

# Taxi Drivers

This fact sheet provides 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.

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

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

Any taxi owner/operator engaging drivers must display a copy of the Taxi Industry (Contract Drivers) Determination 1984, in a conspicuous location at the place of business and/or depot. You can download the Determination from [www.industrialrelations.nsw.gov.au](http://www.industrialrelations.nsw.gov.au).

## What area of NSW does this Determination apply?

This Determination applies when you drive a taxi cab in the Greater Metropolitan Transport District.

Different provisions apply to driving taxi cabs in Newcastle, Wollongong and other country areas. For further information about driving taxi cabs in those areas, contact NSW Transport at [www.transport.nsw.gov.au](http://www.transport.nsw.gov.au).

## Can the provisions of the Determination be changed by private agreement?

**No, they cannot.** For further information or assistance, contact NSW Industrial Relations.

## What is a bailee (driver)?

A bailee is an individual who holds a current NSW Taxi Driver Authority and takes a cab on bailment from the bailor (taxi cab owner/operator). Taking a cab on bailment means an agreement to drive the taxi cab under the conditions of the Contract Determination.

A bailee can be a permanent or casual driver.

## How do I know if I'm a permanent driver?

A bailee is a driver who hires the taxi from the taxi owner/operator for a shift as:

- A **permanent driver** - who regularly takes a taxi on bailment from the same bailor for;
  - Five shifts per week; or
  - At least 220 night shifts per year; or
  - At least 230 day shifts per year
- A **casual driver** - is **not** a permanent driver and is **not** entitled to any sick or annual leave.

## What payment am I entitled to as a driver?

A driver can be paid by a set percentage as a commission or pay a fixed amount from the takings to the taxi owner/operator and the driver keeps the balance remaining from chargeable fares.

## 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, the taxi owner/operator must give you 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 tax invoice can include more than one shift.

The tax invoice 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 Form*
- 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.

### Am I entitled to annual leave?

Yes - If you are classed as a permanent driver, then you are entitled to annual holidays on completion of at least 220 night shifts or 230 day shifts within a twelve month period or on termination of the contract. The annual leave payment is determined by the payment method the driver has chosen.

(The payment methods are a set percentage as a commission or pay a fixed amount from the takings.)

### Am I entitled to sick leave?

Yes - If you are classed as a permanent driver then you are entitled to five days sick leave in the first year of the contract. Pro-rata sick leave is available on completion of 55 shifts.

A driver will be entitled to eight 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 will be entitled to long service leave if you have worked for the same taxi owner/operator continuously for 10 years either as a permanent or casual driver. In some circumstances you may be entitled to long service leave after 5 years. For more information contact NSW Industrial Relations.

### Can the taxi owner/operator refuse to pay my annual leave because we agreed to lower pay-ins?

No, a taxi owner/operator must comply with the requirement of the Determination to provide annual leave and sick leave to a permanent driver even though the driver may have agreed to a pay-in lower than the maximum pay-in allowed.

### How is a driver terminated?

The taxi owner/operator must give a permanent driver one week's notice or payment in lieu of notice. No notice is required for a casual driver.

### 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.

### Can I request annual leave?

Yes, permanent drivers can request annual leave and must not be victimised for requesting their entitlement in accordance with the Determination.

#### Need more information?

For further information you can:

- call the NSW IR on 131 628 or
- visit [www.industrialrelations.nsw.gov.au](http://www.industrialrelations.nsw.gov.au)