



Transport
Roads & Maritime
Services

TAXI-CAB OPERATOR ACCREDITATION PACKAGE

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1. INTRODUCTION

Public passenger vehicles including taxi-cab services are regulated in NSW by Roads and Maritime Services (RMS) under the *Passenger Transport Act 1990* and *Passenger Transport Regulation 2007*.

Only vehicles licensed as taxis may provide taxi services in NSW. Licensed taxis can only be operated by people accredited by RMS as a taxi operator and driven by people authorised by RMS as a taxi driver.

Taxi operators must ensure that any taxis operated by them are affiliated with an authorised taxi network (if there is an authorised network operating in the area) and may be required to comply with the By-Laws of that network. Further information relating to taxi licensing, authorised taxi networks and authorised taxi drivers is available at www.transport.nsw.gov or by telephoning the Public Passenger Services Section of RMS on 9689 8888.

This package has been developed to assist any individual, partnership or corporation (which includes an association or co-operative) wishing to become an accredited taxi-cab operator in understanding the legislation and policy for providing public passenger taxi-cab services in New South Wales.

It is important to note that the information in this package does not replace the provisions in the *Passenger Transport Act 1990* (the Act) and the *Passenger Transport Regulation 2007* but is merely a guide as to how the legislation is being administered in this context.

Taxi-cab services in New South Wales are regulated under the *Passenger Transport Act 1990* and the *Passenger Transport Regulation 2007*. However, there are also other laws which affect the way that public transport services, such as taxis, can be operated, including road transport legislation, the *Work Health and Safety Act 2011* and the law relating to bailment of motor vehicles. An accredited taxi-cab operator is essentially a business manager and so should be familiar with all laws relating to the proper management of a taxi-cab service.

The *Passenger Transport Act 1990* requires that operators of taxi-cab services must be accredited by Roads and Maritime Services (RMS).

A maximum fine of \$110,000 may be imposed for operating a taxi-cab service without appropriate accreditation by RMS.

For applicants in New South Wales the Public Passenger Services Section of RMS will process your application and will be responsible for the ongoing administration of your accreditation.

1.1 What is a Taxi-cab Service?

A taxi-cab service is a demand responsive passenger service provided in a motor vehicle operated under a licence issued by RMS that can:

- (a) be booked through a taxi-cab network; or
- (b) ply or stand for hire on a road; or
- (c) be hailed on the street, or
- (d) be booked by phoning the driver.

1.2 What is the purpose of Accreditation?

Accreditation is the system used by RMS to assess whether a person is of **suitable character** and **fitness** and has the **competency to operate public passenger transport services** in accordance with the standards and conditions prescribed by the Act and Regulation. These standards and conditions aim to raise the awareness of operators in the areas of safety, service delivery and business acumen, and to ensure operators are held accountable for complying with appropriate standards. In this way, accreditation can be seen as a type of quality assurance system for passenger transport operations.

There are different requirements for operator accreditation for the different types of public passenger transport services. For information about requirements and arrangements for private hire vehicle, bus or tourist service operator accreditation, please contact RMS' **Public Passenger Services Section on 9689 8888** or visit Transport for NSW's (TfNSW) web site on www.transport.nsw.gov.au

1.3 Accreditation Application Process

Taxi-cab operator accreditation requires applicants to first meet the common core standards for **Taxi-cab Services**. To maintain their accreditation, operators must continue to meet the requirements for their accreditation.

If you need any information about the requirements and arrangements for Taxi-cab operator accreditation you can contact RMS' Public Passenger Services Section at Parramatta on 9689 8888.

Further information about Taxi-cab Operator Accreditation can be obtained at www.transport.nsw.gov.au

1.4 Who can apply to be accredited?

You can apply to be accredited as an operator of a public passenger taxi-cab service if you are:

- (a) an individual,
- (b) a partnership, or
- (c) a corporation (which includes an association or a co-operative). A corporation must nominate one or more people as directors or managers, as applicants for accreditation, for the purpose of establishing and meeting the standards of good repute, and fitness and propriety. Once these standards are met and the corporation is accredited the designated directors/managers are responsible for the operation of the public passenger taxi-cab service.

The taxi-cab operator accreditation application form can be downloaded from <http://www.transport.nsw.gov.au/sites/default/file/taxi/operator-accreditation-package.pdf>

1.5 Corporations - the need to add to their designated directors/managers

Accredited operators who are corporations can nominate changes to their designated directors/managers at any time. The corporation **must** submit a change of management form and provide the necessary information relating to competency,

qualifications, good reputation and fitness and propriety, including references and statements regarding the new nominees to RMS. If approved, these new nominees become the designated directors/managers of the accredited corporation.

A corporation cannot operate services unless it has in place a designated director or manager who is employed by the corporation to undertake day-to-day responsibility for the operation.

1.6 Accreditation renewals

Operator accreditation renewal fees are paid annually. There is a minimum renewal fee of \$260 (accreditation fee plus one (1) taxi) which increases by \$260 per taxi for every additional taxi operated. The renewal fee is based on the number of taxis under an operator's management on the assessment date. The assessment date is determined by RMS and is generally 60 days before the anniversary date when accreditation was first granted. For example, if accreditation was granted on 12 August, the assessment date would generally be 13 June.

If an operator wishes to retain operator accreditation but has operated no taxi-cabs on the assessment date, an annual fee of \$260 applies.

Operators can check the number of taxis the fee has been assessed on by logging into MyRecords at www.transport.nsw.gov.au

An accreditation renewal letter will be sent out by RMS prior to the expiry date of the operator accreditation. If payment is not made by the due date, operator accreditation will expire and taxi-cabs can no longer be operated. Any person who carries on a taxi business without accreditation is in breach of the *Passenger Transport Act 1990* and is liable to penalties of up to \$110,000. Accreditation cannot be renewed after the due date and if an operator wishes to continue operating taxis a new application for accreditation will need to be submitted, requiring compliance with all application requirements, including completion of an approved training course at the applicant's expense.

1.7 Can the accreditation standards change?

Yes, RMS may, from time to time or, as required, vary the accreditation standards in order to ensure that the community's expectations are met regarding the safety, reliability and quality of the service to be provided.

1.8 Can taxi-cab operators lose their accreditation?

Yes, if an applicant does not provide truthful information during the application process or maintain their accreditation in accordance with the Act, Regulation or conditions of accreditation, RMS may vary, suspend or cancel the operator's accreditation.

1.9 What is Transport for NSW?

Transport for NSW (TfNSW) was created in November 2011, as the centrepiece of a comprehensively restructured transport portfolio. TfNSW is responsible for managing and shaping the future of the transport system in NSW. TfNSW puts the customer first in everything it does, ensuring their needs and expectations are integrated into transport planning and policy and in the delivery of services and infrastructure across all modes of transport. TfNSW's task is to make the transport system work better now

and anticipate how society will change in the future, to ensure the transport system continues to provide benefits for customers and supports the social and economic needs of NSW.

Purpose: "To make New South Wales a better place to live, do business and visit, by managing and shaping the future of the whole transport system."

1.10 What is Roads and Maritime Services' (RMS') role?

RMS is a NSW government agency established under the *Transport Administration Act 1988*. RMS is responsible for regulating the taxi industry in NSW including:

- issuing taxi-cab driver authorisations, taxi-cab operator accreditations and taxi-cab vehicle licences;
- authorising the operation of taxi networks;
- enforcing taxi vehicle and taxi meter standards; and
- investigating complaints against the taxi industry.

RMS is the Regulator of public passenger services in NSW under the *Passenger Transport Act 1990*. Public passenger vehicle driver authorities, operator accreditations, taxi-cab licences and taxi network authorisations are issued by RMS' Public Passenger Services Section.

1.11 RMS Fraud and Corruption Prevention Policy

RMS has a "zero tolerance" policy on fraud and corruption.

Staff are not permitted to accept bribes or inducements (no matter how trivial these may be), to act dishonestly and they must act impartially as public officials. This includes deceit or an advantage gained by unfair means.

RMS will report to the Independent Commission Against Corruption (ICAC) or police any person who offers inducements or bribes to staff to act dishonestly.

2. STANDARDS FOR GRANTING TAXI-CAB OPERATOR ACCREDITATION

The standards for taxi-cab operator accreditation are the requirements that applicants must meet before taxi-cab operator accreditation can be issued by RMS. These standards are set forth in Part 2 of the Regulation.

2.1 Accreditation Standards (Part 2)

These standards apply whether or not the operator is also the taxi-cab licence holder or authorised driver.

A person or partner (or, in the case of a corporation, including an association or co-operative, the nominated directors and managers) wishing to be accredited to operate a taxi-cab service:

- (a) must be of good repute;
- (b) must be fit and proper;
- (c) must be able to meet and continue to meet the appropriate requirements in respect of:

- (i) safety of drivers, passengers and the public (be able to demonstrate knowledge and competence relating to the operation of a taxi-cab service);
- (ii) financially viability; and
- (iii) vehicle maintenance (have access to maintenance facilities for taxi-cabs).

2.2 How to satisfy the Accreditation Standards

2.2.1 Good Repute (Clause 7 (1) and (2) Passenger Transport Regulation 2007)

RMS does not set specific standards for a person's reputation or whether the person is of **good repute**, but examines all the circumstances of a particular application to make an assessment about whether it considers a person is of **good repute**.

Each applicant is required to provide two references declaring his/her good repute from two (2) people who are listed below and have known the applicant for a minimum of two (2) years. An employee of an applicant cannot provide a reference.

List of people who can provide certification as to the Good Repute documents:

- Barrister
- Chamber Magistrate
- Clerk of a Local Court
- Commissioned Officer in the Australian Defence Forces
- Councillor or General Manager of a City, Municipal or Shire Council
- Dental surgeon
- Full-time TAFE or university lecturer
- Judge
- Justice of the Peace (must provide current registered number)
- Magistrate
- Manager (employed by Australia Post) of a Post Office
- Manager of a bank or building society
- Medical Practitioner (registered under the *Medical Practice Act 1992*)
- Member of Parliament
- Minister of Religion authorised to celebrate marriages (but not merely a marriage celebrant)
- Police officer
- Public Servant with a least five (5) year's service as a permanent officer
- Qualified accountant (not employed by the applicant) who is a current member of CPA Australia and holds a Public Practice Certificate issued by CPA Australia or a current member of the Institute of Chartered Accountants in Australia who holds a Certificate of Public Practice Certificate issued by that Institute or a current member of the Institute of Public Accountants who holds a Professional Practice Certificate issued by that Institute
- School teacher
- Solicitor
- Veterinary surgeon

Note: A qualified public accountant who provides a financial viability statement for a person or a corporation applying for accreditation as an operator under the *Passenger Transport Act 1990* may **not** also attest, as a referee, to the good repute of the applicant.

2.2.2 Fit and proper (Clause 8 Passenger Transport Regulation 2007)

An individual operator, or a designated director and/or manager nominated by a corporation, as an applicant for taxi-cab operator accreditation must be a **fit and proper person** to carry on a taxi-cab service.

RMS will check to see whether an applicant has a criminal record. The applicant must give RMS permission to obtain any relevant criminal information about them held by any State or Territory law enforcement agency. Please note that the information obtained by RMS can only be used for the purposes for which it was obtained. The application for accreditation will be refused if RMS is not permitted to obtain such information by the applicant.

The applicant must declare in writing that they are aware of the following:

- (a) accreditation will be refused if the applicant is disqualified, under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001*, from managing corporations,
- (b) accreditation may be refused if the applicant (or a director or manager of an applicant corporation) has been the subject of proceedings under section 588G (Director's duty to prevent insolvent trading by company) or 592 (Incurring of certain debts, fraudulent conduct) of the *Corporations Act*,
- (c) If the applicant:
 - (i) is the director of a company that has been, or is in the course of being wound up, under Part 5.4 (Winding up in insolvency) of the *Corporations Act 2001*, or
 - (ii) discloses any convictions or charges in accordance with subclause (3).

RMS may, for the purpose of determining the applicant's fitness to be an accredited taxi-cab operator, cause any investigation that RMS considers appropriate to be made into the winding up, disqualification, conviction or charge concerned.

The applicant must give RMS written notice of the following:

- (a) full details of all offences of which the applicant has been convicted (in any jurisdiction) at any time during the last five (5) years immediately preceding the date of application,
- (b) full details of all alleged offences with which the applicant has been charged (in any jurisdiction) but only if, as at the date of the application, proceedings are pending in respect of the charge/s.

If there are no convictions or pending proceedings against the applicant, the applicant must give RMS a written statement to that effect.

2.2.3. Competent to carry on Taxi-cab Services (Clause 9 (1) & (2) Passenger Transport Regulation 2007)

The applicant must demonstrate to the satisfaction of RMS that they possess the necessary knowledge and level of competency to operate a taxi-cab service.

In particular, the applicant must

- (a) satisfy RMS to the applicant's knowledge of the following:
 - (i) the relevant provisions of the Act and the Regulation,
 - (ii) other laws relating to traffic,
 - (iii) the relevant provisions of the *Work Health and Safety Act 2011*,
 - (iv) laws relating to the bailment of motor vehicles.

- (b) if required to do so by RMS, undertake and successfully complete (or pass an examination in respect of) such course relating to the operation of the taxi-cab service as is approved by TfNSW and conducted by a registered training organisation or a higher education institution approved by TfNSW.

Applicants are required to meet the costs themselves for any training and examination.

2.2.4 Financially Capable (Clause 10 Passenger Transport Regulation 2007)

Evidence of the applicant's financial standing is to be provided in the form of a signed statement from a qualified accountant (other than an employee of the applicant) on the accountant's business letterhead (original document only) containing the following:

- (a) a report on the applicant's financial capacity to carry on taxi-cab services, with specific reference to the applicant's financial ability to meet the requirements of this Regulation and other relevant laws as to:
- (i) vehicle maintenance and roadworthiness, and
 - (ii) the safety of drivers, passengers and the public, and
 - (iii) the operation of the business,
- (b) a statement specifying the number of taxi-cabs that, in the opinion of the accountant, can be accommodated by the taxi-cab service proposed to be carried on by the applicant,
- (c) if the applicant is a corporation – a statement of the accountant's opinion as to the solvency and general financial standing of the corporation.

For the purposes of clause 10, "**qualified accountant**" means:

- (i) a member of CPA Australia who holds a Public Practice Certificate issued by CPA Australia, or
- (ii) a member of the Institute of Chartered Accountants in Australia, who holds a Certificate of Public Practice issued by that institute, or
- (iii) a member of the Institute of Public Accountants who holds a Professional Practice Certificate issued by that Institute.

(Please note, the above is a legal definition and cannot therefore be amended or departed from by RMS.)

Note: Accountants should note that they are only asked to comment on the applicant's **current** financial capability, and are **not** expected to make an assessment or projection of their client's future financial situation. It is also pointed out that accountants are **not** being asked to comment on the managerial or technical competence of applicants to run a taxi-cab service, but rather whether they believe an applicant has the **financial ability** to meet the normal operating expenses of running the number of taxi-cabs nominated.

The statement on the financial capacity of the applicant cannot be provided by an accountant employed by the applicant.

2.2.5 Access to Maintenance Facilities

The applicant must have access to adequate maintenance facilities for the taxi-cab/s intended to be used to provide the service.

The applicant must provide RMS with full details of the premises at which the taxi-cab/s will normally be kept when not available for hire.

Applicants are strongly advised to contact the local council authority concerned to ascertain whether there are any special requirements before such premises can be used to conduct operations relating to a taxi-cab service.

3. PROCEDURES FOR APPLYING FOR TAXI-CAB OPERATOR ACCREDITATION

The procedures in this section have been developed in accordance with section 31A of the Act for the purpose of dealing with applications for taxi-cab operator accreditation.

In making an application for accreditation as an operator of taxi-cab services, the applicant must provide answers to all questions in the application form truthfully. If RMS finds that the applicant has not been truthful in the application, accreditation may be refused or cancelled at a later date.

3.1 New Accreditation Application Procedures

The New South Wales Taxi Council can assist you with your application and give advice on the taxi industry. You should discuss enrolment and payment of fees for undertaking the taxi-cab operator training course with the Council. It is located at 152 Riley Street, East Sydney, and can be contacted on 9332 1266.

Stage I

3.1.1 The applicant must have:

- (a) read and understood the standards, conditions and procedures for accreditation as outlined in this package;
- (b) completed an application form, which is attached to this package (it is also available by printing it from TfNSW's website www.transport.nsw.gov.au);
- (c) answered all questions truthfully;
- (d) read and understood the procedures incorporated in the information package, and all the requirements specified in the accreditation standards;
- (e) signed the application form declaring that they have:
 - (i) answered all the questions truthfully,
 - (ii) understood the requirements applying to accredited taxi-cab operators,
 - (iii) given permission to RMS to obtain any relevant criminal record information about the applicant held by any Commonwealth, State or Territory law enforcement agency for the purposes of

- considering whether the applicant is a person of good repute and in all other respects a fit and proper person to be responsible for the operation of a taxi-cab service within the meaning of section 31 of the Act, and
- (iv) understood and will abide by the conditions attached to an accredited taxi-cab operator;
- (f) attached the following documents in the application form:
- (i) good repute references from two (2) people from the list of people who can provide certification as to Good Repute and who have known the applicant for at least **two (2) years** (see list on page 7),
 - (ii) financial statement from a qualified accountant (other than an employee of the applicant, as detailed in section 2 of this document) on an original official letterhead of the accountant indicating that they have examined the applicant's financial records and are satisfied, in their opinion, that the applicant is financially capable of carrying out taxi-cab services (**the financial statement must also clearly state the number of taxi-cabs that can be operated**). RMS will **not** accept photocopies,
 - (iii) if the applicant is a corporation, an additional statement from a qualified accountant as to the solvency and general financial standing of the corporation,
 - (iv) a signed statement declaring any bankruptcy, criminal or civil convictions, or charges pending,
 - (v) a signed statement declaring any convictions under relevant companies legislation, and
 - (vi) a cheque or money order for \$100, payable to Roads and Maritime Services, being the fee for application (**please do not send cash in the post**);
- (g) deliver or post the completed application form, all the documentation and payment, to Public Passenger Services Section, Roads and Maritime Services, Level 4, 16-18 Wentworth Street, Parramatta NSW 2150 or Locked Bag 5085, Parramatta NSW 2124. The NSW Taxi Council can also assist you by forwarding the documents to RMS.

Stage II

- (h) Applicants are advised to contact the NSW Taxi Council prior to seeking clearance or enrolling in an approved training course and should not enrol in any course if they are aware of any reason why clearance from RMS may not be granted.
- (i) An applicant may enrol in an approved training course prior to gaining clearance but if clearance is not given they will not be accredited.
- (j) On satisfactory completion of the training course or being assessed as meeting the required competency standards, applicants should send RMS the Statement of Attainment issued by the training provider.

NB: RMS accepts no liability for any money spent by an applicant on training or preparation of an application. Further information can be obtained by phoning the NSW Taxi Council (9332 1266) or RMS' Public Passenger Services Section (9689 8888).

3.2 Assessment of Applications

RMS will examine all applications for operator accreditation to ensure that all information and documentation is provided.

If more information is needed from applicants, or if the documentation is not correct, or any required documentation/information is not included in the application, RMS will contact applicants on the phone number or at the address included in the application to request the documentation/information.

- **Fee for new taxi-cab operator accreditation**
The fee for a new taxi-cab operator accreditation application is **\$100**
- **Fee for renewal of accreditation of taxi-cab operator**
There is a minimum renewal fee of **\$260** (accreditation fee plus one (1) taxi) which increases by **\$260** per taxi for every additional taxi operated. The renewal fee is based on the number of taxis under an operator's management on the assessment date. The assessment date is determined by RMS and is generally 60 days before the anniversary date when accreditation was first granted. For example, if accreditation was granted on 12 August, the assessment date would generally be 13 June. If an operator wishes to retain operator accreditation but has operated no taxi-cabs on the assessment date, an annual fee of **\$260** applies.

3.3 Are there any special requirements for corporations?

Corporations are to nominate one or more directors or managers, who are to be responsible for the day to day operations of the taxi service to be accredited. An organisation's accreditation is automatically suspended if there is no designated director or manager. This would happen when, for example, the designated people resign, are dismissed, are on holidays, in hospital or dispose of their interests in the company.

If the designated manager/director of an accredited operator changes for any reason, an application for Nomination of Designated Manager/Director form must be completed and submitted to RMS for assessment. Each nomination must provide references and any other documentation as required, including evidence of completion of an approved training course, if necessary.

3.4 Important Note

The onus is on applicants to show proof that they comply with the standards for accreditation. An application will be refused by RMS if the applicant is not able to demonstrate that they are able to meet all accreditation standards.

All fees associated with the required training program or competency assessment, obtaining financial statements from qualified accountants and evidence of good repute are to be met by the applicant.

A fee applies for consideration of an application for accreditation of a new taxi-cab operator or renewal of existing operator accreditation. The operator accreditation application fee is not refundable if the application is refused.

4. CONDITIONS OF TAXI-CAB OPERATOR ACCREDITATION

Accreditation conditions are requirements that an accredited taxi-cab operator must meet to remain accredited. These conditions are prescribed by the Regulation pursuant to Section 31D of the Act. There is a fine of up to \$110,000, if they are breached.

The Act allows RMS to impose additional accreditation conditions, and in the event that additional accreditation conditions are applied, they will have the same force as conditions already established under the Act and the Regulation.

RMS may also vary the conditions of operator accreditation from time to time. An accredited taxi-cab operator will be required to meet any new conditions of accreditation, if and when imposed.

RMS will notify existing taxi-cab operators of any changes in the conditions of accreditation.

4.1 Accreditation Conditions

4.1.1 Taxi-cab to be connected to authorised network booking service

(Passenger Transport Act 1990 - section 31G)

The operator must ensure that arrangements are in force with an authorised taxi-cab network for the provision of a taxi-cab booking service, and that the taxi-cab is fitted with the appropriate communication equipment, unless exempted by RMS.

4.2 Other conditions prescribed by the Regulation

4.2.1 Safety of drivers, passengers and the public

(Clause 15 Passenger Transport Regulation 2007)

The operator must ensure that:

- (a) the vehicles used to provide the taxi-cab service at all times meet the requirements of the law as to registration and vehicle safety and roadworthiness,
- (b) each person engaged to drive any taxi-cab to provide the service:
 - (i) holds an appropriate driver licence, and
 - (ii) holds an appropriate driver authority.

Note: Taxi-cab operators are advised to utilise TfNSW's **MyRecords** system to ensure they comply with the requirements of Clause 15 (b) of the Passenger Transport Regulation 2007. To access the **MyRecords** website you will require a Customer Number (issued by RMS), Operator Accreditation Number and Postal address Post Code (four digits). [MyRecords](#).

4.2.2 Changes to information provided

(Clause 18 Passenger Transport Regulation 2007)

The taxi-cab operator must notify RMS in writing of any of the following changes no later than seven (7) days after the change:

- (a) a change of address of the premises, from which the taxi-cab service is carried on,
- (b) a change of address of the premises at which the vehicles are kept.

4.2.3 Vehicle maintenance (Clause 16 Passenger Transport Regulation 2007)

The accredited operator must have, and adhere to, a vehicle maintenance plan that:

- (a) is consistent with the maintenance standards of the manufacturer of the taxi-cab/s used to provide the service, and
- (b) specifies the steps to be taken to ensure that the taxi-cab/s are roadworthy, and
- (c) specifies the way in which the taxi-cab/s are to be maintained, and
- (d) specifies the way in which defects are to be recorded and rectified, and
- (e) is capable of being audited.

The accredited operator or any other person that carries out the maintenance or repairs to taxi-cabs must be licensed under the *Motor Vehicle Repairs Act 1980* to carry out the work concerned, even if they are exempted under section 5 of the *Motor Vehicle Repairs Act 1980* from the operation of all or any of the provisions of that Act.

However, for the purposes of this condition, maintenance and repairs do not include the following:

- (a) adding approved oils or other fluids to engines, transmissions, differentials, power steering reservoirs, windscreen washer reservoirs, master cylinders, radiators or batteries,
- (b) changing engine, transmission and differential oils,
- (c) changing engine oil filters and fuel filters,
- (d) carrying out general lubrication,
- (e) changing spark plugs,
- (f) changing wheels and tyres,
- (g) changing light bulbs,
- (h) replacing seats and floor coverings,
- (i) replacing external rear vision mirrors.

4.2.4 Condition of taxi-cabs

(Clause 17 Passenger Transport Regulation 2007)

The accredited operator must ensure that, while the taxi-cab is being driven for hire, its interior, exterior and fittings are clean and undamaged, securely fitted, in good condition and fully operational.

The interior, exterior and fittings of a vehicle include the following:

- (a) the body and the door panels,

- (b) the wheels and the bumper bars,
- (c) the trim,
- (d) the seats, seat covers and floor coverings,
- (e) the interior and exterior lights,
- (f) any device or equipment that is fitted to the vehicle (whether or not it is required by or under the Act to be fitted),
- (g) the network livery and decals,
- (h) the interior of the boot or load space, and
- (i) the window winding mechanisms.

4.3 Other obligations

4.3.1 Records relating to operation of taxi-cabs

(Clause 19 Passenger Transport Regulation 2007)

A person who is or has been the accredited operator:

- (a) must keep in the English language any record required to be kept by the person under the Act or this Regulation in a form that is capable of being audited, and
- (b) unless otherwise provided by this Regulation, must retain the record for a period of at least two (2) years after the date of the last entry in it, and
- (c) must, on demand by an authorised officer, produce the record in written form for inspection, and
- (d) must, if required by RMS in writing to do so, deliver the record to RMS when required.

4.3.2 Operator training

(Clause 20 Passenger Transport Regulation 2007)

The operator must, whenever required by RMS, undertake and satisfactorily complete (or pass an examination in respect of) a course, or refresher course, relating to the operation of the taxi-cab service as is approved by TfNSW and conducted by a registered training organisation or a higher education institution approved by TfNSW.

RMS may:

- (a) suspend an accreditation issued to an accredited taxi-cab operator pending the satisfactory completion of (or the passing of an examination in respect of) such a course, or
- (b) determine (either generally or in a particular case) that an accreditation issued to an accredited taxi-cab operator will be renewed only on the satisfactory completion of (or on the passing of an examination in respect of) such a course.

As a general rule, operators who hold a relevant training qualification and maintain continuous operator accreditation are able to renew their accreditation on an ongoing basis. However, RMS may require operators to undertake a refresher course. Operators who hold a relevant training qualification, but allow their accreditation to lapse will be required to obtain a new training qualification to become re-accredited.

4.3.3 Records of drivers

(Clause 21 Passenger Transport Regulation 2007)

The accredited operator must keep a record in written or electronic form of the following particulars for each person who drives a taxi-cab used to provide the service while the vehicle is being used for that purpose:

- (a) the person's full name and residential address,
- (b) the dates and times during which the taxi-cab was driven by the person,
- (c) the person's driver authority number (that is, the number allocated by RMS and displayed on the person's driver authority card) and the date of expiry of the person's driver authority card,
- (d) the person's driver licence number and the date of expiry of the licence.

4.3.4 Vehicle Insurance

(Clause 22 Passenger Transport Regulation 2007)

- (a) An accredited operator (unless otherwise advised in writing by RMS) must ensure that there is maintained one or more policies of insurance providing cover of at least **\$5,000,000** for each taxi-cab used to provide the service against liability in respect of damage to property caused by or arising out of the use of the taxi-cab.
- (b) The policies must be issued by a corporation authorised under the *Insurance Act 1973* of the Commonwealth to carry on insurance business.
- (c) An accredited operator must provide an authorised officer, on request, with evidence that the policies of insurance are current.

4.3.5 Evidence of accredited operator's continuing financial capacity

(Clause 23 Passenger Transport Regulation 2007)

The operator must, on written request by RMS and within the time specified in the request, provide evidence, in the form specified in clause 10(2) of the Regulation, of the operator's continuing financial capacity to carry on the taxi-cab service.

Note: RMS may, having regard to the purposes of accreditation, at any time vary, suspend or cancel a person's operator accreditation.

4.3.6 Operators to notify detrimental change in driver's medical condition

(Clause 24 Passenger Transport Regulation 2007)

If the operator becomes aware of any apparent change in the physical or mental condition to a driver of a taxi-cab operated by the operator that may detrimentally affect the driver's ability to drive safely, the operator must furnish RMS with written details of the apparent change within 48 hours after becoming aware of it.

4.3.7 Management of taxi-cab services

(Clause 25 Passenger Transport Regulation 2007)

If the operator is a corporation (including an association or co-operative), management of the day-to-day operations of the taxi-cab services must be carried out by the designated directors or managers, except where a person is appointed by law to manage the affairs of the corporation.

If the operator is not a corporation, only accredited operators can operate, manage and supervise or administer the taxi-cab service. Though the licensee may reside overseas, the operator must reside locally so that he/she can effectively operate the service.

4.3.8 Operator not to permit vehicle subject to non-compliance notice or non-compliance label to be driven

(Clause 26 Passenger Transport Regulation 2007)

The accredited operator must not permit a taxi-cab used to provide the relevant service to be driven if:

- (a) the expiry date or expiry time of a non-compliance notice issued to the operator or a non-compliance label affixed to the vehicle has passed, or
- (b) the operator is aware that a non-compliance label has been unlawfully removed from the vehicle.

4.4 Special provisions

4.4.1 Identification of taxi-cabs

(Clause 107 Passenger Transport Regulation 2007)

The accredited operator must notify RMS in writing of the registration number of each of the taxi-cabs used to provide taxi-cab services, and any change in the registration number of the taxi-cabs within 48 hours after a change.

4.4.2 Wheelchair accessible taxi-cabs

(Clause 108 Passenger Transport Regulation 2007)

An accredited operator of a wheelchair accessible taxi-cab must ensure that the taxi-cab concerned:

- (a) is capable of being fitted with a child restraint; and
- (b) carries a child restraint that is not more than ten (10) years old at all times that the taxi-cab is available for hire, and
- (c) is fitted with a hoist, or is equipped with a ramp, that allows safe access to the taxi-cab by a person using a wheelchair, and
- (d) carries wheelchair restraints that enable the maximum number of occupied wheelchairs that the taxi-cab is capable of conveying to be safely and securely attached to the taxi-cab, and
- (e) is driven only by a person who has successfully completed a course of training and instruction (approved by TfNSW and conducted by a registered training organisation) in respect of the care and transport of persons with physical disabilities, and
- (f) is not subject to any change of drivers between the hours of 12 noon and 5 pm on any day, and
- (g) displays an approved sign indicating the taxi-cab is wheelchair accessible.

4.4.3 Accommodation standard for taxi-cabs

(Clause 109 Passenger Transport Regulation 2007)

The operator must ensure that each taxi-cab complies with the following standards:

- (a) has seating accommodation for 4 to 11 adult passengers, excluding the driver;
- (b) has at least 4 side doors;

N.B. (a) and (b) do not apply to a maxi-cab or a wheelchair accessible taxi-cab.

- (c) has a distance of at least 180mm between the back of one seat and the front of the seat behind it when the rear seat is occupied (any approved driver protection screen installed in the vehicle is to be ignored in the measurement of distance);
- (d) each seating position in the vehicle must comply with the requirements in section 7.2 of the Single Uniform Type Inspection Manual for Third Edition Australian Design Rules;
- (e) seats in a station-wagon must not be installed in the area designed for the conveyance of goods unless the seat has been installed when the vehicle was manufactured. This condition does not apply to a station wagon that has such a seat installed and was being used as a taxi-cab immediately before 1 September 2001;
- (f) a station wagon that is used as a wheelchair accessible taxi-cab must not have any fixed or folding side-facing seats in the area designed or intended to carry wheelchairs;
- (g) seats in a taxi-cab, other than a station wagon, that is required by its licence conditions to be wheelchair accessible, must not have any fixed seat installed in the area designed or intended for wheelchairs.

4.4.4 Maximum age of taxi-cabs

(Clause 110 Passenger Transport Regulation 2007)

The operator must ensure that the age of a vehicle licensed as a taxi-cab must not be more than six (6) years in respect of the Metropolitan Transport District and eight (8) years outside the Metropolitan Transport District.

A wheelchair accessible taxi-cab may be up to ten (10) years old.

The age of the vehicle is to be measured from six (6) months after the date on which, in accordance with the *Road Transport (Vehicle Registration) Act 1997*:

- (a) an identification plate is fitted to the vehicle, or
- (b) an operations plate is installed in the vehicle, or
- (c) a certificate of approved operations is issued in respect of the vehicle,

whichever first occurs.

4.4.5 Taxi-meters

(Clause 111 Passenger Transport Regulation 2007)

Operators must ensure their taxi-cabs are fitted with taxi-meters that comply with the standards for taxi-meters set out in Schedule 2 to the Regulation.

Operators must ensure that all fares and other figures displayed on the face of the taxi-meter must be clearly visible at all times to all persons in the taxi-cab.

It is an offence to interfere in any way with the proper working of the taxi-meter installed in a taxi-cab.

4.4.6 Duress alarm systems

(Clause 112 Passenger Transport Regulation 2007)

Operators who are connected to a taxi-cab network must ensure that their vehicles are fitted with an approved duress alarm system for taxi-cabs of that type.

Operators must also ensure that if their taxi-cabs have a fully enclosed boot compartment that it is equipped with a lock release device that can be opened from inside the compartment. The device must have a distinctively coloured and easily accessible handle and must not be able to be rendered inoperable from outside the compartment when the boot is closed.

4.4.7 Vehicle tracking devices

(Clause 113 Passenger Transport Regulation 2007)

Operators of taxi-cabs in the Metropolitan, Newcastle or Wollongong Transport Districts or within the City of Gosford or the Wyong Local Government Area, connected to a taxi-cab network, must ensure that their taxi-cabs are fitted with an approved vehicle tracking device.

It is an offence to knowingly interfere in any way with the proper working of an approved vehicle tracking device fitted in a taxi-cab.

Any authorised officer or other person authorised by RMS can carry out an inspection, check or other test of, or perform any proper function in relation to a vehicle tracking device.

4.4.8 Security cameras

(Clause 114 Passenger Transport Regulation 2007)

In accordance with Clause 114 of the Regulation, an operator who is connected to a taxi-cab network must ensure that the taxi-cab is fitted with an approved security camera system.

It is an offence to knowingly interfere with the proper working of an approved security camera system fitted in a taxi-cab.

Any authorised officer or other person authorised by RMS can carry out an inspection, check or other test of, or perform any proper function in relation to a security camera system.

4.4.9 Driver protection screens

(Clause 115 Passenger Transport Regulation 2007)

The operator must ensure that any driver protection screen voluntarily fitted in the taxi-cab is of a design, and is fitted in a manner approved by TfNSW.

It is an offence to knowingly interfere with the proper functioning of an approved driver protection screen fitted in a taxi-cab.

Any authorised officer or other person authorised by RMS can carry out an inspection, check or other test of, or perform any proper function in relation to a driver protection screen.

4.4.10 Air-conditioning

(Clause 116 Passenger Transport Regulation 2007)

The operator must ensure that the taxi-cab is fitted with an air-conditioning system that is fully operational and in good repair.

In the case of a wheelchair accessible taxi-cab, adequate air-conditioning must be available to all parts of the vehicle in which passengers are carried.

4.4.11 Fitting of prohibited communication devices

(Clause 117 Passenger Transport Regulation 2007)

The operator must ensure that the taxi-cab is not fitted with a prohibited communication device (trunk radio).

4.4.12 Information in taxi-cabs

(Clause 118 Passenger Transport Regulation 2007)

The operator must ensure that information about the rights and obligations of the hirer and the driver, how to make complaints and comments relating to the taxi-cab service, maximum fares and charges and the registration number of the taxi-cab is displayed inside the taxi-cab so as to be easily readable by any passenger even if this requires the display of the information in more than one place in the taxi-cab. The form in which the information is displayed must be approved by TfNSW.

In the case of a stand-by taxi, the normal registration number of the stand-by taxi is to be displayed for the purpose of this requirement.

4.4.13 Regular inspection of taxi-cabs

(Clause 119 Passenger Transport Regulation 2007)

The operator must present the taxi-cab at an authorised taxi-cab inspection station for inspection at least as frequently as the following (calculated from the date on which the taxi-cab was first registered as a taxi-cab):

- (a) every four (4) months if the taxi-cab's area of operation is a transport district,
- (b) every 12 months if the taxi-cab's area of operation is a place in the Western Division (Broken Hill),
- (c) every six (6) months if the taxi-cab's area of operation is neither (a) nor (b).

The operator must ensure that the current label issued by or on behalf of RMS in connection with the periodic inspections carried out on the taxi-cab is prominently affixed on the taxi-cab.

4.4.14 Child restraint anchorage bolts in taxi-cabs

(Clause 120 Passenger Transport Regulation 2007)

The operator must ensure that the taxi-cab is fitted with a child restraint anchorage bolt that is capable of securing any child restraint that is not more than ten (10) years old.

4.4.15 Signs and lights on taxi-cabs

(Clause 121 Passenger Transport Regulation 2007)

The operator must ensure that the following signs and lights are fitted on the roof of a taxi-cab:

- (a) A roof sign enclosing a white lamp displaying the word “**TAXI**”.
- (b) An amber lamp on top of the roof sign.
- (c) A red lamp on the rear of the roof sign – this applies to taxi-cabs operating in urban fare areas.

The roof sign lamp, amber lamp and red lamp must be wired to the taxi-meter of the taxi-cab such that all lamps are extinguished while the taxi-cab is not for hire or engaged. While the taxi-cab is available for hire, both the roof sign lamp and the amber lamp will be illuminated, and if the meter is computing the fare at the night-time surcharge rate, the red lamp will be illuminated.

The standards about the material that can be used for the sign, its position on the roof of a taxi-cab, and how it should be illuminated are detailed in clause 121 of the Regulation.

The operator must also ensure that all equipment necessary for compliance with the roof signs and lights is properly connected, wired and adjusted.

4.4.16 Network decals and livery

(Clause 122 Passenger Transport Regulation 2007)

An operator who is connected to a taxi-cab network must ensure that the approved network decal signs are mounted securely on the front doors of the taxi-cab and that the taxi-cab is painted in the approved network colours.

Additional network decal signs may be mounted on other parts of the taxi-cab with the approval of RMS.

4.4.17 Taxi-cabs to display registration details

(Clause 123 Passenger Transport Regulation 2007)

The operator of a taxi-cab must ensure that the taxi-cab displays its registration number on the front nearside and offside panels in an approved manner. This requirement will not apply to a stand-by taxi-cab.

The operator of a stand-by taxi-cab which is connected to a taxi-cab network must display on the panels of the taxi-cab the vehicle identification number allocated to the taxi-cab by the network.

4.4.18 Stand-by taxi-cabs

A stand-by taxi-cab is a motor vehicle which is used to replace a taxi-cab, including a wheelchair accessible taxi-cab that is off the road for repairs or maintenance. The requirements for using a stand-by taxi are:

- (a) the operator must advise his/her network before using a stand-by taxi.
- (b) The operator must maintain a record of the operation of the stand-by taxi-cab.
- (c) The stand-by taxi-cab while being used as a stand-by taxi-cab must display a sign "STAND-BY TAXI" clearly visible from the front of the taxi-cab.
- (d) The stand-by taxi-cab must comply with RMS registration standards at all times.
- (e) The stand-by taxi-cab must comply with all other standards and requirements that apply to the licensed taxi-cab being replaced. These requirements include network decals and livery, fitting of communication devices, vehicle tracking devices and security devices and must be driven by a person wearing an approved uniform relating to the network.

Stand-by taxi-cabs must also comply with the requirements prescribed under section 32K of the Act and other provisions that apply to any other taxi-cab.

4.4.19 Taxi-cabs to comply with on-road standards when inspected

(Clause 125 Passenger Transport Regulation 2007)

The operator must ensure that their taxi-cabs, at the time of inspection, comply with the conditions of accreditation for the operation of taxi-cab services.

The list of matters for which a taxi-cab or a wheelchair accessible taxi can be issued a non-compliance notice include:

- (a) child restraint requirements and equipped with a hoist or a ramp as required by clause 108;
- (b) accommodation standards under clause 109;
- (c) maximum permissible age of taxi-cab under clause 110;
- (d) fitting of taxi meters under clause 111;
- (e) fitting of a duress alarm system and lock release device under clause 112;
- (f) fitting of an approved tracking device under clause 113;
- (g) fitting of an approved driver protection screen or approved security camera system and signs under clause 114 and clause 3 of Schedule 1;
- (h) air-conditioning system under clause 116;
- (i) prohibited communication device under clause 117;
- (j) interior, exterior and fittings of taxi-cab under clause 17;
- (k) display of information under clauses 118 and 123 (1);
- (l) affixing of label under clause 119(2);
- (m) fitting of child restraint anchorage bolt under clause 120;
- (n) fitting of roof sign lamp and other roof lamps under clause 121;
- (o) receiver, decal signs and livery for taxi-cab connected to a taxi-cab network under clause 122.

4.4.20 Advertisements and notices in or on outside of taxi-cabs

(Clause 126 Passenger Transport Regulation 2007)

The operator must ensure that only approved advertisements or notices are displayed in an approved manner and in approved positions in or on the outside of the taxi-cab.

4.4.21 Alteration of a taxi-cab

(Clause 127 Passenger Transport Regulation 2007)

The operator must notify RMS in writing no later than seven (7) days after their taxi-cab is altered in respect of any particulars contained in the licence for the taxi-cab.

4.4.22 Network uniforms to be provided

(Clause 128 Passenger Transport Regulation 2007)

The operators whose taxis are connected to a taxi-cab network must provide approved network uniforms for the use of their drivers.

4.4.23 Taxi-cab to be fitted with driver authority card holders

(Clause 129 Passenger Transport Regulation 2007)

The operator must ensure that the taxi-cab is fitted with a device suitable for holding the driver's authority card as required by the Regulation.

4.4.24 Driver to be supplied with worksheets

(Clause 130 Passenger Transport Regulation 2007)

The operator must provide each person who drives the taxi-cab with approved blank drivers' worksheets.

4.4.25 Driver to be indemnified

(Clause 131 Passenger Transport Regulation 2007)

The operator must maintain policies of insurance (\$5,000,000 for each vehicle) that indemnify the driver of a taxi-cab in relation to any third party property damage (including any excess payable on a claim) arising out of the use of the taxi-cab. Proof that the policies are current is to be kept in the taxi-cab at all times and must be presented to an authorised officer on request.

The policies must be maintained with a corporation authorised under the *Insurance Act 1973* of the Commonwealth to carry on insurance business.

4.5 Miscellaneous

4.5.1 Non-compliance labels and notices

(Clause 232 Passenger Transport Regulation 2007)

A person must not remove a non-compliance label from a vehicle unless the person is an authorised officer (or is authorised in writing to do so by an authorised officer.)

Non-compliance notices are issued by an authorised officer carrying out an inspection specifying the action necessary to be taken in order for the taxi-cab to comply with the relevant requirements, and an expiry date or time by which the action must be taken. An authorised officer may affix a non-compliance label to

the taxi-cab if it appears that the vehicle does not meet the conditions of vehicles and on-road standards. A non-compliance label should only be removed by an authorised officer if he/she is satisfied that the action specified in the notice has been taken.

4.5.2 No touting or soliciting for passengers or hirings

(Clause 233 Passenger Transport Regulation 2007)

A person must not tout or solicit for passengers for, or for the hiring of, a taxi-cab.

Very high penalties apply for an offence committed in the Sydney Airport Precinct.

4.5.3 False advertising

(Clause 234 Passenger Transport Regulation 2007)

Unless a person is so accredited or authorised, or the vehicle concerned is so licensed (as the case may be), the person must not advertise, or otherwise represent, that the person:

- (a) is accredited under the Act to carry on a taxi-cab service, or
- (b) holds a taxi-cab driver authority, or
- (c) is authorised by RMS to inspect, test and assess taxi-cabs for compliance with the Manual of Inspection Standards for Taxi-Cabs, or
- (d) carries on a taxi-cab service by means of a taxi-cab that is licensed under the Act for the purposes of a taxi-cab service.

A person must not display a sign to the effect that particular premises constitute an authorised taxi-cab inspection station unless the premises concerned is an inspection station.

4.5.4 Change of name or address

(Clause 235 Passenger Transport Regulation 2007)

An operator who changes his or her name or residential address must, within seven (7) days after the change, give notice in writing of the change and of the new name or address to RMS.

4.5.5 Fees

The fee for consideration of an application for accreditation to carry on a taxi-cab service is \$100. See sections 1.6 and 3.2 about accreditation renewal fees.

5. RENEWAL OF TAXI OPERATOR ACCREDITATION

5.1 Renewal Procedures

RMS notifies accredited operators in writing that their accreditation is due for renewal, how much the renewal fee will be and the documents to be attached to the application for renewal.

Operators may be required to comply with any new accreditation standards, and/or sit for additional assessment of the competencies required of taxi-cab operators before their renewal is granted.

If the accreditation standards are not met, the accreditation cannot be renewed by the due date and will lapse, and the operator would need to apply for new accreditation. This means that operators would again have to undertake and satisfactorily complete an approved training program or otherwise meet the taxi-cab operator competency standards again to become accredited.

Operators should ensure that the renewal application form together with the appropriate are made to RMS before the due date.

5.2 Assessment of Renewal Applications

Applications for the renewal of taxi-cab operator accreditation will be assessed by RMS in a similar fashion to that of new applications.

6. REFUSAL, VARIATION, SUSPENSION OR CANCELLATION OF TAXI-CAB OPERATOR ACCREDITATION

If RMS refuses an application for taxi-cab operator accreditation or if it cancels, suspends, or varies the accreditation, or imposes a condition on it, it must advise the applicant/operator in writing of the reasons for the action taken.

RMS also has to advise the applicant/operator of any rights they might have to appeal against a decision to refuse, vary, suspend or cancel an operator's accreditation.

If the applicant is dissatisfied with the decision, they may request a review of the decision by RMS. If the applicant is not satisfied with the outcome of the review, then the applicant may appeal to the Administrative Decisions Tribunal (ADT) to overturn the decision.

Alternatively, applicants can apply directly to the Administrative Decisions Tribunal to have RMS' decision reviewed without first going through an internal review.

The applicant should contact the Administrative Decisions Tribunal if more information about what the rules are for submitting an appeal is needed.

Operator accreditation may be refused, varied, suspended or cancelled under the following situations, but not limited to:

- (i) the operator's criminal or business history is unsuitable;
- (ii) the operator has failed to comply with a service requirement imposed by the taxi-cab network with which the operator is affiliated, such requirement being considered reasonable and necessary to enable the network to comply with its obligations imposed by or under the Act;
- (iii) the operator has failed to comply with a service standard requiring compliance with the applicable contract determination;
- (iv) the operator has failed to pay a financial sanction imposed by RMS or a court;

- (v) the operator has engaged in conduct that is in violation of the Regulation or the requirements to provide taxi-cab services.

7. OTHER INFORMATION

Obtaining additional information from RMS

RMS publishes its documentation on the website, www.transport.nsw.gov.au, which includes most information about operator and driver requirements. The website also aims to inform people about the types of issues that RMS deals with.

If you have any questions about passenger transport services or if you need help in understanding any of the requirements please contact RMS at its primary e-mail address, which is licensing@transport.nsw.gov.au. You can also telephone, call in or write to RMS. The details to contact RMS are:

Public Passenger Services

Level 4, 16-18 Wentworth Street
Parramatta NSW 2150
Telephone: 9689 8888

Locked Bag 5085
Parramatta NSW 2124

Fax: 9689 8813