

Australian Capital Territory

Road Transport (Public Passenger Services) (Minimum Service Standards for Hire Car Services (other than Restricted Hire Car Services)) Approval 2013

Disallowable instrument DI2013—83

made under the

Road Transport (Public Passenger Services) Regulation 2002, section 18B (Minimum service standards for regulated services)

1 Name of instrument

This instrument is the Road Transport (Public Passenger Services) (Minimum Service Standards for Hire Car Services (other than Restricted Hire Car Services)) Approval 2013.

2 Commencement

This instrument commences on the day after notification.

3 Approval

I approve the standards contained in Schedule 1 as the Minimum Services Standards for the operation of hire car services (other than restricted hire car services).

4 Revocation of previous instrument

I revoke Disallowable Instrument DI 2006—42 notified on 9 March 2006.

Sandra Georges
Road Transport Authority
31 May 2013

SCHEDULE 1

MINIMUM SERVICE STANDARDS FOR HIRE CAR SERVICES (OTHER THAN RESTRICTED HIRE CAR SERVICES)

PART 1 Minimum Service Standard for Cleaning, Servicing, Inspection, Maintenance & Repair of Hire Cars (Including Compliance with Section 179 (Maintenance of Hire Cars))

- 1.1 The operator of a Hire Car Service must implement a regular maintenance, service and inspection program for hire cars to ensure compliance with the manufacturer's standards for the vehicles. The program must include:
- (1) ensuring the maintenance and repairs of hire cars are carried out by a licensed motor vehicle repairer under the *Fair Trading (Motor Vehicle Repair Industry) Act 2012* for the work they are performing;
 - (2) ensuring that while the hire car is operating as a hire car the vehicle is clean, its fittings are clean and undamaged, properly fitted and securely in place, fully operational and complying with any Standards approved by the Authority;
- 1.2 If there are no manufacturer's standards for hire cars, the vehicles must be maintained, serviced and inspected so they remain roadworthy at all times.

PART 2 Minimum Service Standards for Advertising/Publishing

- 2.1 The operator of a Hire Car Service must not advertise any vehicles (in any format) that are not licensed to operate under their accreditation and must provide the Authority with any brochures and business cards that are to be made available to the public at least 2 days prior to the those materials being made publicly available.

PART 3 Minimum Service Standard for Making and Management of Records

- 3.1 The operator of a Hire Car Service must maintain records which are capable of being audited for:
- (1) the date, time, origin and destination of every hiring;
 - (2) the hire car used, and the driver details, for every hiring;
 - (3) the name in which each hiring is made;

- (4) the date and type of maintenance and repairs that were undertaken for any hire car used to operate the hire car service;
- (5) details of who conducted the maintenance;
- (6) customer complaints and the resolution of customer complaints;
- (7) lost property.

3.2 Records required to be kept under 3.1 must be kept for a period of not less than 4 years.

PART 4 Minimum Service Standard for the Operation of a Hire Car Service

4.1 The operator of a Hire Car Service must:

- (1) if the hire car service is operated by a corporation, ensure no person other than the directors, office holders or managers have management of the day-to-day operations of the hire car service;
- (2) provide to hire car drivers employed or otherwise utilised by the operator a copy of the operator's Accepted Service Standards, and if there are specific rules governing the operation of the hire car service, a copy of those rules and any Industry Codes of Practice;
- (3) ensure that whoever drives the hire cars is bound by the operator's Accepted Service Standards and any Industry Codes of Practice.

PART 5 Minimum Service Standard for Compliance with Section 181 (Hire car drivers to hold appropriate driver licence or authority.)

5.1 The operator of a Hire Car Service must:

- (1) regularly check the expiry dates of driver licences and authorities held by drivers employed, or otherwise utilised, to ensure licences and authorities remain current;
- (2) at regular intervals notified by the Authority, provide the Authority with a list of all drivers used by the operator for the provision of the hire car service, including the driver's full name and address, and driver licence or driver authority number;
- (3) have processes in place to ensure that any new driver's details are provided to the Authority before the person commences

driving for the operator and that the Authority is notified of any driver who ceases driving for the operator; and

- (4) if notified by the Authority that a driver's licence has been suspended or cancelled, ensure that the person does not drive a hire car for the operator.

PART 6 Minimum Service Standard for Compliance with immigration requirements (Drivers to hold appropriate visa and working rights if not permanent residents or Australian citizens.)

- 6.1 The operator of a Hire Car Service must have processes in place to verify the visa status and working conditions of any drivers who are not permanent residents or Australian citizens to ensure they are legally permitted to undertake such employment, and do not breach any such employment restrictions on their visa while in their employ.

PART 7 Minimum Service Standard for the Monitoring of Safety and Training of Hire Car Drivers

- 7.1 The operator of a Hire Car Service must:

- (1) ensure that if any hire car used to operate the hire car service is fitted with a security camera system – that the Standards for Security Cameras approved by the Authority are adhered to and the Authority is notified of the security camera system before becoming operational;
- (2) ensure that if any hire car used to operate the hire car service is fitted with a security camera system – that the system is monitored and alarms responded to immediately; and
- (3) ensure that any defects or faults reported for equipment that monitors the safety of drivers are repaired expeditiously.

- 7.2 The operator of a Hire Car Service must ensure training programs are undertaken by hire car drivers as required.

PART 8 Minimum Service Standard for ensuring Hire Car Drivers are aware of their responsibilities to the public

- 8.1 The operator of a Hire Car Service must ensure that hire car drivers employed or otherwise utilised are made aware of their responsibilities to the public under the *Road Transport (Public Passenger Services) Regulations 2002*.

PART 9 Minimum Service Standard for Handling of Customer Inquiries & Customer Complaints

9.1 The operator of a Hire Car Service must:

- (1) establish procedures for handling and recording customer complaints and dispute resolution;
- (2) respond to the Authority within seven (7) days after a customer complaint has been forwarded to the operator by the Authority;

PART 10 Minimum Service Standard for the Handling of Lost Property

10.1 The operator of a Hire Car Service must establish procedures for handling and recording lost property including ensuring the security and disposal of stored lost property.

PART 11 Minimum Service Standard if a motorbike will be used to operate the Hire Car Service

11.1 The operator of a Hire Car Service using a motorbike must:

- (1) have available, and ensure that all passengers wear, clean undamaged Standards Australia International Limited approved full-face helmets in sufficient sizes to cater for all passengers;
- (2) ensure that all passengers wear clothing that provides full covering;
- (3) make available, and ensure passengers are advised of the availability of, clean, undamaged riding gloves and protective jackets in a sufficient number of sizes to cater for all passengers on hirings exceeding 15 minutes' duration;
- (4) ensure that all passengers wear fully enclosed shoes or boots;
- (5) ensure that all passengers wear adequate protective eye covering. In the absence of visors, goggles must be provided to each passenger. Sunglasses or other spectacles are not adequate;
- (6) provide each passenger with an adequate briefing on the following matters before commencement of the hiring:
 - (a) fitting of helmets and other safety apparel;
 - (b) instructions on safe riding – including seating, use of footrests, leaning and communicating with the driver; and
 - (c) expected road conditions.

PART 12 Minimum Service Standard for Insurance

- 12.1 The operator of a Hire Car Service who operates more than one hire car must implement a system to allow for the easy identification of each public vehicle policy expiry date.
- 12.2 The operator must provide evidence of the currency of the public vehicle policy at the request of the Authority or any other authorised person when required to do so.