

Road Transport (Public Passenger Services) Hire Car Service—Service Standards 2020 (No 1)*

Disallowable instrument DI2020-27

made under the

Road Transport (Public Passenger Services) Regulation 2002, section 20B (Service standards for regulated services)

1 Name of instrument

This instrument is the *Road Transport (Public Passenger Services) Hire Car Service—Service Standards 2020 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Determination

I make the service standards contained in Schedule 1 for a hire car service (including a restricted hire car service).

4 Definitions

Hire car service - see section 69 of the *Road Transport (Public Passenger Services) Act 2001*; includes a restricted hire car service.

Restricted hire car service - see section 70 of the *Road Transport (Public Passenger Services) Act 2001*.

5 Revocation

I revoke *Road Transport (Public Passenger Services) Hire Car Services—Service Standards 2018 (No 1)* DI2018-68.

Richard Glenn

Director General of the Justice and Community Safety Directorate as a road transport authority

28 March 2020

Note: Section 16 (3) of the *Road Transport (General) Act 1999* defines the road transport authority. This section in conjunction with the Administrative Arrangements determines which Director-General is the road transport authority for certain provisions of the road transport legislation.

SCHEDULE 1

SERVICE STANDARDS FOR HIRE CAR SERVICES

PART 1 SAFETY

- 1.1 The operator of a hire car service (including a restricted hire car service) must:
- (1) ensure that their vehicle is maintained, serviced and inspected so it remains roadworthy at all times;
 - (2) ensure that a vehicle (other than a restricted hire car) that does not pass a roadworthy inspection or has safety equipment that is not working, and is deemed to be unsafe is not used as a hire car;
 - (3) ensure there is an ability for drivers to inspect vehicles before use and a mechanism for reporting vehicle or equipment defects and faults;
 - (4) ensure all drivers who use the vehicle are aware of their legal requirements under the ACT's road transport legislation for driving their vehicle;
 - (5) provide the road transport authority (the **Authority**) full details of all security devices that they have installed or arranged to be installed in the hire car, such as cameras, GPS tracking devices, and other equipment used to monitor safety;
 - (6) for security devices under 1.1 (5), ensure that there is the ability to capture data from the security device and access that data as required for regulated purposes;
 - (7) where a third-party (other than an affiliated transport booking service) is used for the purposes of 1.1 (6), provide the Authority with the third-party provider's contact details;
 - (8) ensure that known defects with security devices and other required equipment used to monitor safety are repaired promptly; and
 - (9) implement a cleaning program at the end of each service, as part of good hygiene practice with areas to be cleaned including:
 - (a) the interior;
 - (b) the exterior, including door handles
 - (c) the fittings including seats, seat covers, floor coverings and any device or equipment required to be installed under the *Road Transport (Public Passenger Services) Regulation 2002*.

1.2 The driver of a hire car must:

- (1) drive in a safe manner at all times, and not negligently or wilfully move, drive or cause the vehicle to be moved or driven so that any person is subject to risk of injury;
- (2) clean surfaces (including fittings and door handles) with appropriate disinfectant wipes after completing a service;
- (3) ensure that if a baby capsule or child restraint is provided, that it meets the standards provided under the *Road Transport (Safety and Traffic Management) Regulation 2017* and has no defects, such as a damaged harness belt, or significant cracks to the body of the device; and
- (4) report to the hire car operator any vehicle defects and/or faults (including to equipment) that prevent use as a hire car vehicle immediately after becoming aware of the defect or fault.

PART 2 CUSTOMERS

2.1 A complaint in this part means any negative feedback that relates to possible breaches of the road rules and/or regulation and may result in endangerment to public safety.

2.2 The operator of a hire car service that is not affiliated with a transport booking service must:

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

2.3 The operator of a hire car service that is affiliated with a transport booking service, must comply with customer inquiry and complaints procedures set by the transport booking service they are affiliated with.

2.4 The driver of a hire car service must comply with the requirements of the *Discrimination Act 1991*.

PART 3 HANDLING LOST PROPERTY

3.1 The operator of a hire car service that is not affiliated with a transport booking service must establish procedures for managing lost property.

3.2 The operator of a hire car service that is affiliated with a transport booking service must comply with lost property procedures set by the transport booking service they are affiliated with.

PART 4 CERTAIN RECORDS MUST BE KEPT

4.1 The operator of a hire car service that is not affiliated with a TBS must maintain records, to be kept for a period of not less than 2 years, 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 or passenger reference in which each hiring is made;
- (4) electrical, mechanical or structural repairs for maintaining the roadworthiness of a vehicle – including the date, type and details of who conducted the repairs or maintenance;
- (5) customer complaints and the resolution of customer complaints;
and
- (6) lost property.

4.2 Section 4.1 (6) does not apply to the operator of a restricted hire car service.

4.3 The operator of a hire car service that is affiliated with one or more TBS must maintain records, to be kept for a period of not less than 2 years, which are capable of being audited for:

- (1) the period of time a vehicle is made available to a driver;
- (2) electrical, mechanical or structural repairs for maintaining the roadworthiness of a vehicle – including the date, type and details of who conducted the repairs or maintenance.

PART 5 WHEN MOTORBIKE USED IN HIRE CAR SERVICE

5.1 The operator of a hire car service using a motorbike must:

- (1) ensure that all passengers wear an approved motorbike helmet;
- (2) have available approved motorbike helmets in sufficient sizes to cater for all passengers;
- (3) ensure that all passengers wear clothing that provides full covering;
- (4) make available, and ensure passengers are advised of the availability of undamaged riding gloves and protective jackets in a sufficient number of sizes to cater for all passengers on hirings exceeding 15 minutes in duration;
- (5) ensure that all passengers wear fully enclosed shoes or boots;

- (6) 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;
- (7) 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; and
- (8) ensure that all motorbikes and equipment provided as part of the hire of the motorbike is appropriately cleaned before the commencement of and after the end of each hiring.