



Aerial Capital Group Limited

BY-LAWS

For

Canberra Elite Taxis
Silver Service Canberra
QeTaxis
Canberra Hire Cars

Also includes future fleets
Affiliated with Aerial Capital Group

Updated 21 January 2016

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Definitions:

"Authorised Person" shall mean a person authorised by the Aerial Board.

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

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

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

"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.

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

"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.

"Plot" shall mean to plot into an area or rank as selected by the Taxi Driver.

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

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

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

"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.

"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.

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

1. Network approved Vehicle Specifics & Livery:

Every taxi 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 network approved vehicle colour for the specific fleet, the wheels which must be silver, and the Network approved Driver ID holder placed in the approved position on the front dash.

1.a. Vehicle Signed into Dispatch System:

A Taxi Operator who is a member of the Radio Network shall be required to ensure that at all times whilst operating the taxi, the vehicle is signed into the dispatch system through a drivers active PIN.

1.b. Vehicle Security Camera Check Prior to Sign in:

A Taxi Operator who is a member of the Radio Network shall ensure that the driver is aware of his obligations to complete a vehicle security camera check at the commencement of his shift, and to report any camera issues to the Call Centre immediately.

1.c. Vehicle Condition

A Taxi Operator who is a member of the Radio Network shall ensure at all times that the taxi is maintained to a high standard of appearance and roadworthiness, and that any repairs are carried out promptly. Any damage to the taxi must be reported immediately to Aerial Management. A driver must ensure that a taxi meets the Company's high standard of appearance and roadworthiness before being making the taxi available for hire.

1.d. Vehicle inspection

Taxis are required to undergo a quarterly inspection. Any taxi that fails fleet inspection will be required to carry out the necessary repairs within the timeframe given. Any taxi that fails to attend fleet inspection during the specified hours without notice will be suspended and will incur an administrative fee for an unscheduled inspection. Any taxi that fails re-inspection may be suspended until the repairs are carried out and may incur an administrative fee for a further inspection as determined by the Authorised person(s).

For failure to comply:

Radio service may be suspended from each vehicle which fails to comply with the obligations in 1, 1.a, 1.b and 1.c until compliance shall be satisfactorily demonstrated to the Network. Penalties apply under the provisions of these By-Laws.

1.e. Vehicle Standard

Notwithstanding the legislated maximum age limit on vehicles that can be used as taxis, Aerial, at its discretion, may refuse to allow a vehicle into its fleets in the first instance if, in its opinion, the vehicle is unsuitable as a taxi or is of an age or condition that is not in keeping with the standard required by the company.

Equipment

2. Any Taxi Operator or Driver who has installed or attached or allowed to have installed or attached to the taxi or to the radio or to the meter or to the dispatch unit any unauthorised equipment, device or wiring, or who tampers with the authorised equipment installed in the taxi shall be penalised under the provisions of these By-Laws 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 which has installed or attached or allowed to have installed or attached to the taxi or to the radio or to the meter or to the dispatch unit any unauthorised equipment, device or wiring shall be penalised under the provisions of these By-Laws, 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 these By-Laws.

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 these By-Laws.

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 these By-Laws.

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 these By-laws.

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 these By-Laws.

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 these By-Laws.

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 to display the prescribed fare or who disengages the meter before the completion of a hiring shall be penalised in accordance with the provisions of these By-Laws.

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 these By-Laws.

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 these By-Laws.

12. Any Taxi Driver who fails to carry out a radio hiring shall be penalised in accordance with the provisions of these By-Laws.

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 these By-Laws.

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 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 these By-Laws.

16. An Authorised Driver who drives a taxi 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. Black or brown leather shoes, excluding trainers or running shoes;
3. As part of the uniform, a driver may also wear headwear approved by Aerial.

Sign in to Dispatch System:

16.a An authorised Driver who drives a taxi affiliated with a fleet of the Aerial Network shall sign in to the dispatch system using their personal identification number (PIN) at the commencement of a shift, and shall remain signed in until the end of shift.

Complete Security Camera Check:

16.b Prior to signing into the Aerial Dispatch system, a Driver must complete a check of the camera security system that is installed in the car, and report to the Call Centre via radio immediately after logging on, if the camera system fails to operate.

Failure to abide by the above Driver obligations 16, 16.a and 16.b, a driver shall be penalised in accordance with the provisions of these By-Laws.

Driver Standards and Complaints

17. A Taxi Driver or Operator who is the subject of a complaint may be penalised in accordance with the provisions of these By-Laws or suspended under 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 Aerial By-laws, 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 a 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, 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) Picking 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.
- (q) Failure to sign into the dispatch system and/or remain so for each driving shift.
- (r) Failure to engage the meter at the commencement of a hiring or to use the correct metered rate.
- (s) Disengaging the meter before the completion of a hiring
- (t) Failure to wait the required time at a pickup point before abandoning the job.
- (u) Any other act or omission that may be detrimental to or bring discredit upon Aerial Capital Group Ltd
- (v) Failure to follow a lawful direction of an Authorised Officer of Aerial Capital Group Ltd
- (w) Inappropriate use of the security alarm system
- (x) Failure to abide by the driver ethical standards as outlined in the taxi driver training course and as published from time to time.

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 may be penalised under the provisions of these By-Laws. For any subsequent offence the Authorised person(s) may recommend the withdrawal of the Operator's or Driver'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 these ByLaws

22. Any Taxi Operator who receives a lost item that has been found in one of their operating taxis 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 Ltd.

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 Ltd 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) years from the date at which the penalty point was imposed.

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 17 -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 authorised 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 to a professional standard;
- (v) while the vehicle fails to meet reasonable standards of cleanliness and comfort;
- (vi) while the vehicle is under adverse notice of the relevant Regulatory Authority or the Police Service;

- (vii) while the vehicle displays other than Radio Network approved decals, stickers, advertising, or approved vehicle colour.

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 these By-Laws.

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

19a. In addition to all of the By-Laws set out in clause 17 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. 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.

19d. 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 into disrepute.

SCHEDULE A

Infringements

Taxi Operators or Taxi Drivers who willfully or carelessly fail to abide by the By-laws may be issued infringement notices by an Authorised Officer of Aerial Capital Group Ltd.

Infringements are not limited to the items specifically listed in these By-Laws, 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).

Penalties

Penalties can include:

- Written or verbal warning
- Penalty points
- Monetary fines
- Suspension from the Network
- Removal from the Network

The minimum points penalty is 2 points and the minimum fine is \$50.00. Penalties will increase with the seriousness of the offence or for repeat offences. The more serious offences may also be referred to the ACT Government Regulatory body.

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 scheduled or 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, 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 scheduled or 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.