TAXI PLATE OPERATING CONDITIONS

TAXI PLATE NUMBER:

CONDITIONS AS AT:

These conditions are imposed pursuant to section 20(1) of the Taxi Act 1994 on the operation of the taxi using the above identified taxi plates.

ON-DEMAND TRANSPORT BUSINESS UNIT, DEPARTMENT OF TRANSPORT
TAXI PLATE OPERATING CONDITIONS

APPLICATION OF THESE CONDITIONS
These Conditions are imposed pursuant to section 20(1) of the *Taxi Act 1994*.

1. INTERPRETATION
   1.1 In these Conditions:
      a) The headings are for guidance only and do not form part of the Conditions;
      b) Unless the context requires otherwise, the singular includes the plural and vice versa;
      c) The words “include” and “including” are to be read as if the words “without limitation” appeared immediately afterwards; and
      d) A reference to the *Taxi Act 1994* includes the *Taxi Regulations 1995*.

   1.2 In addition to those set out in condition 1.1 above, the definitions and interpretations in the Act and Regulations apply to these conditions where relevant.

2. DEFINITIONS
   A. In these Conditions:
      *Act* means the *Taxi Act 1994*;
      *Authorised Officer* means - (a) an officer designated or appointed as an authorised officer under section 31 of the Act; or (b) a member of the Police Service.
      *Approved Person* means a person who is approved for the purposes of the condition in which the term is used;
      *Area Restricted Taxi* means a taxi that must not operate outside its restricted area as defined in these conditions.
      *Contract fare* means a fare agreed between the Hirer or Wheelchair Hirer and the Operator or Shift Operator.
      *Day* means calendar day;
      *Department* means the Department of Transport;
      *Detention Rate* means a supplementary Fare that may be charged in accordance with Schedule 3 of the Regulations and Condition 4.1;
      *Director General* means the chief executive officer of the Department principally assisting the Minister administering the *Taxi Act 1994* (currently the Director General of the Department of Transport);
      *Fare* means the charge for Taxi travel payable by the Hirer and the
      *Flag fall* means the minimum Fare charged at the time that the Taxi meter is turned on;
      *Hirer* means a person who hires a taxi.
      *Operator* means a person who drives a Taxi or owns or leases Taxi Plates;
      *On-demand Transport* or ODT means the business unit of the Department responsible for the administration of the Act and the Regulations, currently the On-demand Transport business unit of the Department of Transport;
      *Operational* means standing or plying for hire, being available to be hired or to accept hires or otherwise carrying passengers for reward;
      *Peak Period Restricted Taxi* means a taxi that may operate at specific times as specified by these conditions.
Prescribed Control Area or PCA means the control area prescribed by regulation 4(1) of the Regulations;

Records means records and information of any kind, including software, video images, originals and copies of all accounts, financial statements, books, files, reports, records, correspondence, documents, data and other materials created for, or relating to, or used in connection with the Taxi, and whatever format in which such records and information are held, stored or recorded.

Regulations means the Taxi Regulations 1995;

Restricted Area means the area contained within the boundaries of specified area.

Shift means a continuous driving period of not more than 12 hours in any continuous 24 hour time interval of the Taxi;

Shift Lease means an arrangement by an Operator with a Shift Operator for an agreed number of Shifts and is subject to Record keeping requirements and all other applicable conditions including Schedule 3 containing the maximum lease rates that may be charged for Metropolitan Taxis;

Shift Operator means a person who is authorised pursuant to a Shift Lease to drive a Taxi.

Taxi means the vehicle using the Taxi Plates to which these conditions apply;

Taxi Dispatch Service includes receiving and dispatching customer bookings by Operators, or Hirers;

Taxi Plates means the taxi plates the subject of these conditions;

Taxi Plate Lease means the lease of the Taxi Plates granted by the Director General to the plate holder under the Act;

TUSS means the Taxi Users’ Subsidy Scheme.

Transfer means sale by the Operator to a transferee in reference to taxi plates where they are Operator-owned and subject to the Director General’s approval.

3. AREAS AND HOURS OF OPERATION

3.1 Subject to condition 3.3, the Taxi must not operate outside the Prescribed Control Area.

3.2 A hiring of the Taxi which commences in the Prescribed Control Area may continue beyond the Prescribed Control area at the Hirer’s request, and provided the Operator returns the Taxi to the Prescribed Control Area at the conclusion of the hiring.

3.3 If an Area Restricted Taxi, the hiring of the taxi may only commence within the boundaries of the Restricted Area and may continue beyond those boundaries at the Hirers request. The next available hiring may then commence outside the boundaries of the Restricted Area provided that the hiring commenced within sixty (60) minutes after the termination of the hiring that commenced within the Restricted Area and the hiring terminates at a place within the Restricted Area.

3.4 Restricted Areas are as follows and will apply to those Taxis that may operate within that particular Restricted Area:

a) North which includes the City of Wanneroo and City of Joondalup;

b) North East which includes the Shire of Kalamunda, Shire of Mundaring and City of Swan.

c) South which includes the City of Rockingham and Town of Kwinana;

d) South East which includes the City of Armadale, City of Gosnells and City of Canning.

3.5 A Peak Period Restricted Taxi may operate:
a) Between the hours of 4.00 pm on Friday and 6.00 am on the following Saturday and between the hours of 5.00 pm on Saturday and 6.00 am on the following Sunday;
b) Between the hours of 4.00 am and 9.00 am Monday to Friday;
c) Between the hours of 6.00 pm and midnight Sundays;
d) Between the hours of 8.00 pm New Year’s Eve and 5.00 am New Year’s Day and 8.00 pm New Year’s Day and 5.00 am the following day; and
e) At such other times, dates and areas as are approved by the Director General from time to time and notified in writing to the operator.

4. METERED TAXI FARES – ACCEPTANCE OF TUSS VOUCHERS

4.1 The following requirements apply to both Operators and Shift Operators:

a) The Operator and Shift Operator may charge the Hirer a Detention Rate for the additional time spent where the Operator or Shift Operator in the course of or incidental to the transportation of Hirers:
   i) Provides physical assistance to the Hirer to get from his or her current location to the Taxi; or
   ii) Provides physical assistance to the Hirer to get from the Taxi to his or her destination; or
   iii) Assists a Hirer who has mobility difficulties with entering or leaving the Taxi; or
   iv) Loads or unloads a wheelchair into or from the Taxi.

b) The Operator must accept valid credit, transaction cards or a Department approved TUSS voucher tendered by a Hirer and all such transactions must be carried out in the manner prescribed by the Department.

c) A Hirer who tenders a Department approved TUSS voucher or a credit card or a transaction card in payment of a Fare must not be charged a higher Fare than would otherwise be chargeable if that Hirer had tendered cash (excluding any credit card/EFTPOS transaction fees).

d) A TUSS voucher must not be used where a fare is pre-agreed (either higher or lower than would otherwise be chargeable)

4.2 Where Fares are revised under the Regulations Operators must ensure that the following are implemented prior to charging the revised fees:

a) The Taxi meter has been modified to calculate the revised Fares; and
b) The display of required Fare information has been changed to display the revised Fares.

All Fares (except contract fares) must be clearly displayed on the Taxi meter.

5. CONTRACT FARES

5.1 Contract fares are permitted in accordance with the Regulations and where there is any departure, are void and may not be recovered.

5.2 Contract fares are required to be agreed before the start of a journey and must be recorded – in writing or electronically.

5.3 The written record must set out:

(a) Sufficient details to enable the identification of the driver, taxi-car, the hirer and at least one of the passengers; and
(b) Details of the proposed journey’s origin and destination; and
(c) Details of the date and departure time of the proposed journey; and
(d) The amount of the contract fare; and
(e) A statement to the effect that, in addition to the contract fare, there may be payable in respect of the journey –
   i) Parking fees; and
   ii) Costs of cleaning; and
   iii) A surcharge for a non-cash payment.
5.4 Where a hirer or indicates that they intend to use a TUSS voucher in relation to a hiring the operator must charge the hirer a metered fare and cannot enter into any other agreement in relation to the fare to be charged including a contract fare.

6. DRIVER STANDARDS
6.1 The Operator must ensure that any person who is to drive the Taxi holds a valid motor driver’s licence endorsed with a “T” extension.

7. VEHICLE STANDARDS
7.1 The Taxi shall, at all times, be licensed in accordance with the Road Traffic (Vehicles) Act 2012.

7.2 The Taxi must comply with the vehicle standards imposed by:
   a) The Road Traffic (Vehicles) Act 2012 and associated regulations;
   b) Schedule 1, “Metropolitan Taxi Vehicle Standards (except MPTs)”, annexed to these conditions; or
   c) Schedule 2, “Purpose-built Taxi Vehicle Standards”, annexed to these conditions.

7.3 The Operator must have a Taxi camera surveillance unit of a type approved by the Department in accordance with the Regulations.

7.4 The taxi operator shall ensure that raised taxi registration numbers are installed as specified in the Disability Standards for Accessible Public Transport 2002.

8. INSPECTION REQUIREMENTS
8.1 The Taxi must be inspected for applicable vehicle standards compliance at least once in every 12 month period. The inspection must be conducted by the Department's Driver and Vehicle Services section, or such other authority as may be designated for the purpose of licensing and inspecting vehicles, or as otherwise directed by an Authorised Officer.

8.2 The Taxi meter fitted to the Taxi must be inspected, tested and sealed by an authorised meter mechanic at least once in every 12 month period in accordance with the Regulations.

8.3 The taxi camera surveillance unit, referred to in condition 6.3, must be inspected and tested at least every 12 months by the manufacturer of the camera as per the Regulations.

8.4 An Authorised Officer may at any time direct that the Taxi be inspected and/or repaired by:
   a) The Department’s Driver and Vehicle Services section; or
   b) An authorised meter mechanic; or
   c) An authorised Taxi camera service technician; or
   d) Any other appropriate body or person approved by the Department, and

may prohibit the continued operation of the Taxi until inspection has been completed and a report issued by an Authorised Officer finding that the Taxi is in a satisfactory state of repair and/or cleanliness.

9. CERTIFICATES REQUIRED
9.1 To satisfy the annual inspection requirements the Operator must provide the Department, at the time of inspection, with the following documents:
   a) A certificate of accuracy valid for 12 months for the taxi meter; and
   b) A current certificate valid for 12 months for the required camera surveillance unit; and
   c) A certificate of currency containing proof of insurance as required in condition 10 that names the Operator as the insured party.
   d) The certificate of currency must be made available to an Authorised Officer on demand between 8:00am and 5:00pm Monday to Friday, excluding public holidays.

10. INSURANCE REQUIREMENTS
10.1 In addition to any statutory requirements, the Taxi must be insured at all times as follows:
a) Insurance cover of at least $5,000,000 against liability in respect to the use of the Taxi for personal injury and property damage including loading or unloading and goods falling from the Taxi; and
b) Public liability cover of at least $5,000,000.

10.2 The insurance referred to at 9.1 must be maintained with a corporation authorised under the Insurance Act 1973 (Commonwealth) to carry on insurance business.

11. RECORD KEEPING
11.1 The Operator must keep all Records for the preceding 12 months as required by these Conditions including:

a) The dates and times that the taxi was operated; and
b) The name, address, driver’s licence number and daytime telephone contact number of every person who has operated or driven the taxi and the times at which each such person was operating or driving the taxi; and
c) The make, model, colour and date of manufacture of each vehicle that operated as a taxi using the taxi plates; and
d) Any bond agreement that was entered into with a driver, or was terminated, including the amount of bond charged and the purposes for which the bond was applied; and
e) The name of the bank, the address of the branch and the number of the trust account in which any bond is or was held, as required under section 36 of the Act; and
f) The date, the commencement and termination times, the pickup and drop off addresses and the name and contact details of the hirer in respect of each hiring by a person; and
g) Copies of Contract Fares as required by Condition 5; and
h) Complaints register as required by Condition 17; and
i) Complaints and notifications as required by Condition 18 concerning disreputable and unlawful associations.

11.2 The Operator must ensure that Records referred to in this Condition are to be made available to an Authorised Officer on demand between 9am and 5pm Monday to Friday except Public Holidays.

12. LEASING AND SUB-LEASING OF TAXI PLATES AND VEHICLES WITH TAXI PLATES
12.1 Leasing and sub-leasing of taxi plates and taxis are prohibited.

13. SHIFT LEASING
13.1 The Operator is permitted to enter into a Shift Lease with a Shift Operator to perform Shifts as agreed.

13.2 The Operator is responsible for ensuring that a Shift Operator operating under a Shift Lease complies with all Conditions at all times.

13.3 A breach by a Shift Operator under a Shift Lease of these Conditions may be grounds for termination of the Operator’s interest in Taxi Plates in the Director General’s sole discretion.

13.4 The lease or sublease of a taxi plate and vehicle at a lease rate which exceeds the maximum taxi plate and vehicle lease rate as determined by the Director General and set out in Schedule 3, annexed to these conditions, is prohibited.

14. OPERATOR TO ENSURE ALL SHIFT LEASE OPERATORS ARE APPROPRIATELY LICENSED
14.1 The Operator must ensure that any Operator of the Taxi operating under a Shift Lease has a "T" extension on their motor vehicle driver’s licence pursuant to the Road Traffic (Authorisation to Drive) Regulations 2014 if the driver has reached 20 years of age.

15. TRANSFER OF OWNERSHIP OF TAXI PLATES
15.1 Transfer of Ownership or an interest in ownership in Taxi Plates is subject to:

a) Written approval of the Director General in accordance with section 24 of the Act; and
b) Complying with the requirements of section 24 of the Act, which includes lodging the approved form with the Department and paying the prescribed fee.
16. **CESSATION OF OPERATION AS A TAXI**
16.1 Where the Operator transfers ownership in a vehicle operated as a Taxi in circumstances where the vehicle will cease to be operated as a Taxi, the Operator is responsible for the removal from display of any signage, decals, signs, external attachments or other items on the vehicle that indicate and/or convey the impression that the vehicle is a taxi.

17. **COMPLAINTS**
17.1 The Operator must keep and maintain a register of every oral and written complaint received by the Operator, or a Shift Operator received in the preceding 12 months.

17.2 The register of complaints must include the following information at a minimum:
   
a) The full name of the complainant;
b) The postal address of the complainant;
c) The contact telephone number of the complainant;
d) The Vehicle number plate;
e) The time and date of the alleged incident;
f) The time and date on which the complaint was lodged;
g) The category of the complaint made (customer service, Fares, driving skills, driver conduct or other);
h) Any action taken by, or on behalf of, the complainant;
i) The full name and contact information of the Operator or Shift Operator involved;
j) The action taken in resolving the complaint;
k) The date on which the complaint enquiry was completed.

17.3 Where a complaint is made about the Operator or about a Shift Operator alleging:
   
a) Threatening or abusive behaviour, whether verbal or physical, and whether of a sexual nature or not;
b) Misuse of the personal information of any person; or
c) Misuse of any credit card details of any person;

the Operator must inform the Department’s On-demand Transport Business Unit immediately and within 24 hours of the complaint being made.

18. **DISREPUTABLE AND/OR IMPROPER AND/OR UNLAWFUL CONNECTIONS AND AFFILIATIONS**
18.1 The Operator must ensure that neither the Operator or the Shift Operator have any affiliations, associations, connections, or professional engagements with any individuals, companies, agencies, organisations, clubs, associations, or other business or charitable institutions which can, or are likely to, or have been found or proven to have any disreputable, criminal or illegal business dealings or other transactions.

18.2 Where the Operator receives a complaint about any such affiliations, associations, connections, or professional engagements referred to in Condition 17.1 the Operator must document the particulars of the complaint and provide these in writing to the On-demand Transport Business Unit.

18.3 The Operator must notify the On-demand Transport Business Unit in writing as soon as the Operator becomes aware of the possibility that the requirements of this Condition are not being met.

19. **CHANGE IN CONTROL**
19.1 If the Operator is a corporate entity, the Operator must inform the On-demand Transport Business Unit immediately in writing and within 5 business days of any actual or anticipated change in control and/or ownership of the Operator.

19.2 For the purposes of paragraph 19.1, a change of control includes the following:
a) Where there is an occurrence, the effect of which is to transfer, directly or indirectly, the management and/or control of the Operator to another person including to another corporate entity; or

b) There is any change in control of the Operator within the meaning of the Corporations Act 2001 (Commonwealth).

20. NOTICES

20.1 Notices may be validly and effectively served on the Operator by the Director General pursuant to these conditions when delivered, emailed, served, or posted to the Operator at the address and/or email of the Operator last known to the Department.