A Guide for Taxi Drivers

This guide helps to provide a brief overview of the important provisions of the Taxi Industry (Contract Drivers) Contract Determination 1984, which applies to Drivers in the Taxi Industry within the Greater Metropolitan Transport District (as defined in section 108 of the Transport Administration Act 1988 (NSW)).

What is the Taxi Industry (Contract Drivers) Contract Determination 1984?

It provides for minimum terms and conditions of engagement between a driver of a taxi cab and a taxi owner/operator.

Any taxi owner/operator engaging taxi drivers must display a copy of the Taxi Industry (Contract Drivers) Determination 1984 in a clearly visible location at their place of business and/or depot.

Where in NSW does the Determination apply?

It applies when you drive a taxi cab in the Greater Metropolitan Transport District. Different provisions apply to driving taxi cabs in country and regional areas. The provisions of the Determination can not be changed by private agreement.

What is a bailee?

A bailee is a driver who holds a current NSW Taxi Driver Authority and takes a taxi cab on bailment from a taxi owner/operator, known as a bailor. Taking a taxi cab on bailment means an agreement to drive the taxi cab under the conditions of the Contract Determination. A driver can be permanent or casual.

Taxi Licence Code

The Point to Point legislation changed the licensing requirements to drive a taxi/hire car.

Driver qualifications to drive a taxi

Taxi and hire car drivers are required to hold a Passenger Transport Licence Code on an unrestricted Australian Licence.

Taxi provider Licence Code responsibilities

The Licence Code provides for safety standards that are the responsibility of the taxi provider (owner/operator) to ensure that drivers:

- Pass criminal checks;
- Are medically fit to drive;
- Have an unrestricted driving licence for at least 12 months in the last 2 years; and
- Pass English testing.

How do I know if I’m a permanent driver?

A permanent driver is someone who regularly takes a taxi on bailment in the following circumstances:

- 5 shifts per week; or
- At least 220 night shifts per year.

A casual driver is someone who is not permanent and is not entitled to any leave.

What payment am I entitled to as a driver?

A driver can be paid by a set percentage as a commission, or can be paid a set pay-in from the takings to the taxi owner/operator and keep the balance remaining from chargeable fares.

Does a driver have to provide their own uniform?

If the driver is required to wear a distinctive style of dress or uniform, the taxi owner/operator must provide and launder it free of cost to the driver.
Who chooses the payment method?

The driver chooses the payment method, which can either be commission or a set pay-in. The driver confirms the payment method chosen and signs the Payment Election Form, which is given to the taxi owner/operator. A driver should not be pressured or victimised by the taxi owner/operator when exercising their right to choose the payment method.

Do I get a receipt when I make a payment to the owner?

Yes, you must be given a signed and dated receipt for each payment you make within 14 days of the completion of the shift.

The taxi owner/operator must also provide you with an invoice that is a GST Compliant Tax Invoice no later than 14 days after the completion of each shift.

The invoice can include more than one shift and must include the taxi owner/operator’s name, ABN, the driver’s name, pay-in rate and total paid to the driver.

Is the taxi owner/operator required to keep records?

Yes, the taxi owner/operator must keep records for 6 years. These records include:

- Payment Election Forms;
- Driver log book forms;
- Copies of all invoices and receipts issued to the driver;
- Payments made by the taxi owner/operator for annual leave, sick leave and long service leave;
- Any monies deducted by the taxi owner/operator or any bonds paid by the driver to the taxi owner/operator.

How is a driver terminated?

A permanent driver must be given one week’s notice or payment in lieu of notice. No notice is required for a casual driver.

Am I entitled to annual leave?

Yes – if you are a permanent driver, then you are entitled to annual holidays on the completion of at least 220 night shifts or 230 day shifts within a 12 month period or on termination of the engagement. The annual leave payment is determined by the payment method chosen either Method I - Commission or Method II - Set Pay In.

Am I entitled to sick leave?

Yes – if you are a permanent driver, then you are entitled to 5 days sick leave in the first year of the engagement. Pro-rata sick leave is available on the completion of 55 shifts in the first year of engagement.

A driver will be entitled to 8 days sick leave for each second and subsequent year of being a permanent driver. Payment for sick leave is determined by the payment method the driver elected. Any untaken sick leave accumulates.

Am I entitled to long service leave?

Yes, you may be entitled to long service leave if you have worked for the same taxi owner/operator continuously as a permanent driver for 5 years or more.

Can the taxi owner/operator refuse to pay my leave entitlements such as annual, sick or other leave because we agree to lower pay-ins?

No, failure to comply with the Determination is a breach of the Industrial Relations Act 1996. A breach can result in a civil penalty of up to $10,000 being imposed on a taxi owner/operator.

Would you like more information?

www.industrialrelations.nsw.gov.au
www.pointtopoint.nsw.gov.au
www.rms.nsw.gov.au