

**Transport (Taxi-cab Industry Accreditation)  
Regulations 2007  
S.R. No. 149/2007**

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STATUTORY RULES 2007

S.R. No. 149/2007

*Transport Act 1983*

**Transport (Taxi-cab Industry Accreditation)  
Regulations 2007**

The Governor in Council makes the following Regulations:

Dated: 18 December 2007

Responsible Minister:

LYNNE KOSKY  
Minister for Public Transport

MELISSA VAN ROSSUM  
Acting Clerk of the Executive Council

**PART 1—PRELIMINARY**

**1 Objective**

The objective of these Regulations is to—

- (a) facilitate the provision of safe, reliable and efficient taxi-cab services that meet reasonable community expectations by prescribing—
  - (i) evidence and other things that must accompany an application for accreditation; and
  - (ii) conditions to which accreditations are subject relating to the keeping of records, the submission of information to the licensing authority and the inspection and auditing of records; and

- (b) make consequential and related amendments to the Transport (Taxi-Cabs) Regulations 2005.

## 2 Authorising provisions

These Regulations are made under sections 137E and 162 of the **Transport Act 1983**.

## 3 Commencement

- (1) These Regulations (except regulations 12, 15, 16 and 17) come into operation on 31 December 2007.
- (2) Regulations 12, 15, 16 and 17 come into operation on 30 June 2008.

## 4 Definitions

In these Regulations—

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

**Act** means the **Transport Act 1983**;

**approved accountant** means—

- (a) a Certified Practising Accountant; or
- (b) a member of the Institute of Chartered Accountants; or
- (c) a member of the National Institute of Accountants;

**bailee driver** means a person to whom a taxi-cab operator bails a taxi-cab for the purpose of that person operating the taxi-cab but does not include an employee of the taxi-cab operator;

### Note

**operate**, in relation to a taxi-cab, is defined in section 86 of the Act.

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***business and service standard*** means a business and service standard determined under section 133C of the Act;

***drive***, in relation to a taxi-cab, includes to be in control of the taxi-cab;

***driver***, in relation to a taxi-cab, means a person who drives the taxi-cab;

***intermediate primary network service provider*** means a person who—

- (a) is accredited to provide taxi-cab network services described in at least paragraphs (a), (b) and (e) of the definition of ***taxi-cab network service*** in section 130A(1) of the Act; and
- (b) provides those services to or in respect of fewer than 40, but more than 9, taxi-cabs;

***large primary network service provider*** means a person who—

- (a) is accredited to provide taxi-cab network services described in at least paragraphs (a), (b) and (e) of the definition of ***taxi-cab network service*** in section 130A(1) of the Act; and
- (b) provides those services to or in respect of 40 or more taxi-cabs;

***primary network service provider*** means—

- (a) a large primary network service provider; or
  - (b) an intermediate primary network service provider; or
  - (c) a small primary network service provider;
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***shift*** means a period of operation of a taxi-cab by the same driver that is continuous apart from meal and comfort breaks;

***small primary network service provider*** means a person who—

- (a) is accredited to provide taxi-cab network services described in at least paragraphs (a) and (e) of the definition of ***taxi-cab network service*** in section 130A(1) of the Act; and
- (b) provides those services to or in respect of 9 or fewer taxi-cabs;

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

***taximeter*** means a mechanical, electrical or electronic instrument approved by the licensing authority which records and displays information about taxi-cab fares and hiring charges.

**Note**

The licensing authority is defined in section 2(1) of the Act to mean the Director of Public Transport.

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**PART 2—ACCREDITATION APPLICATION  
REQUIREMENTS**

**5 Applications for accreditation**

- (1) For the purposes of section 132(2)(b)(ii) of the Act, an application for accreditation must be accompanied by—
- (a) evidence as to whether or not the applicant, and each relevant person in relation to the applicant, has been found guilty of a tier 1 offence, a tier 2 offence or a tier 3 offence; and
  - (b) in each case where the applicant, or a relevant person in relation to the applicant, has been found guilty of a tier 1 offence, a tier 2 offence or a tier 3 offence—
    - (i) a description of the offence; and
    - (ii) the details of any sentencing order made on that finding of guilt; and
  - (c) evidence that the applicant, either personally or through relevant persons in relation to the applicant, has a sound knowledge of the activities in respect of which the applicant seeks accreditation; and
  - (d) evidence that the applicant, either personally or through relevant persons in relation to the applicant, has the competency and capacity (other than financial) to meet the business and service standards for the activities in respect of which the applicant seeks accreditation, including—
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- (i) details of the relevant knowledge, skills and experience of the applicant and each relevant person in relation to the applicant; and
    - (ii) details of the resources and systems that will be used or relied on by the applicant to meet the business and service standards; and
  - (e) evidence that the applicant has the financial capacity to meet the business and service standards for the activities in respect of which the applicant seeks accreditation, including a certificate from an approved accountant that, in the accountant's opinion, the applicant has the financial capacity to meet those standards as at the time the certificate was prepared.
- (2) Without limiting subregulation (1)(d)(ii), an application for accreditation must be accompanied by details of the processes or systems that the applicant intends to implement in order to meet any business and service standards applicable to the accreditation relating to—
- (a) the safety of drivers, customers and members of the public; and
  - (b) complaints handling; and
  - (c) in the case of an application for an accreditation as a provider of taxi-cab network services, any disciplinary procedures that will apply to taxi-cab operators and taxi-cab drivers.
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- (3) For the purposes of section 132(2)(b)(iii) of the Act, an application for accreditation as a provider of taxi-cab network services must also be accompanied by a copy of the curricula that the applicant intends to use to comply with any business and service standards applicable to the accreditation relating to the training of employees, taxi-cab operators or drivers.
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## **PART 3—RECORDS**

### **6 Records to be kept by taxi-cab licence holders**

The accreditation of a person as a taxi-cab licence holder is subject to the condition that the person must keep a record, in accordance with regulation 9, of all steps taken by the person to meet any business and service standard applicable to the person's accreditation as a taxi-cab licence holder that relates to—

- (a) any person to whom the right to operate a taxi-cab under a taxi-cab licence held by the person has been assigned under section 150 of the Act; or
- (b) the drivers of a taxi-cab operated under a taxi-cab licence held by the person.

### **7 Records to be kept by taxi-cab operators**

The accreditation of a person as a taxi-cab operator is subject to the condition that the person must keep, in accordance with regulation 9, a record of the information specified in Schedule 1.

### **8 Records to be kept by primary network service providers**

- (1) The accreditation as a provider of taxi-cab network services of a large primary network service provider is subject to the condition that the provider must keep, in accordance with regulation 9, a record of the information specified in Schedule 2.
- (2) The accreditation as a provider of taxi-cab network services of an intermediate primary network service provider or of a small primary network service provider is subject to the condition that the provider must keep, in

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accordance with regulation 9, a record of the information specified in Schedule 3.

**9 How records are to be kept**

The records referred to in regulations 6, 7 and 8 must be kept—

- (a) in, or so as to be able to be read or reproduced in, the English language; and
- (b) in any manner, form (including electronic) or format determined by the licensing authority; and
- (c) in the case of a record of information specified in item 1 of Schedule 2 or item 1 of Schedule 3—
  - (i) for a period of 1 year commencing on the date the record was created; or
  - (ii) if the record is specified in a request made under regulation 11(1)(a) before the end of the period specified in subparagraph (i), until the date the licensing authority receives the requested record—

whichever is the later; and

- (d) in the case of a record not referred to in paragraph (c), for a period of 5 years commencing on the date the record was created.
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## **PART 4—INSPECTION, AUDIT AND SUBMISSION OF INFORMATION**

### **10 Inspection and audit**

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

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

### **11 Submission of information**

- (1) An accreditation is subject to the condition that the accredited person must—
  - (a) subject to subregulation (2), give to the licensing authority a copy of any or all of the records that the accredited person is required to keep in accordance with these Regulations that are specified in a request from the licensing authority—
    - (i) in any form (including electronic) or format specified by the licensing authority in the request; and
    - (ii) in respect of any period that is specified by the licensing authority in the request; and
    - (iii) within the time that is, or at the intervals that are, specified by the licensing authority in the request; and

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- (b) give to the licensing authority any other information that the licensing authority may request relating to the accreditation of the accredited person or the activities for which the accredited person is accredited within the time specified by the licensing authority.
- (2) A request referred to in subregulation (1)(a) to a small accredited taxi-cab operator must not have the effect of requiring that operator to give to the licensing authority a copy of records any more frequently than once in a three year period unless the request is made for the purpose of—
- (a) determining whether to take disciplinary action against any person under Subdivision 6 of Division 4 of Part VI of the Act; or
- (b) considering taking action under section 169I(1) of the Act.
- (3) In subregulation (2)—
- small accredited taxi-cab operator*** means a person—
- (a) who is accredited as a taxi-cab operator; and
- (b) whose accreditation as a taxi-cab operator is subject to a condition, restriction or other limitation imposed by the licensing authority under Subdivision 4 of Division 4 of Part VI of the Act which limits the accreditation to the operation of fewer than 10 taxi-cabs;

*three year period* means the period of three years commencing on the day on which section 3 of the **Transport (Taxi-cab Accreditation and Other Amendments) Act 2006** comes into operation and each subsequent period of three years.

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**PART 5—CONSEQUENTIAL AND RELATED AMENDMENTS  
TO TRANSPORT (TAXI-CABS) REGULATIONS 2005**

**12 New definition inserted**

In regulation 3(1) of the Transport (Taxi-Cabs) Regulations 2005<sup>1</sup>, after the definition of *Act* insert—

*"approved arrangements* means arrangements approved by the licensing authority under section 133(4) of the Act;".

**13 Licences**

After regulation 10(2)(a) of the Transport (Taxi-Cabs) Regulations 2005 insert—

"(ab) the licence is suspended or revoked by force of section 156A of the Act; or".

**14 Records**

(1) In the heading to Part 2 of the Transport (Taxi-Cabs) Regulations 2005, for "**RECORD KEEPING REQUIREMENTS**" substitute "**RECORDS**".

(2) For the heading to Division 3 of Part 2 of the Transport (Taxi-Cabs) Regulations 2005 substitute—

**"Division 3—Records"**.

(3) For regulation 11 of the Transport (Taxi-Cabs) Regulations 2005 substitute—

**"11 Records**

(1) A member of the police force may request an operator of a taxi-cab to—

- (a) make available a specified record to the member for inspection by the member;  
or

- (b) give the member, within a period specified by the member, an accurate copy of a specified record.
- (2) A period of time specified by a member of the police force under subregulation (1)(b) must be reasonable.
- (3) An operator of a taxi-cab must without delay comply with a request under subregulation (1)(a).
- Penalty: 10 penalty units.
- (4) An operator of a taxi-cab must comply with a request under subregulation (1)(b).
- Penalty: 10 penalty units.
- (5) In this regulation—

*specified record* means a record of information described in items 1(a) and (g) of Schedule 1 to the Transport (Taxi-cab Industry Accreditation) Regulations 2007 that the operator is required to keep under regulation 7 of those Regulations."

## 15 Livery

In regulation 24(1) of the Transport (Taxi-Cabs) Regulations 2005, for "the depot with which the taxi-cab is associated" **substitute** "the person accredited to provide taxi-cab network services with whom the operator has approved arrangements".



## 16 Driver's appearance

In regulation 31(1)(a) of the Transport (Taxi-Cabs) Regulations 2005, for "the taxi depot with which the taxi-cab is associated" **substitute** "the person accredited to provide taxi-cab network services with whom the operator of the taxi-cab has approved arrangements".

## 17 Depot uniforms

For regulation 32 of the Transport (Taxi-Cabs) Regulations 2005 **substitute**—

### "32 Uniforms

- (1) The licensing authority may, by written notice, require a relevant accredited person to, within a time specified in the notice—
  - (a) determine a uniform design (that identifies the relevant accredited person) to be worn by the drivers of taxi-cabs the operators of which have approved arrangements with the relevant accredited person; and
  - (b) apply to the licensing authority for approval of the uniform design.
- (2) A relevant accredited person to whom a notice is given under subregulation (1) must comply with the notice.

Penalty: 5 penalty units.

- (3) A relevant accredited person may, at any time—
  - (a) determine a uniform design (that identifies the relevant accredited person) to be worn by the drivers of taxi-cabs the operators of which have approved arrangements with the relevant accredited person; and

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Part 5—Consequential and Related Amendments to Transport (Taxi-Cabs)  
Regulations 2005

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- (b) apply to the licensing authority for approval of the uniform design.
  - (4) The licensing authority may approve a uniform design determined by a person under subregulation (1) or (3).
  - (5) In this regulation—  
*relevant accredited person* means a person who is accredited under Division 4 of Part VI of the Act to provide brand identification for taxi-cabs."
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## SCHEDULES

### SCHEDULE 1

Regulation 7

#### INFORMATION TO BE RECORDED AND KEPT BY TAXI-CAB OPERATORS

- 1 The following information in respect of each taxi-cab operated, or permitted to be operated, by the taxi-cab operator—
    - (a) the days on which, and the times during those days when, the taxi-cab was available for hire; and
    - (b) the total revenue earned during each shift; and
    - (c) the total kilometres travelled during each shift; and
    - (d) the number of hirings of the taxi-cab during each shift; and
    - (e) the total kilometres travelled during each shift when the vehicle was hired; and
    - (f) the costs incurred in operating and maintaining the taxi-cab; and
    - (g) the name, address, driver licence number and driver accreditation certificate number of each person who has operated the taxi-cab and the days on which, and the times during those days when, that person has operated the taxi-cab; and
    - (h) the contents of each bailment agreement with each bailee driver to whom the taxi-cab is bailed that is either in writing or evidenced in writing; and
    - (i) the results of all inspections of the taxi-cab that the operator is required to ensure are carried out in order to meet a business and service standard applicable to the operator's accreditation; and
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- (j) the following details of all faults in, or damage to, the taxi-cab of which the operator becomes aware—
    - (i) the date when the operator became aware of the fault or damage; and
    - (ii) the nature of the fault or damage; and
    - (iii) the date when the fault was remedied or the damage was repaired; and
  - (k) the nature and date of all maintenance work carried out on the taxi-cab; and
  - (l) details of all steps taken by the operator to meet the requirements of any business and service standard applicable to the operator's accreditation to train bailee drivers or other persons who drive the taxi-cab in the operation of the equipment installed in the taxi-cab; and
  - (m) details of all steps taken by the operator to meet the requirements of any business and service standard applicable to the operator's accreditation to ensure that—
    - (i) the condition of the taxi-cab at the beginning of every shift meets the standard; and
    - (ii) faults and damage are reported in accordance with the standard; and
    - (iii) the taxi-cab is not operated on a highway by a person whom the operator is aware or ought reasonably be aware is not fit to be in possession or control of the taxi-cab at that time; and
    - (iv) at the beginning of every shift, the cleanliness of the taxi-cab and the appearance of the driver meet the standard; and
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- (n) details of all steps taken by the operator to meet the requirements of any business and service standard applicable to the operator's accreditation to ensure that bailee drivers or other persons who drive the taxi-cab are aware of their rights and obligations, in relation to the taxi-cab and associated equipment.
- 2 The following information in respect of each complaint made to the taxi-cab operator or the operator's employees in relation to a taxi-cab operated or permitted to be operated by the operator or the service provided by the operator or a driver of such a taxi-cab—
- (a) the date the complaint was received; and
  - (b) the nature of the complaint; and
  - (c) the capacity in which the complainant made the complaint (for example, customer, driver, member of the public etc.); and
  - (d) the name and the address or other contact details of the complainant; and
  - (e) all actions taken by or on behalf of the operator in response to the complaint; and
  - (f) the date and time of all actions referred to in paragraph (e); and
  - (g) the outcome of the complaint.
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**SCHEDULE 2**

Regulations 8(1), 9(c)

**INFORMATION TO BE RECORDED AND KEPT BY LARGE  
PRIMARY NETWORK SERVICE PROVIDERS**

- 1 The following information in respect of each booking or order for the hiring of each taxi-cab to or in respect of which the provider provides taxi-cab network services—
  - (a) if the booking or order was made by telephone, the date and time when the telephone call was received; and
  - (b) the date and time when the booking or order was made; and
  - (c) in the case of a booking, the date and time for which the booking was made; and
  - (d) the place from which it was requested that the passenger be picked up; and
  - (e) whether or not the booking or order was for a wheelchair accessible taxi-cab; and
  - (f) whether or not the booking or order was offered to drivers and, if so, the date and time when that was done; and
  - (g) whether or not the booking or order was accepted by a driver and, if so—
    - (i) the date and time when the booking or order was accepted; and
    - (ii) the date and time when the taximeter in the driver's taxi-cab was started in respect of the hiring; and

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- (h) if the booking or order was not offered to drivers or was not accepted by a driver—
- (i) whether or not this was for reasons of safety; and
  - (ii) whether or not the booking or order was referred to another accredited provider of taxi-cab network services and, if so, the name of that provider and the time and date when the booking or order was referred.
- 2 The following information in respect of each occasion on which an emergency warning device, that is fitted to a taxi-cab to or in respect of which the provider provides taxi-cab network services, is activated in a way that alerts the provider or the provider's employees or agents to the device's activation—
- (a) the date and time of the activation; and
  - (b) the location of the taxi-cab at the time of the activation; and
  - (c) any action taken by the provider or the provider's employees or agents in response to the activation.
- 3 In respect of each complaint received by the provider or the provider's employees or agents in relation to—
- (a) the services provided by the provider; or
  - (b) a taxi-cab to or in respect of which the provider provided taxi-cab network services; or
  - (c) the service provided by the operator or a driver of a taxi-cab referred to in paragraph (b)—
- the following information—
- (d) the date the complaint was received; and
  - (e) the nature of the complaint; and
  - (f) the capacity in which the complainant made the complaint (for example, customer, taxi-cab operator, driver, member of the public etc.); and
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**Sch. 2**

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- (g) the name and the address or other contact details of the complainant; and
  - (h) all actions taken by or on behalf of the provider in response to the complaint; and
  - (i) the date and time of all actions referred to in paragraph (h); and
  - (j) the outcome of the complaint.
- 4 The following information in relation to any disciplinary procedure undertaken by or on behalf of the provider against the operator of a taxi-cab to or in respect of which the provider provides taxi-cab network services, or a driver of such a taxi-cab—
- (a) the nature of the issue that was the subject of the disciplinary procedure; and
  - (b) the names of all participants in the disciplinary procedure and their roles in that procedure; and
  - (c) the outcome of the disciplinary procedure.
- 5 The following information in respect of each occasion on which the provider's central communication system was not operating in accordance with any condition applicable to the provider's accreditation, or as required in order to meet a business and service standard applicable to the provider's accreditation—
- (a) the date and times of the period of non-operation; and
  - (b) the reason for the non-operation.
- 6 In the case of a provider accredited to provide a global positioning system, the following information in respect of each occasion on which the system was not operating in accordance with any condition applicable to the provider's accreditation, or as required in order to meet a business and service standard applicable to the provider's accreditation—
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- (a) the date and times of the period of non-operation;  
and
  - (b) the reason for the non-operation.
- 7 Details of all steps taken by the provider to meet the requirements (if any) of a business and service standard applicable to the provider's accreditation in relation to the training of the provider's employees or agents or the operators or drivers of taxi-cabs to or in respect of which the provider provides taxi-cab network services, including—
- (a) the name of each person so trained; and
  - (b) the knowledge or skills that were the subject of the training.
- 8 Details of the contents of—
- (a) each agreement that the provider enters into with the operator of each taxi-cab to or in respect of which the provider provides taxi-cab network services; and
  - (b) each agreement that the provider enters into with each person who is, or who intends to be, the driver of a taxi-cab referred to in paragraph (a).
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**SCHEDULE 3**

Regulations 8(2), 9(c)

**INFORMATION TO BE RECORDED AND KEPT BY  
INTERMEDIATE AND SMALL PRIMARY NETWORK  
SERVICE PROVIDERS**

- 1 The following information in respect of each booking or order for the hiring of each taxi-cab to or in respect of which the provider provides taxi-cab network services—
    - (a) the date when the booking or order was made; and
    - (b) in the case of a booking, the date for which the booking was made; and
    - (c) whether or not the booking or order was for a wheelchair accessible taxi-cab; and
    - (d) whether or not the booking or order was offered to drivers; and
    - (e) whether or not the booking or order was accepted by a driver; and
    - (f) if the booking or order was not offered to drivers or was not accepted by a driver—
      - (i) whether or not this was for reasons of safety; and
      - (ii) whether or not the booking or order was referred to another accredited provider of taxi-cab network services and, if so, the name of that provider and the time and date when the booking or order was referred.
  - 2 The following information in respect of each occasion on which an emergency warning device, that is fitted to a taxi-cab to or in respect of which the provider provides taxi-cab network services, is activated in a way that alerts the provider or the provider's employees or agents to the device's activation—
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- (a) the date and time of the activation; and
  - (b) the location of the taxi-cab at the time of the activation; and
  - (c) any action taken by the provider or the provider's employees or agents in response to the activation.
- 3 In respect of each complaint received by the provider or the provider's employees or agents in relation to—
- (a) the services provided by the provider; or
  - (b) a taxi-cab to or in respect of which the provider provided taxi-cab network services; or
  - (c) the service provided by the operator or a driver of a taxi-cab referred to in paragraph (b)—
- the following information—
- (d) the date the complaint was received; and
  - (e) the nature of the complaint; and
  - (f) the capacity in which the complainant made the complaint (for example, customer, taxi-cab operator, driver, member of the public etc.); and
  - (g) the name and the address or other contact details of the complainant; and
  - (h) all actions taken by or on behalf of the provider in response to the complaint; and
  - (i) the date and time of all actions referred to in paragraph (h); and
  - (j) the outcome of the complaint.
- 4 The following information in relation to any disciplinary procedure undertaken by or on behalf of the provider against the operator of a taxi-cab to or in respect of which the provider provides taxi-cab network services, or a driver of such a taxi-cab—
- (a) the nature of the issue that was the subject of the disciplinary procedure; and
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**Sch. 3**

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- (b) the names of all participants in the disciplinary procedure and their roles in that procedure; and
    - (c) the outcome of the disciplinary procedure.
  - 5 In the case of a provider accredited to provide a central communications system, the following information in respect of each occasion on which the system was not operating in accordance with any condition applicable to the provider's accreditation, or as required in order to meet a business and service standard applicable to the provider's accreditation—
    - (a) the date and times of the period of non-operation; and
    - (b) the reason for the non-operation.
  - 6 In the case of a provider accredited to provide a global positioning system, the following information in respect of each occasion on which the system was not operating in accordance with any condition applicable to the provider's accreditation, or as required in order to meet a business and service standard applicable to the provider's accreditation—
    - (a) the date and times of the period of non-operation; and
    - (b) the reason for the non-operation.
  - 7 Details of all steps taken by the provider to meet the requirements (if any) of a business and service standard applicable to the provider's accreditation in relation to the training of the provider's employees or agents or the operators or drivers of taxi-cabs to or in respect of which the provider provides taxi-cab network services, including—
    - (a) the name of each person so trained; and
    - (b) the knowledge or skills that were the subject of the training.
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8 Details of the contents of—

- (a) each agreement that the provider enters into with the operator of each taxi-cab to or in respect of which the provider provides taxi-cab network services; and
- (b) each agreement that the provider enters into with each person who is, or who intends to be, the driver of a taxi-cab referred to in paragraph (a).

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**Endnotes**

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**ENDNOTES**

<sup>1</sup> Reg. 12: S.R. No. 67/2005.