



# **Aerial Capital Group Limited**

## **BY-LAWS**

**For**

**Canberra Elite Taxis  
Silver Service Canberra Cabs  
Queanbeyan Elite Taxis  
Canberra Hire Cars  
13 Limo**

Also includes future fleets  
Affiliated with Aerial Capital Group

Updated 30 June 2010

Table of Contents

|   |    |
|---|----|
| <b>Definitions:</b> .....   | 2  |
| <b>Operator's Obligation to Display Network Approved Livery</b> .....                             | 4  |
| <b>Livery</b> .....   | 4  |
| <b>Equipment</b> .....  | 4  |
| <b>Interference</b> .....   | 5  |
| <b>System Failure</b> .....   | 5  |
| <b>Meter</b> .....  | 5  |
| <b>Service Delivery</b> .....   | 5  |
| <b>Parcels</b> .....  | 5  |
| <b>Uniforms</b> .....   | 6  |
| <b>Ensuring Uniforms are Worn</b> .....   | 6  |
| <b>Drivers Obligation to Wear Uniform</b> .....   | 6  |
| <b>Driver Standards and Complaints</b> .....  | 6  |
| <b>Additional By-Laws in respect of Executive Fleet Service and Silver Service Vehicles</b> ..... | 7  |
| <b>Additional By-Laws in respect of Executive Fleet Service and Silver Service Drivers</b> .....  | 7  |
| <b>Miscellaneous</b> .....  | 8  |
| <b>Enforcement</b> .....  | 9  |
| <b>SCHEDULE A</b> .....   | 10 |
| Infringements & Penalties .....   | 10 |
| <b>SCHEDULE B</b> .....   | 11 |
| Appeals Procedure .....   | 11 |

**Definitions:**

**"Authorised Person"** shall mean a person formally authorised in writing by the Aerial Board.

**"Penalty Point"** means a point that is accrued by a Driver or Operator as a penalty for a contravention of the By-laws.

**"Login"** shall mean to login to a rank or queue as selected by the Taxi Driver.

**"Meter"** shall mean any device, either mechanical or electronic, used for measuring the prescribed fare.

**"Permissible Pick-up Time"** is the time between when a driver accepts a hiring and the time the hiring is commenced. The standard permissible pick-up time is set by the Government Regulations.

**"Shift"** shall mean a period of 10 hours in which the Taxi Driver is signed on and available for hire.

**"Sign On"** shall mean the act of entering the Driver Personal Identification Number (PIN) to gain entry into the system.

**"Suspend"** shall mean a refusal by Radio Network to allocate radio hirings to a taxi driver.

**"Taxi Driver"** shall mean a person Authorised pursuant to the Road Transport Authority (RTA) in the ACT or NSW Ministry of Transport (MOT) legislation and ancillary legislation applicable in each jurisdiction, to drive a taxi-cab.

**"Taxi Operator"** shall mean a person, persons or a corporation accredited pursuant to the Road Transport Authority (RTA) in the ACT or NSW Ministry of Transport (MOT) legislation and ancillary legislation applicable in each jurisdiction, to manage or operate a taxi-cab.

**"Vacant"** shall mean that the taxi-cab is not engaged in a hiring.

**"Driver Personal Identification Number (PIN)"** is the personal Identification number allocated to each individual taxi driver by the Radio Network.

**"Radio Network"** is that system of broadcasting on frequencies authorised by the Australian Communications Authority and the dispatching of taxi hirings booked by telephone, or via SMS, email or the Web, and accepted by Aerial Capital Group Ltd trading as Canberra Elite Taxis, Silver Service Canberra, Queanbeyan Elite Taxis and other fleets affiliated with the Network, at its premises at 24 Kembla Street, Fyshwick ACT or such other place as maybe convenient or desirable to from time to time.

**"M30"** means the suspension of a Driver or a Taxi from the Radio Network by an Authorised Person.

**"M50"** means a report of an alleged breach of the By-Laws that must be supported in writing within two (2) working days.

**"Road Marshall"** means a person, authorised by the Board who will monitor the fleet standards.

## **Operator's Obligation to Display Network Approved Livery**

1. Every taxi-cab operated by a Taxi Operator who is a member of the Radio Network shall be required to exclusively display the livery and decals in the manner, size, shape, colour and design as approved for each taxi fleet by the Network. This includes the wheels which must be silver, and the Network approved Driver ID holder placed in the approved position on the front dash.

### For failure to comply with this By-Law:

Radio service may be suspended from each vehicle which fails to comply with Network approved livery until compliance shall be satisfactorily demonstrated to the Network. Penalties apply as per Schedule A – Table 1 Infringements; J –Inadequate Livery, and Table 2 Penalties.

## **Equipment**

2. Any Taxi Operator or Driver who has installed or attached or allowed to have installed or attached to the taxi-cab or to the radio or to the meter or to the unit any unauthorised equipment, device or wiring, shall be penalised by the Fleet Operator Committee and may be referred to the relevant Regulatory Authority recommending the Operator or Drivers accreditation be withdrawn.

3. Any Taxi Operator or Driver who knowingly drives a taxi-cab which has installed or attached or allowed to have installed or attached to the taxi-cab or to the radio or to the meter or to the unit any unauthorised equipment, device or wiring shall be penalised by the Fleet Operator Committee, and may be referred to the relevant Regulatory Authority recommending the Operator or Drivers accreditation be withdrawn.

4. Any Taxi Operator who permits the entry of a Driver PIN by a person not being allocated that number by the Radio Network, shall be penalised in accordance with the provisions of Schedule A – Penalties.

5a. Any Taxi Driver who enters a Driver PIN which is not identical with the number issued to that Taxi Driver by the Radio Network, shall be penalised in accordance with the provisions of Schedule A – Penalties.

5b. Any Taxi Driver who knowingly allows another Taxi Driver to use the Driver PIN issued to the original Taxi Driver by the Radio Network, shall be penalised in accordance with the provisions of Schedule A – Penalties.

5c. Any Taxi Driver who does not display his/her Driver ID in the approved ID holder shall be penalised in accordance with the provisions of Schedule A.

## **Interference**

6. Any Taxi Driver who, deliberately or recklessly interferes with the operation of the radio system shall be penalised in accordance with the provisions of Schedule A – Penalties.

7. Any Taxi Driver who is found to pick up a radio hiring allocated to another taxi-cab shall be penalised in accordance with the provisions of Schedule A – Penalties.

## **System Failure**

8. In the event of voice operation or computer assisted voice operation being in operation in place of the Radio Communications and Dispatching System, the intent and penalties of these By-Laws shall apply.

## **Meter**

9. Any Taxi Driver who upon commencement of any hiring fails to start the operation of the meter installed in the taxi-cab to display the prescribed fare shall be penalised in accordance with the provisions of Schedule A – Penalties.

## **Service Delivery**

10. Any Taxi Driver who exceeds the Permissible Pick-up Time specified, after accepting a radio hiring shall be penalised in accordance with the provisions of Schedule A – Penalties.

11. Any Taxi Driver who, either through lack of skill or through wilful negligence, fails to exercise every reasonable care in contacting the hiring upon arrival at the pickup address shall be penalised in accordance with the provisions of Schedule A – Penalties.

12. Any Taxi Driver who fails to carry out a radio hiring shall be penalised in accordance with the provisions of Schedule A – Penalties.

## **Parcels**

13a. Any Taxi Driver who fails to deliver an article or parcel within a period of time considered reasonable by the Radio Network shall be penalised in accordance with the provisions of Schedule A – Penalties.

13b. Any Taxi Driver who accepts a parcel booking must not abandon the booking without seeking approval from the Radio Network Supervisor, prior to abandoning the job.

## **Uniforms**

14. The Radio Network will notify Operators and Drivers of the listing of Approved Network driver uniforms and will make available the authorised items.

### **Ensuring Uniforms are Worn**

15. An Operator who is affiliated with the Radio Network shall not let any taxi-cab to any Taxi Driver who is not at the time of commencement of the shift wearing an Approved Network Uniform.

For failure to ensure a Taxi Driver is wearing an Approved Network Uniform a Taxi Operator shall be penalised in accordance with the provisions of Schedule A – Penalties.

### **Drivers Obligation to Wear Uniform**

16. An Authorised Driver who drives a taxi-cab affiliated within a fleet of the Aerial Network shall at all times, while plying for hire, wear the following:

1. An Approved Network Uniform;
2. Enclosed footwear, black in colour but excluding trainers or running shoes;
3. As part of the uniform, a driver may also wear headwear approved by Aerial.

For failing to wear the correct uniform a driver shall be penalised in accordance with the provisions of Schedule A – Penalties.

### **Driver Standards and Complaints**

17. A Taxi Driver or Operator who is the subject of a complaint may be suspended in accordance with this By-Law or penalised in accordance with the provisions of Schedule A – Penalties in any of the following circumstances until the complaint is resolved in a manner reasonably satisfactory to the Authorised person(s) of Aerial Capital Group.

- (a) Failure to keep the uniform clean and tidy.
- (b) Uniform covered by other non-approved clothing.
- (c) Failure to act with civility and propriety towards customers, other road users and members of the public.
- (d) Failure to comply with Network Standards as published from time to time and the relevant Regulatory Authority legislation and affiliated legislation.
- (e) Failure to observe reasonable standards of personal hygiene.
- (f) Failure to reasonably assist a passenger or intending passenger.
- (g) Lack of knowledge of the ACT, Queanbeyan and regional area.

- (h) Failure to accept hiring, and or carry out a radio hiring.
- (i) Failure to proceed direct to destination unless otherwise directed by passenger.
- (j) Failure to lodge Lost Property at Aerials offices within a 24 hour period of the item being found in the taxi-cab, as per the relevant Regulatory Authority legislation.
- (k) Smoking or eating or drinking within the taxi-cab at any time.
- (l) Breach of any radio operating procedure or By-Law.
- (m) Behaviour, presentation, or service by a Taxi Operator or Taxi Driver which is likely to bring the company into disrepute.
- (n) A driver will not pick up a hiring allocated to another taxi.
- (o) Failure to provide the Network approved Driver ID holder in the taxi.
- (p) Failure to display the Driver ID in the ID holder provided.

### **Additional By-Laws in respect of Executive Fleet Service and Silver Service Vehicles**

18a. In addition to all of the By-Laws set out in clause 18 -Driver Standards & Complaints, the following provisions apply to Executive Fleet and Silver Service fleet vehicles.

18b. Executive Fleet and Silver Service vehicle designations which are effective as at the date of this By-Law will continue in respect of all vehicles so designated unless the designation is removed or suspended in accordance with these By-Laws.

18c. Executive Fleet and Silver Service status may be removed from a vehicle in the following circumstances:

- (i) while the vehicle is the subject of a defect notice which has not been cleared;
- (ii) while the vehicle is overdue for routine inspection by more than one (1) day;
- (iii) while the vehicle after having been the subject of a public complaint or adverse report from an officer of the Network and the complaint or report has not been adequately dealt with by the vehicle Operator to the satisfaction of the Network;
- (iv) while the vehicle carries any unrepaired damage to the interior or exterior or has been repaired in a manner which is not reasonably satisfactory in appearance;
- (v) while the vehicle fails to meet reasonable standards of cleanliness and comfort;
- (vi) while the vehicle is under adverse notice of the, the relevant Regulatory Authority or the Police Service;
- (vii) while the vehicle displays other than Radio Network approved decals, stickers or advertising.

Penalty:

18d. In respect of any of the above breaches occurring, the operator or driver may be suspended or shall be penalised in accordance with the provisions of Schedule A – Penalties.

### **Additional By-Laws in respect of Executive Fleet Service and Silver Service Drivers**

19a. In addition to all of the By-Laws set out above, the following provisions apply to Executive Fleet and Silver Service fleet Drivers.

19b. Executive Fleet and Silver Service status shall be removed from a Driver in the following circumstances:

- (i) If the Driver receives a justified complaint from a customer.
- (ii) If the Driver is subject to a complaint regarding clause 18.

19c. In addition to the above, drivers who are the subject of complaints covered by this By-Law and who at the time of the complaint hold either Executive Fleet status or Silver Service status shall have that status suspended as follows:

19d. Executive Fleet and Silver Service status will only be regained after re-applying for the status and meeting the current criteria as set by the Network.

19e. Nothing in this By-Law limits the right of the Radio Network to remove Executive Status or Silver Service or suspend radio service permanently in any case where the Radio Network is satisfied that the behaviour, presentation or service of a Taxi Operator or Taxi Driver is likely to bring the Radio Network disrepute.

### **Miscellaneous**

20. Any Taxi Operator or Taxi Driver who aids or abets breaches of these By-Laws shall be called before Aerial's Authorised person(s), and shall be counselled for the first offence. For any subsequent offence the Authorised person(s) may apply a Schedule A penalty, or forward a recommendation for the withdrawal of the Operator's Accreditation to the relevant Regulatory Authority.

21. Any Taxi Operator or Taxi Driver who has been found guilty of any act or omission (other than those specifically set forth in these By-Laws) which, in the opinion of Aerial's Authorised person(s) is detrimental to the Radio Network or which brings discredit upon it or The Network, shall be penalised in accordance with the provisions of Schedule A –Penalties.

22. Any Taxi Operator who receives a lost item that has been found in one of their operating taxi-cabs must return the item to the Network within a 24 hour period.

### **Enforcement**

23. Breaches of By-laws and the imposition of penalties will be dealt with in the first instance by an Authorised person(s) at Aerial Capital Group.

24. A Driver or Operator who is alleged to have committed a breach of the By-laws will be notified by an Authorised person from Aerial Capital Group during business hours or as required.

25. If a Driver or Operator fails to attend a meeting as directed by the Authorised person, without reasonable cause, the matter may be dealt with and a penalty imposed in his or her absence.

27. A driver who accrues 12 (twelve) penalty points will be suspended from the Radio Network for a period of 14 (fourteen) days;

28: Penalty points accrued in accordance with these By-laws will attach to a Drivers record for 3 (three) yeas from the date at which the penalty point was imposed.

## SCHEDULE A

### Penalties:

The following table outlines the infringements & penalties that the Authorised person(s) can enforce to Taxi Operators or Taxi Drivers who willfully or recklessly fail to abide by the By-laws. Table 1 is not limited to the items specifically listed, and acts or omissions by a Taxi Operator or Taxi Driver which in the opinion of the Authorised person(s), may be detrimental to the Radio Network, or which may bring discredit upon it, The Network, or Aerial Capital Group Ltd shall incur a penalty as determined by the Authorised person(s).

Table 1

| Infringements |  |   |   |
|---------------|--|---|---|
| a             | Out of Uniform                           | m | Fail to comply with driver standards  |
| b             | Dirty Car                                | n | Fail to start meter   |
| c             | Smoking in Car                           | o | Exceed permissible pick up time   |
| d             | Panel damage                             | p | Fail to carry out or contact hiring   |
| e             | Refusing a Fare or Guide Dog             | q | Take Hiring allocated to another Taxi   |
|               |  | r | Failure to lodge lost property  |
| f             | Inadequate livery                        | s | Fail to abide by relevant Regulatory Authority Legislation and affiliated regulations |
| g             | Wheel problems                           | t | Fail to abide by specific Executive & Silver Service Fleet By-laws                    |
| h             | Lift Suspension                          | u | Failure to display Driver ID in network approved ID holder                            |
| i             | Bringing Aerial into Disrepute           |   |   |
| j             | Unauthorised Equipment                   |   |   |
| k             | Unauthorised PIN use                     |   |   |
| l             | Interference with Radio System/Operation |   |   |

Table 2

| Penalties |  |
|-----------|--|
| a         | 2 points   |
| b         | 2 points and \$50 fine   |
| c         | 4 points and \$100 fine  |
| d         | Suspension for 1 Hour  |
| e         | Suspension for 3 hours   |
| f         | Penalty Notice – Report to Authorised person                             |
| g         | Report to Authorised person  |
| h         | Suspension until lifted by the Authorised person                         |
| i         | Refer Directly to the Appeals Committee or relevant Regulatory Authority |
| j         | 4 points and \$50 fine   |
| k.        | 4 points   |

## **SCHEDULE B**

### **Appeals Procedure:**

#### **1. Appeal to Fleet Operator Committee**

- a. An Operator or Driver may request a hearing with the Fleet Manager in relation to a decision of the Fleet Standards department.
- b. An Operator or Driver may appeal the decision of the Fleet Manager to the relevant Fleet Operator Committee.
- c. Appeals must be received within seven (7) days of the notification of the decision.
- d. All Appeals must be in writing and a fee of \$88 applies, and must be paid prior to the appeal proceeding.
- e. The Appeal can only be lodged on the grounds that the Fleet Standards department wrongly determined the matter at the first instance.
- f. An Appellant has the right to present their case in person to the Fleet Operator Committee but may choose to have the appeal heard through written submissions.
- g. The Fleet Operator Committee shall consider all arguments put before it by interested parties in a fair and unbiased manner.
- h. The Fleet Operator Committee may in its absolute discretion confirm or annul the decision made by the Fleet Standards department, decrease or increase any penalty imposed, or refer the matter to the Aerial Appeals Committee.
- i. Where an appellant fails to appear without reasonable excuse at a rescheduled Fleet Operator Committee hearing on the date fixed, or to make written submissions, the Fleet Operator Committee may determine the complaint in absentia on the available evidence.

#### **2. Appeal to the Aerial Appeals Committee:**

- a. The Aerial Appeals Committee may consists of:  
The Chairman of the Appeals Committee, a Director and the Chief Executive Officer and;  
Two (2) other independent professional persons, neither of whom is associated with Aerial Transport, and each of whom has experience in the Legal profession.
- b. An Operator or Driver may appeal to the Aerial Appeals Committee if they believe the Fleet Operator Committee has wrongly determined the matter, or due to the severity of the penalty.
- c. Appeals must be received in writing within seven (7) days of the decision handed down by the Fleet Operator Committee.
- d. An Appellant has the right to present their case in person to the

- Aerial Appeals Committee but may choose to have the appeal heard through written submissions.
- e. The Aerial Appeal Committee shall consider all arguments put before it by interested parties in a fair and unbiased manner.
  - f. The Aerial Appeal Committee may in its absolute discretion confirm or annul the decision made by the Fleet Operator Committee, and decrease or increase any penalty imposed.
  - g. Where an appellant fails to appear without reasonable excuse at a rescheduled Aerial Appeal Committee hearing on the date fixed, or to make written submissions, the Aerial Appeal Committee may determine the complaint in absentia on the available evidence.
  - h. Where an appellant has been referred in the first instance to a Fleet Operator Committee hearing and wishes to appeal the decision of that hearing to the Aerial Appeals Committee, a fee of \$88 applies and must be paid prior to the appeal proceeding.

### **3. Aerial Appeals Committee Costs:**

- a. If an appellant is substantially successful in his appeal to the Aerial Appeals Committee:
  - (i) The initial Appeal costs of \$88; and
  - (ii) The reasonable legal costs, as determined by the Aerial Appeal Committee, incurred by the appellant in the appeal, are borne by Aerial.
- b. In any other case, the Aerial Appeal Committee may order that the appellant bear the whole, or a specified part of the appointment costs of the appeal, including the costs in engaging the professional persons referred to in 2a.