



VICTORIAN --- TAXI DRIVER COMPANION



VICTORIAN
TAXI
ASSOCIATION



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Victorian Taxi Association

The VTA is the peak industry body representing the taxi industry in Victoria.

Our mission is to lead the Victorian taxi industry, enabling it to provide a quality, efficient and demand responsive service, which achieves customer satisfaction and a fair return for all participants.

The VTA manages a number of issue specific committees of taxi drivers to advise the VTA and other stakeholders on policy and operational matters. If you are interested in participating in these groups in the future, please contact us.

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Sign up to receive our monthly industry e-newsletter on our website.

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Introduction

The Victorian Taxi Association (VTA) has developed this publication to offer a snapshot of the structure of the taxi industry in Victoria and an overview of rules and regulations that apply to taxi drivers.

This companion is intended as a reference to help you fulfil your role and duties as a taxi driver.

This is not an exhaustive manual to the taxi industry, we encourage you to build your understanding of the industry and your regulatory obligations by talking to others in the industry and familiarising yourself with information on the VTA and Taxi Services Commission (TSC) websites.

Safe driving!

THE TAXI INDUSTRY



Taxi Drivers

Taxi drivers hold accreditation with the TSC to drive taxis for commercial hire in one or more taxi licence zones in Victoria.

Taxi drivers whose sole responsibility in the industry is to drive shifts using their Operator's taxi are called 'Bailee Drivers'.

The term 'Bailee' is derived from the word 'bailment' which is the legal term for the type of arrangement between a driver and a Operator for use of the taxi.

Bailee Drivers are self-employed and are individual small businesses. They agree to terms with Operators to take possession of and use a licensed taxi for a period of time and in exchange pay a percentage of the earnings. At the end of that period of time, the Bailee returns the taxi to the Operator.

The percentages retained by the Bailee and the Operator are referred to as the 'fare box split'. From 30 June 2014, it was made law that a Bailee Driver must retain at least 55% of gross fares earned during a shift.

Given that Bailee Drivers are self-employed, they are responsible for:

- abiding by all applicable rules and regulations
- following the rules of any Network Service Provider (NSP) that your Operator's vehicle is affiliated with
- notifying your Operator of any vehicle problems or equipment faults
- not sub-bailing the taxi or allowing anyone to drive using your driver accreditation or NSP personal identification number (PIN)
- providing reasonable assistance to passengers
- maintaining a clean vehicle and a presentable appearance
- managing work and rest hours

Bailee Drivers must have an Australian Business Number (ABN). Bailee Drivers are required to be registered for the Goods and Services Tax (GST) through the Australian Taxation Office regardless of income.

Taxi drivers who are reading this handbook most likely have already gained driver accreditation.

However, taxi drivers who first gained accreditation between 1 July 2009 and 31 December 2014 may be required to pass the Knowledge test before their current accreditation expires.

- Metropolitan drivers must pass two Knowledge modules: *Driver Behaviour & Geographical Assessment*.
- Urban drivers must pass one Knowledge module: *Driver Behaviour*

Operators

A taxi Operator is a person or organisation accredited to operate taxis in Victoria.

Operators are required to:

- maintain the taxi and ensure that it is roadworthy at all times
- ensure the taxi is fitted with all mandated equipment in working order
- keep records as prescribed by the TSC
- hold third-party property insurance for the taxi
- provide a driver protection screen if requested by the Bailee Driver
- hold WorkCover insurance for the Bailee Drivers

This list is only a summary of the obligations on Operators. For more details visit the TSC website (see page 31).

The Bailment Relationship

The relationship between the Bailee Driver and the Operator is one of bailment. Regardless of whether a written agreement is established or signed by the two parties, the obligations under the TSC's implied conditions must be met.

Implied conditions

Victorian law contains 'implied conditions' which automatically apply to any agreement where a driver takes possession of a Operator's taxi, even if the conditions are not included in a written agreement between a Operator and Bailee Driver.

Bailment agreements may contain an unlimited range of other conditions as agreed to by both parties, so long as they do not act contrary to or limit the effect of the implied conditions.

The implied conditions relate to:

- the farebox split between a Operator and Bailee Driver – requiring that this be 55% of gross fares retained by the driver
- maintenance costs
- indemnity and insurance
- dispute resolution
- leave entitlements
- termination of agreements
- bonds

You can find more details about the implied conditions in the VTA's model Bailment Agreement available on the VTA website or the TSC website (see page 31).

The VTA encourages all parties to sign a written bailment agreement to formalise this relationship. Contact the VTA for a copy of our model bailment agreement (see page 31).

The purpose of a bailment agreement is to outline the rights, responsibilities and obligations of both parties, as well as to:

- provide certainty for both parties regarding procedures for dealing with operational issues
- minimise the potential for confusion and conflict between parties
- promote consistent conditions for bailing a taxi in Victoria

Network Service Providers

Network Service Providers (NSP) or Networks are organisations accredited to receive and dispatch bookings to taxis in Victoria.

In most cases, NSP's provide a range of services in addition to booked work, for example; contract work, GPS tracking, emergency communications, internal safety cameras, handling of complaints and lost property.

A Bailee Driver may be asked to enter into an agreement with the Operator's chosen NSP which requires the driver to comply with rules and procedures. These rules may include a driver code of conduct, training, uniform, discipline procedures and use of the NSP system for dispatching taxi bookings.

Licence Holders

A Licence Holder, also known as an Owner or Plate Owner, owns the licence which allows a vehicle to work as a taxi in Victoria.

Some taxi licences in Victoria are privately owned and do not have an expiry date. These can be bought and sold (transferred). Other licences are leased by the Victorian Government for a set period.

An Operator may own the licence/s they operate. Alternatively, Operators may lease a licence from a Licence Holder (assignment) or from the Government.



RULES & REGULATIONS

Victorian law has many rules for taxis. These have developed over time for the benefit and safety of those in the industry and its customers. Here is a summary of the regulations and laws which are most relevant to drivers.

Taxi Regulations

Air conditioner	If the air conditioner is not in working order, notify your Operator immediately. The air conditioner must be working at all times.
Maximum number of passengers	The taxi cannot carry more people than it is licensed for.
Route	Drivers are required to take the most direct route unless the passenger requests a specific route. The driver should consult a map or GPS if in doubt.
Driver appearance	Drivers are required to comply with uniform standards determined by your Operator or NSP.

Animals	Drivers must allow assistance animals in the taxi with a passenger. An assistance animal is a guide dog for sight or hearing impaired people or an animal in accordance with conditions determined in the regulations.
Passenger amenities	Drivers must comply with requests by a passenger which relates to the air conditioning, heating, music system or radio.
Passenger behaviour	Drivers may refuse to carry, or to continue to carry, a person in the taxi if, in the opinion of the driver, the person is violent, noisy, misbehaving, filthy or offensive; or the person is in possession of an item which is not able to be safely and securely accommodated within the taxi.
Passenger assistance	Drivers must provide reasonable assistance with a passenger's luggage
Capacity to pay	A driver has the right to ensure that passengers have the ability to pay the expected fare or request a deposit up to the estimated fare before starting the trip. Mandatory pre-payment between 10.00pm-5.00am puts the responsibility on the passenger to pay before the trip starts.
Taximeters	Taximeters must be working correctly at all times the taxi is in service and the seal on the meter must not be broken.
Smoking	Smoking is prohibited in taxis.
No drinking liquor or possessing open liquor containers	A passenger in a taxi must not possess an open container or drink from a container that contains liquor.
Property found in taxi	If you find lost property, act promptly by contacting your NSP or Operator to find out if the passenger can be contacted, otherwise deliver the lost property to the closest Police Station.

Taxi Licence Zones

Victoria has four taxi licence zones:

- metropolitan
- urban & large regional (referred to as 'urban')
- regional
- country

The boundaries of the four zones are very important as they govern what areas taxis can work in.

Metropolitan zoned taxis can do:

- rank and hail work within the metropolitan zone only
- pre-booked work in any zone, provided the trip starts or ends in the metropolitan zone
- pre-booked work wholly within any zone except the urban & large regional zone (metropolitan, regional and country)

Urban zoned taxis can do:

- rank and hail work within the urban & large regional zone only
- pre-booked work in any zone, provided the trip starts or ends in the urban & large regional zone
- pre-booked work wholly within the urban & large regional, regional and country zones

Regional zoned taxis can do:

- rank and hail work within the regional zone only
- pre-booked work in any zone, provided the trip starts or ends in the regional zone
- pre-booked work wholly within the regional and country zones

Country zoned taxis can do:

- rank and hail work within the country zone only
- pre-booked work in any zone, provided the trip starts or ends in the country zone
- pre-booked work wholly within the country zone only

Insurance, Indemnity and Bonds

From 30 September 2014, Operators are required to hold a third-party property insurance policy with a minimum cover of \$5,000,000 issued by a corporation authorised under the Insurance Act 1973 which is held in the name of the entity which holds the permit to operate and not in any other name.

In accordance with the driver agreement implied conditions, the Operator is required to indemnify drivers for vehicle damage, including damage to the taxi, and for costs including legal costs associated with the damage.

Operators are allowed to collect a bond from drivers which can be up to a total value of \$1,000. This bond may be paid incrementally, for example on a shift or weekly basis, and can be used in two circumstances:

- if the taxi or any item of equipment is damaged due to the driver's conduct; or
- in the event that the driver withholds shift earnings

Bonds must be held in a designated bank account and a receipt issued to the driver.



Driver Accreditation Cards

You cannot drive a taxi without a Driver Accreditation card (DA, sometimes know as a DC). You must only use your own DA when driving a taxi.

If you lose your DA, or it is damaged and does not log onto the EFTPOS system, you must contact the TSC immediately on 1800 638 802 (during business hours only).

The TSC will issue you with a letter of authority enabling you to continue driving, which you must have with you at all times.

The letter of authority does not include a PIN to log onto the EFTPOS system, so you will need to write out manual dockets.

Use your letter of authority to answer any passenger queries about the EFTPOS machine not working, and consider advising passengers before starting the trip.

Goods and Services Tax (GST)

The Goods and Services Tax Act 1999 specifies that suppliers of taxi travel, which includes all taxi drivers, must register for the GST and must have an ABN regardless of annual revenue.

A taxi driver who is registered for GST and has an ABN is able to obtain input tax credits for GST on supplies they purchase and is able to issue tax invoices.

Short Fares

A taxi driver cannot refuse a fare based on distance.

WorkCover

WorkCover is an insurance scheme managed by the Victorian Government. It provides support to people who are injured at work.

If the annual income retained by all Bailee Drivers associated with a Operator's taxi is more than \$7,500, or projected to be more than \$7,500, the Operator must have a WorkCover policy. They are obligated to pay for the policy as a part of running their business.

If you are injured while driving a taxi, report the incident to your Operator as soon as possible.

Working With Children Check

In 2006, the Victorian Government introduced a checking system to help protect children under 18 years of age from physical or sexual harm.

The Working With Children Check (WWCC) helps to keep children safe by preventing those who pose a risk to the safety of children from working with them in either paid or voluntary work.

Under the Working with Children Act 2005, only people engaging in 'child-related work' on a regular basis must apply for and pass the WWCC.

If your taxi work involves school runs or transporting children regularly you will need to apply for a WWCC. Visit the WWCC website for application details.

Disability Discrimination Act

As a taxi driver you cannot discriminate against anyone in the provision of services. You must show an equal amount of respect to everyone that gets into your taxi.

You must accept assistance animals into your taxi.

Remember, assistance animals:

- will not harm and are free from disease
- are well trained and well behaved
- should never be separated from their owners
- are not to be patted, distracted or fed

Wheelchair Accessible Taxis

Drivers require special accreditation to drive Wheelchair Accessible Taxis (WAT). WATs are intended to service the disability community and it is a requirement when driving a WAT that jobs for passengers in wheelchairs be given priority.

WAT vehicles are also capable of transporting groups of between 5 and 11 people, which may attract a higher tariff.



Mobile Phones

Motorists in Victoria caught using mobile phones while driving will receive a significant fine and attract licence demerit points.

If a phone is secured in a commercially designed holder fixed to the vehicle, drivers are allowed to:

- make and receive phone calls
- listen to music/audio (without video)
- use the phone as a GPS

Drivers can also use hands-free devices, including corded or bluetooth earpieces but only if it can be operated without touching any part of the phone and is not resting on any part of the driver's body

Drivers are encouraged to:

- avoid using ear phones as this is subject of frequent complaints from customers
- download and enable the VicRoads RoadMode app for Android phones
- set GPS co-ordinates for the route before commencing a trip
- ensure text messages are not displayed when received if the phone is visible while driving

It is illegal to:

- hold a phone or rest it in their lap, even if it is turned off
- use a hand-held mobile phone at any time, including when the vehicle is stationary but not parked e.g. when stopped at traffic lights
- using a phone to watch videos, send or read text message or play games

Conflict Management

Taxi drivers need to effectively manage interactions with passengers to avoid conflict. In most cases, potential conflict can be resolved before it occurs if you know the warning signs. Remember, communication is key to diffusing conflict.

Observe people before picking them up	Consider stopping ahead of a potential passenger you are wary of and watch them approach the taxi before making a decision as to whether to accept them into the taxi.
Insist on clear directions	If you receive vague directions, ask the passenger to clarify them before you proceed. Talk to your passenger and consult a map if you are unsure.
Avoid allowing passengers to sit directly behind you	Consider locking your rear right passenger door.
Know your alarms	Be aware of the location of your alarm, emergency call buttons and procedures. If you are unsure, speak to your Operator or NSP (Network).

Check your camera	<p>If you are working in a taxi with internal safety cameras, make sure the appropriate lights indicate they are working.</p> <p>If you believe the cameras are not working, notify your Operator immediately and do not continue driving the vehicle.</p>
Pre-paid fares	<p>Mandatory pre-payment between 10.00pm-5.00am puts the responsibility on the passenger to pay before the trip starts.</p> <p>If a passenger pre-pays, provide them with a receipt of the transaction, and explain that at the end of the trip they will be required to pay the balance or they will be refunded the difference according to the metered fare.</p> <p>Taxi drivers have the right to ask customers for proof of payment or a deposit up to the estimated fare at any time.</p> <p>Always give passengers a receipt to avoid confusion or conflict.</p>
Cash	<p>To minimise the chances of losing shift takings, you should:</p> <ul style="list-style-type: none"> • not leave your taxi in the case of a dispute • minimise cash – only keep enough money for a float • don't discuss takings • always lock your taxi

Customers

The taxi industry is the only transport service that operates 24 hours a day, 7 days a week, all year round, including public holidays.

For many users of our services, taxis are vital to their independence and mobility. Taxis provide a vital link for people to access medical services, travel for business and enable tourists to get around.

The fundamentals of a good taxi experience is one where the taxi arrives on time when booked, is clean, the driver is knowledgeable of local geography and displays good driving skills.

A taxi experience which is memorable and leaves a lasting impression on a customer is when a higher level of customer service is offered – this can include the driver being helpful, knowledgeable and well presented.

The experience of customers in each taxi they take informs their opinions of the industry and influences their likelihood of taking taxis more frequently.

Customer service is the way you take care of your most important asset – your customers. This includes how you:

- present and maintain your vehicle
- present yourself
- communicate
- demonstrate safe driving
- put the needs of the customer first

Fare Evasion

If a passenger leaves the taxi without paying the fare (fare evades), or cannot pay the fare, stop the meter straight away, record the trip information and report it directly to Victoria Police and your Operator.

Do not put yourself in a vulnerable position and do not leave your taxi under any circumstances. The risks are not worth the potential consequences.



DRIVER SAFETY



Security Cameras

It is mandatory for all metropolitan and urban taxis to have safety cameras operating at all times. It is illegal to operate a taxi with a camera system that is not fully functional.

Taxis operating in regional and country zones may or may not have safety cameras fitted.

Drivers must ensure the cameras are working at the start of every shift. Report any issues to your Operator immediately and do not continue to drive the vehicle.

Alarm Procedures

All metropolitan taxis have alarms to be used by the driver if something goes wrong. Taxis in other zones may also have alarms or other procedures to support drivers in the event of trouble. Before driving a taxi, ensure you are familiar with all safety processes.

If the alarm system is not functioning, report this to your Operator immediately and do not continue to drive the vehicle.

Driver Protection Screens

It is mandatory for every taxi to have a driver protection screen available in the metropolitan and urban taxi zones. It is the driver's choice whether to use it or not. If you want a screen installed, make a request to your Operator.

It is not mandatory for regional and country taxis to have driver safety screens available. Speak to your Operator if you are driving in these areas and would like to use a screen.

Mobility devices

A mobility device (e.g. wheelchair or scooter) must meet the following standards to be transported in a taxi:

- the combined weight of the mobility device and passenger must not exceed 300kg
- the length of the mobility device must not exceed 1300mm and the combined width of the device and passenger must not exceed 800mm
- the passenger's head height when seated must not exceed 1500mm
- the mobility device must be fitted with suitable anchorage points which enable it to be securely restrained and the passenger fitted with a suitable seat belt

Drivers accredited to operate Wheelchair Accessible Taxis (WATs) will be required to be competent in the safe loading and unloading of passengers who use mobility devices. If you are unsure about any of the procedures or use of restraints, contact your Operator.

Accidents

If you are involved in an accident, you should:

- immediately stop the vehicle - it is a serious offence to fail to stop at the scene of an accident
- offer assistance - if you are able, you should offer assistance to other people involved
- protect yourself - use your hazard lights and move vehicles out of the way of oncoming traffic if possible
- call emergency services - dial '000' if you need Police, Fire or Ambulance to respond
- exchange details with everyone involved in the accident

Fatigue Management

Driver fatigue (being tired) is a risk to your health and safety and to the public. Being able to see the signs of fatigue can help you to decide if it is safe for you to drive. Fatigue is more likely to occur at night.

Some signs of fatigue are:

- poor concentration
- difficulty remembering periods of time when driving
- not being able to see clearly
- having blurred vision
- sore or heavy eyes
- difficulty keeping eyes open and on the road
- frequent yawning
- falling asleep
- not feeling refreshed after sleep
- the need for more sleep during breaks
- wanting things done quickly (or having a short temper)
- fidgeting
- stretching
- stiff muscles
- poor control when driving
- difficulty maintaining steady speed
- drifting outside your lane.

To help manage driver fatigue, the TSC has developed Fatigue Management Guidelines. These include:

Maximum working hours (including breaks) in a 24 hour period
12 Hours

Minimum break between shifts
10 Hours

Minimum break when changing from day to night shift
24 hours

Stop driving immediately if you find it hard to keep your eyes open and your head is nodding. These are often signs of microsleeps, which are very short periods of sleep you may not even be aware of.

The only real way to treat fatigue is to sleep. Aim to get at least seven and a half hours of quality (uninterrupted) sleep each day or night.

Make sure you get out of the car and have a break every two hours. Even if it's only for ten minutes, this helps manage fatigue. You should also drink plenty of water to keep well hydrated as this will help to keep you aware and thinking clearly.

Make sure you get a decent sleep before your shift starts, especially if you are changing from day shift to night shift.

*TIP

Not drinking enough water can make you feel tired.

You can find the Fatigue Management Guidelines on the TSC website: **taxi.vic.gov.au**.

FARES AND RANKS



Fares

Metropolitan and urban

Taxis that operate in the metropolitan and urban zones are subject to the maximum fares determined by the Essential Services Commission. Refer to the in-car fare labels or the TSC website to ensure you understand what fares apply and when.

Operators can choose to charge less than these maximum fares. Speak with your Operator to understand any contracted arrangements, set rate fares or discounting policies.

Country and regional

From 30 June 2014, Operators in regional and country zones were given the ability to set and notify their own fares. Refer to the in-car fare labels and speak to your Operator to ensure you understand what fares apply and when, including how to comply with any contracted arrangements, set rate fares or discounting policies.

High occupancy hiring

High occupancy fees may apply for taxis carrying between 5 and 11 passengers, or non-wheelchair hiring where the hirer specifically requests a larger than standard taxi regardless of the number of passengers carried.

Booking fees

A booking fee may be applicable when a trip has been pre-booked with a NSP (Network). It can be booked over the phone, with a smart phone app or via the internet.

Electronic payments

A maximum 5% surcharge applies when processing electronic payments.

Multiple hiring

A multiple hiring is:

- when two or more passengers who are unacquainted travel in a taxi from a common starting point
- all passengers consent to other persons also hiring the taxi at the same time
- all passengers' destinations are in the same general direction

In a multiple hiring, each passenger pays 75 per cent of the fare showing on the taxi meter at their individual destination.

Extra charges

Other charges may be added at the end of a trip. Refer to the in-car fare label.

Receipts

Always give passengers a receipt even if they pay by cash to avoid confusion or conflict.



Dandenong, Frankston, Port Phillip and Western Port operate on the same fares as metropolitan Melbourne.

Ballarat, Bendigo and Geelong operate under a different fare structure.

Taxi Subsidy programs

Multi Purpose Taxi Program

The Multi Purpose Taxi Program (MPTP) is a state government funded subsidy scheme managed by the TSC providing a 50 per cent subsidy on taxi fares (up to a maximum subsidy of \$60 per trip) for cardholders.

The aim of the program is to improve the accessibility of transport services for Victorians with a severe and permanent disability which significantly restricts their mobility and prevents them from accessing public transport.

If you drive in regional or country zones, and your Operator has set and notified their own fares, this will impact the processing and rate of subsidy of MPTP fares. Please check with your Operator to ensure you understand how to process MPTP fares correctly.

Trips which are covered by insurers, including the Transport Accident Commission, or subsidised by another government departments are not eligible for subsidy under the MPTP program or equivalent programs in other states.

Interstate Government Subsidy Programs

Cardholders in each state have the ability to travel in taxis in other states, for a limited time, and retain the level of subsidy that they are entitled to in their home state.

If you have a passenger who is eligible for a relevant program in another state, they will provide you with a voucher or smart card to be used. Please read these vouchers carefully to ensure that the passenger receives the correct subsidy.

Department of Veterans' Affairs Subsidised Travel

The Department of Veterans' Affairs (DVA) provides subsidies to clients to attend approved health medical treatment using a taxi or hire car. Local taxi and hire car providers are contracted to DVA to arrange suitable vehicles to transport DVA clients to their medical appointments on time. The scheme provides a high quality and reliable service.

Taxi Ranks

Taxi ranks are designated roadside areas where taxis can wait for passengers. Taxi ranks are designated by 'Taxi Zone' signs and may have particular times of operation.

Management of taxi ranks is the responsibility of local councils. Some local councils have invested in developing safe ranks with additional security features. It is advisable to use these when they are in operation.

Melbourne Airport

Advice for servicing Melbourne Airport:

- ensure your taxi has enough petrol and is clean before entering the holding bay
- do not save a place in the queue for another driver
- ensure your access card has enough credit to leave the holding yard
- do not tail gate, or allow others to tail gate
- if you leave your place in the queue you cannot return to it
- do not exceed the speed limit of 10km/hour

Visit the Melbourne Airport website for more details on taxi procedures (see page 31).

Glossary

Assignment

Assignment is a term that refers to the leasing of privately owned licences to a Operator and is governed by an assignment agreement

Bailee drivers

Taxi drivers whose sole responsibility in the industry is to drive shifts using their Operator (formerly known as Operators) taxi

Bailment

The legal term for the kind of arrangement between a driver and a Operator for use of the taxi

Bond

A set amount of the driver's money which can be held by the Operator in a designated bank account which can be used in the event that a driver does not pay the Operator their share of shift earnings or for damage to the taxi or equipment which arises from the driver's conduct

Dispatch

The process by which NSP make bookings available to affiliated logged-on taxis

Gross fares

Refer to the definition in the implied conditions

Implied conditions

A set of conditions, gazetted by the Commissioner of the Taxi Services Commission, which applies as minimum standards to all relationships between Bailee Drivers and Operators

Indemnity

An exemption from liability or damages in the case of accidents in the bailed taxi

Operators

Operators are the people or organisations who operate taxi licences.

PIN

Personal Identification Number used to log on to NSP dispatch systems issued to drivers by their NSP

Network Service Providers

Network Service Providers (NSP) facilitate the booking of taxi services by passengers. Passengers use a variety of methods to make bookings, from phone bookings to mobile applications and online

Contacts

Victorian Taxi Association

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Taxi Services Commission

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1800 638 802
www.taxi.vic.gov.au

VicRoads

131 171
www.vicroads.vic.gov.au

WorkCover

info@WorkCover.vic.gov.au
1800 136 089 (toll free for country callers only)
www.WorkCover.vic.gov.au

Melbourne Airport

community@melair.com.au
(03) 9297 1600
www.melbourneairport.com.au/for-business/commercial-vehicles.html

Content correct at time of publication, May 2015.

If you are unsure or have further questions,
please contact the Victorian Taxi Association.

Notes

Notes

