

# Road Transport (Public Passenger Services) Transport Booking Services— Service Standards 2016 (No 1)

Disallowable instrument DI2016–203

made under the

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

## EXPLANATORY STATEMENT

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Section 20B(1) of the *Road Transport (Public Passenger Services) Regulation 2002* (**the Regulation**) permits the Road Transport Authority (**the Authority**) to make Service Standards for the operation of a regulated service including a transport booking service. An approval under section 20B(1) is a disallowable instrument by virtue of section 20B(4).

### OVERVIEW

The purpose of this instrument is to set down obligations of transport booking services (**TBS**) to reflect market reforms. The objectives of reform overall are to reduce regulatory burden while supporting public safety and accessibility to better enable competitive market outcomes.

Transport booking services form a central and flexible regulated entity that can provide booking services for one or more travel modes, including rideshare, taxi and hire car service. The responsibilities and behaviour of the TBS are made operable for each TBS through service agreements drawn with the Authority.

The regulatory framework under the *Road Transport (Public Passenger Services) (Taxi Industry Innovation) Amendment Act 2015* allows for a hierarchy of roles and obligations of TBS, operators and drivers. This is a reflection of potential industry risks, but it also enables potentially more streamlined processes for becoming and remaining accredited and licensed for participation in one or several service delivery modes.

Further background on the Taxi Industry Innovation Reforms can be found in the Explanatory Statements to the: *Road Transport (Public Passenger Services) (Taxi Industry Innovation) Amendment Act 2015*; the *Road Transport (Public Passenger Services) (Taxi Industry Innovation) Amendment Regulation 2016 (No.1)*; and the *Taxi Industry Innovation Review - Supporting Analysis* (September 2015).

The instrument revokes the existing MSS for taxi networks (DI2010–202) and approval for taxi network accreditation standards (DI2001-244).

The instrument is in force until it is amended or revoked.

## CLAUSE NOTES

### **Clause 1 Name of instrument**

This Disallowable Instrument is known as the *Road Transport (Public Passenger Services) Transport Booking Services—Service Standards 2016 (No 1)*.

### **Clause 2 Determination**

This clause refers the determination of service standards to Schedule 1 of the instrument.

### **Clause 3 MSS revoked**

Disallowable Instruments DI2010-202 and DI2001-244 (as notified on the ACT Government Legislation Register) are revoked.

### **Clause 4 Commencement**

The instrument commences on 1 August 2016.

## SCHEDULE 1

### **Part 1 Reliable and Efficient Provision of Service**

In this part is outlined a series of obligations of the TBS made to lend stability and safety of booking functions to the on-demand transport industry. Elements of these obligations include: service availability, de-affiliation of unauthorised drivers, de-affiliation of unauthorised operators, reporting of new affiliations and de-affiliations, and vehicle availability.

#### **Section 1.1 (1)**

This section requires that the TBS ensure that its booking service is operational 24 hours a day, seven days a week to support community access to on-demand public passenger transport services. This does not prescribe the availability of bookable vehicles affiliated with the TBS which will be subject to commercial arrangements.

#### **Section 1.1 (2)**

This section requires that the TBS must not provide services to a driver if the driver's licence or authorisation to drive a public passenger vehicle has been suspended, cancelled or expired, as notified by the Authority.

### **Section 1.1 (3)**

The TBS must not provide services to a person driving an operator's vehicle if the operator's accreditation to operate a vehicle as a public passenger vehicle has been suspended, cancelled or has expired, as notified by the Authority.

### **Section 1.1 (4)**

The TBS should advise the Authority when an operator or a driver is no longer affiliated with the TBS.

## **Part 2 Safety**

This part describes safety-related obligations of TBS including the proper condition of vehicles, in-vehicle fittings, and driver skills and knowledge.

### **Section 2.1 (1)**

The TBS must not provide booking services to (the driver of) a vehicle if it is not roadworthy, as notified by the Authority.

### **Section 2.1 (2)**

To support public and driver safety outcomes, a TBS must ensure that security systems used by affiliated vehicles comply with Authority Standards, are operational during hirings and can capture data via the security systems.

A TBS must also permit access to the data referred to above, as required for regulatory purposes, as soon as practicable. For example, data may be sought to support the investigation of an incident.

### **Section 2.1 (3)**

A TBS must ensure, through in-house procedures agreed upon by the Authority, that its affiliated drivers have relevant skills and knowledge required to provide services.

## **Part 3 Customers**

This part describes requirements of the TBS related to customer complaints and dispute resolution, and management of lost property.

### **Section 3.1**

This section defines the meaning of a 'complaint' as any communication from an individual who conveys concern about activity of a TBS or its affiliates, which are a possible breach of the road rules, regulation or that may result in endangerment of public safety.

### **Section 3.2**

This section describes the obligation of a TBS to respond to a customer complaint received through the Road Transport Authority.

A TBS must also have procedures in operation for managing and documenting customer complaints and ensure its affiliated accredited operators and drivers are knowledgeable of the TBS's customer inquiries and complaints procedures.

### **Section 3.3**

This section requires the TBS to have lost property procedures and ensure that its affiliated drivers and operators are knowledgeable of these procedures.

### **Section 3.4**

To support the consumer measures within this part contact details for the TBS must be readily available.

## **Part 4 Taxi Subsidy Scheme (TSS)**

This part requires that the TBS have in operation the means of processing TSS payments and keep auditable records of these payments.

## **Part 5 Performance Reporting**

This part requires that data described in part 7 and 8 and the number of meter activations of affiliated taxi vehicles be reported on a quarterly basis to the Authority, no later than the fourteenth day at the start of each quarter.

## **Part 6 Performance Reporting – Rideshare**

### **Section 6.1**

TBS managing rideshare services operating in the ACT must submit data it has collected, as described in part 8, to the Authority regarding hirings in the Territory.

### **Section 6.2**

This part requires that data covering the immediately preceding three months described in part 9 be reported on a quarterly basis to the Authority, no later than fourteenth day from the start of each quarter.

## **Part 7 Certain Records to Be Kept**

This part requires the TBS to record information for the relevant service related to meeting and not meeting prescribed threshold wait-times. The data is to be divided into trips undertaken during ‘prescribed period’ hours and ‘all other times’. The thresholds wait-times are detailed in the Minimum Service Standard.

## **Part 8 Performance Reporting – Quarterly**

This part describes the data that TBS are required to provide to the Authority on a quarterly basis.

### **Section 8.1 (1)**

This section requires the TBS to submit certain data for the performance of its affiliated fleet, so that it can be retrieved and reviewed to support industry regulations and its effective operation to meet policy objectives.

## **Part 9 Handling of Contraventions of Road Transport Legislation**

### **Sections 9.1 (1) to (2)**

This part requires the TBS to develop and operate a driver monitoring and disciplinary program in order to uphold or enhance the overall safety and quality of service delivered by its affiliated drivers.

The program must encompass drivers that have been reported to the TBS for breaches of the Road Transport legislation or the TBS's own rules, who have been alleged to have undertaken illegal or harassing behaviour, or have breached ACT or Commonwealth anti-discrimination laws.

The TBS is required to notify the Authority of serious disciplinary matters.

A 'serious disciplinary matter' occurs when:

- A complaint triggers the TBS's disciplinary process;
- An incident or series of incidents trigger an investigation by the TBS;
- An incident or series of incidents trigger a referral to the Authority by the TBS;
- or
- An incident is serious enough to be referred to the Authority by an individual or entity other than the TBS

### **Part 10 Accessibility – Wheelchair Accessible Taxis (only when a WTBS is not operating)**

The intent of this part is to ensure a baseline of quality and reliability of WAT bookings and WAT transport service for the community in the event that the ACT Government contracted third-party WAT transport booking service (the WTBS) is not operating.

Matters covered by this part include:

- the presence of proper driver procedures in assisting WAT passengers;
- the management of WAT vehicle availability;
- the availability of WAT-specialised staff at the TBS;
- the availability of WAT-specific contact points for WAT passengers;
- procedures for prioritisation for WAT passengers over non-WAT passengers; and
- record keeping for WAT client bases and WAT trip details.

These elements and others will assist in minimising interruption to WAT service by different TBS in the community if WTBS is out of service unexpectedly or for a longer period of time.

## **Part 11 Performance Reporting – Wheelchair Accessible Taxis (only when a WTBS is not operating)**

### **Section 11.1 (1)**

This part requires the TBS to record information of its WAT service related to meeting or exceeding prescribed threshold wait-times. The data is to be divided into trips undertaken during ‘prescribed period’ hours and ‘all other times’. The thresholds wait-times are detailed in the Minimum Service Standard.

### **Sections 11.1 (2) to (3)**

These sections require that TBS be uniform in how they measure wait-times by defining the start and end of the wait-time process, under different booking scenarios and by the location from which the passenger is to be picked up.

### **Section 11.2**

This section requires the TBS to record information for its WAT service related to wait-times. The trip data is to be divided into five time intervals, for trips undertaken during ‘prescribed period’ hours and ‘all other times’. This data assists in understanding the supply versus demand dynamics and overall service levels.

### **Section 11.3**

This section accommodates for WAT passenger specific loading times when considering wait-time performance data produced through Section 11.2.

### **Section 11.4**

This section, through further reporting makes it possible to further understand the details behind a WAT related trip, for investigation and performance improvement purposes, should it exceed 60 minutes in duration.

### **Sections 11.5 to 11.9**

These sections require that trip data be produced to better understand the relative and aggregate demands of different types of customers (WAT and non-WAT) on WAT vehicles and drivers. This data can assist different parties with WAT supply planning.

## **Part 12 Driver Monitoring – Wheelchair Accessible Taxis (only when a WTBS is not operating)**

This part requires the TBS providing services to WATs must take steps to address breached with expect WAT drivers responsiveness to hirings.