in good faith, information that discloses or suggests that —
  - (a) another person may be mentally or physically unfit to drive a vehicle as a taxi; or
  - (b) another person may not be a fit and proper person to hold a licence; or

- (c) it may be dangerous to —
  - (i) grant a licence to another person; or
  - (ii) allow another person to hold a licence; or
  - (iii) vary, or not to vary, the conditions of a licence.

**61. Publication of certain approvals**

The CEO must ensure that an approval in force under any of the following provisions is published on a website maintained by the Department —

- (a) section 24(1);
- (b) section 25(1)(b) and (2);
- (c) section 26;
- (d) section 27(1) and (2);
- (e) section 56(1).

**62. Regulations**

- (1) The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of this Act.
- (2) Without limiting subsection (1), regulations may be made as to the following —
  - (a) the classes of vehicle that persons may be authorised to drive as a taxi;
  - (b) applications under this Act;
  - (c) conferring power on the CEO to conduct any check (including a criminal record check or traffic record check) that the CEO considers appropriate as to the character and background of a person for the purpose of determining whether the person is a fit and proper person to hold a licence;
  - (d) requiring an applicant for a licence to provide any document (including a criminal record check or traffic record check) or information relevant to whether the applicant is a fit and proper person to hold a licence;
  - (e) requiring a licensee who has applied for the variation of the conditions of the licence to provide any document (including a criminal record check or traffic record check) or information relevant to whether the variation is appropriate in the circumstances;
  - (f) requiring a licensee from time to time to provide any document (including a criminal record check or traffic

- record check) or information relevant to whether the licensee is a fit and proper person to hold a licence or to whether the conditions of the licence are appropriate;
- (g) the replacement of lost or stolen licence documents or additional identification documents;
  - (h) requiring a licensee to surrender any document issued to the licensee in connection with the licence;
  - (i) the grant of exemptions, with or without conditions, from any requirement under this Act (including a requirement to pay a fee or charge);
  - (j) records to be kept in relation to matters under this Act;
  - (k) the giving of notices or other documents under this Act or the circumstances in which notices or other documents under this Act are to be taken to have been given;
  - (l) fees and charges payable in relation to any matter under this Act, including but not limited to —
    - (i) applications;
    - (ii) the grant of licences (including by way of renewal);
    - (iii) the administration of any training course or test by or on behalf of the CEO for the purposes of this Act (including for failure to attend a training course or test);
    - (iv) the variation of conditions of licences;
    - (v) the issue or replacement of licence documents or additional identification documents;
  - (m) providing that a contravention of a regulation is an offence and providing for a penalty not exceeding a fine of \$2 500.

### Part 9 — Transitional provisions

#### 63. Terms used

In this Part —

**commencement day** means the day on which Part 2 comes into operation under section 2(f);

**endorsed with extension T**, in relation to a driver's licence, means that the driver's licence has been endorsed with extension T in accordance with regulations made under a driving authorisation law;

**pre-commencement licence** means a licence granted under section 12 or 64 during the pre-commencement period;

***pre-commencement period*** means the period beginning on proclamation day and ending immediately before commencement day;

***proclamation day*** means the day fixed under section 2(b).

**64. Grant of licences during pre-commencement period to persons holding drivers' licences endorsed with extension T**

- (1) An individual who holds a driver's licence that is endorsed with extension T may apply to the CEO for the grant of a taxi driver licence under subsection (3).
- (2) An application under subsection (1) must —
  - (a) be made on or before the day that is 5 months after proclamation day; and
  - (b) be in the approved form; and
  - (c) specify —
    - (i) each class of vehicle that the applicant wants to be authorised to drive as a taxi; and
    - (ii) each designated area in which the applicant wants to be authorised to drive a vehicle as a taxi;and
  - (d) be accompanied by the prescribed application fee (if any).
- (3) The CEO must, on application under subsection (1), grant the applicant a licence during the pre-commencement period if the CEO is satisfied that —
  - (a) the applicant holds a driver's licence endorsed with extension T; and
  - (b) the extension T endorsement has not lapsed because of a failure to comply with a requirement under regulations made under a driving authorisation law to provide a written report of a medical examination; and
  - (c) for each applicable training course or test (if any) —
    - (i) the applicant has successfully completed the training course or test; and
    - (ii) the qualification period has not expired since the applicant completed the training course or test;and
  - (d) the applicant meets any other criteria prescribed by the regulations.



- (4) Sections 19 and 55 apply to a decision made under subsection (3) as if that decision were a decision made under section 12.
- (5) Section 56 applies to the approval of a training course or test for the purposes of subsection (3)(c) —
  - (a) as if that approval were for the purposes of section 12(1)(f); and
  - (b) as if the reference in section 56(3)(c) to the length of time that the person has continuously held a licence that is in force were a reference to the length of time that the person has continuously held a driver's licence that is in force and is endorsed with extension T.

**65. Section 64 licence taken to be taxi driver licence**

On and after commencement day, a licence granted under section 64 is to be taken, for the purposes of this Act (other than this Part), to be a taxi driver licence granted under section 12.

**66. Section 64 licence of no effect unless driver's licence endorsed with extension T at commencement day**

A licence granted under section 64 is, by force of this section, of no effect if, immediately before commencement day, the person to whom the licence is granted no longer holds a driver's licence endorsed with extension T.

**67. Special provisions about pre-commencement licences**

Despite section 65 —

- (a) section 15 applies in respect of a pre-commencement licence as if —
  - (i) section 15(1) provided that the licence comes into force on commencement day; and
  - (ii) section 15(2) provided that the expiry day was a day specified by the CEO that is at least one year, but no more than 2 years, after commencement day;

and

- (b) sections 17 and 18 apply during the pre-commencement period in respect of a pre-commencement licence; and
- (c) section 21(1)(b) applies in respect of a person to whom a licence is granted under section 64 as if a written report of a medical examination provided to the CEO before commencement day in accordance with a requirement under a driving authorisation law were an approved medical report given to the CEO by the person in accordance with a requirement under this Act; and

- (d) sections 33(6)(c) and 38(1) and (5)(b) apply in respect of a person to whom a pre-commencement licence is granted as if the person had continuously held a licence that is in force during the total period that the person has continuously held one of the following —
  - (i) a driver's licence that is in force and is endorsed with extension T;
  - (ii) a licence that is in force.

**68. Driver's licence may be endorsed with extension T if pre-commencement licence granted**

The Director General (as defined in the *Road Traffic Act 1974*) may, during the pre-commencement period, make an extension T endorsement on a person's driver's licence under a driving authorisation law, despite the person not applying for the endorsement, if —

- (a) a pre-commencement licence is granted to the person under section 12; and
- (b) when the licence is granted, the person does not hold a driver's licence that is endorsed with extension T.

**69. Application for extension T endorsement made before proclamation day**

On and after proclamation day, an application made under a driving authorisation law for a driver's licence to be endorsed with extension T that was made but not decided before proclamation day is to be taken, for the purposes of this Act, to be an application for a taxi driver licence made under section 11.

## **Part 10 — Consequential amendments**

### **Division 1 — Road Traffic Act 1974 amended**

**70. Act amended**

This Division amends the *Road Traffic Act 1974*.

**71. Section 42E amended**

After section 42E(6) insert:

- (7A) Subsection (6) does not apply to a person who reproduces a photograph provided under this section —
  - (a) as a result of its disclosure under section 44AD; and
  - (b) in the administration of the *Taxi Drivers Licensing Act 2014*.

**72. Section 44AA amended**

In section 44AA insert in alphabetical order:

*CEO (taxi drivers licensing)* means the CEO as defined in the *Taxi Drivers Licensing Act 2014* section 3(1);

**73. Section 44AD inserted**

At the end of Part IVA Division 4A insert:

**44AD. Disclosure to CEO (taxi drivers licensing)**

The Director General may disclose photographs to the CEO (taxi drivers licensing) for the purposes of the performance of the functions of the CEO (taxi drivers licensing) under the *Taxi Drivers Licensing Act 2014*.

**Division 2 — *Road Traffic (Authorisation to Drive) Act 2008* amended**

**74. Act amended**

This Division amends the *Road Traffic (Authorisation to Drive) Act 2008*.

**75. Section 9 amended**

After section 9(7) insert:

- (8) Subsection (7) does not apply to a person who reproduces a photograph provided under this section —
- (a) as a result of its disclosure under section 11E; and
  - (b) in the administration of the *Taxi Drivers Licensing Act 2014*.

**76. Section 11B amended**

In section 11B insert in alphabetical order:

*CEO (taxi drivers licensing)* means the CEO as defined in the *Taxi Drivers Licensing Act 2014* section 3(1);

**77. Section 11E inserted**

At the end of Part 2 Division 3A insert:

**11E. Disclosure to CEO (taxi drivers licensing)**

The CEO may disclose photographs to the CEO (taxi drivers licensing) for the purposes of the performance of the functions of the CEO (taxi drivers licensing) under the *Taxi Drivers Licensing Act 2014*.

**Division 3 — Road Traffic Legislation Amendment Act 2012 amended**

**78. Act amended**

This Division amends the *Road Traffic Legislation Amendment Act 2012*.

**79. Section 191 deleted**

Delete section 191.

**Division 4 — State Administrative Tribunal Act 2004 amended**

**80. Act amended**

This Division amends the *State Administrative Tribunal Act 2004*.

**81. Schedule 1 amended**

In Schedule 1 insert in alphabetical order:

*Taxi Drivers Licensing Act 2014*

**Division 5 — Taxi Act 1994 amended**

**82. Act amended**

This Division amends the *Taxi Act 1994*.

**83. Section 16 amended**

After section 16(8)(c) insert:

- (da) any conviction of an applicant of an offence, or any infringement notice given to an applicant (and not later withdrawn) in respect of an alleged offence, under the *Taxi Drivers Licensing Act 2014* or an Act of another State or a Territory corresponding to that Act; and

**84. Section 29 amended**

Delete section 29(1)(e) and insert:

- (e) complaint resolution;
- (f) steps to be taken by the provider to ensure that the taxi dispatch services that it provides are not used by taxi drivers who do not hold licences granted under the *Taxi Drivers Licensing Act 2014*,

**85. Section 40 amended**

In section 40:

- (a) delete:
  
- (h) regulating the conduct and behaviour of taxi drivers in relation to the provision of taxi services;
  
- (b) delete:
  
- (k) regulating the circumstances under which a driver may refuse to accept a passenger or may terminate a hiring;

**Division 6 — *Transport Co-ordination Act 1966* amended**

**86. Act amended**

This Division amends the *Transport Co-ordination Act 1966*.

**87. Section 47ZE deleted**

Delete section 47ZE.

**88. Section 47ZF amended**

In section 47ZF(1):

- (a) delete paragraph (q);
- (b) in paragraph (u) delete “and holders of taxi-car drivers’ licences”.

**Part 11 — Repeals**

**89. Part 10 Division 1 repealed if not commenced**

If Part 10 Division 1 of this Act does not come into operation under section 2(c)(ii) of this Act, delete Part 10 Division 1 on the day fixed under section 2(b).

**90. Part 10 Division 3 repealed if not commenced**

If Part 10 Division 3 of this Act does not come into operation under section 2(e)(ii) of this Act, delete Part 10 Division 3 on the day on which section 87 comes into operation under section 2(f).

<sup>3</sup> On the date as at which this compilation was prepared, the *Transport (Road Passenger Services) Act 2018* s. 304 had not come into operation. It reads as follows:

**304. Taxi Drivers Licensing Act 2014 repealed**

The *Taxi Drivers Licensing Act 2014* is repealed.

## Defined terms

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

| <b>Defined term</b>   | <b>Provision(s)</b> |
|-----------------------|---------------------|
| Part 4.....           | 2                   |
| proclamation day..... | 2                   |





