Australian Capital Territory

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

Disallowable instrument DI2016–204

made under the

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

EXPLANATORY STATEMENT

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 taxi service. An approval under section 20(1) is a disallowable instrument by virtue of section 20B(4).

OVERVIEW

The purpose of this instrument is to replace service standards currently applying to operators and drivers of taxi services, including wheelchair accessible taxi (**WAT**) services, to reflect market reforms. The objectives are to reduce regulatory burden while supporting public safety and accessibility to better enable competitive market outcomes.

Increased market competition is expected to lead to an increase in the quality of service delivery overall and obviate the need for a number of regulatory requirements.

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*; *Road Transport (Public Passenger Services) (Taxi Industry Innovation) Amendment Regulation 2016 (No.1);* and *Taxi Industry Innovation Review - Supporting Analysis* (September 2015).

The instrument revokes the previous minimum service standards for taxi car services (DI2006–203).

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

CLAUSE NOTES

Clause 1   Name of MSS

This Disallowable Instrument is known as the *Road Transport (Public Passenger Services) Taxi 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 Instrument DI2006-203 (as notified on the ACT Government Legislation Register).

Clause 4   Commencement

This instrument commences on 1 August 2016.

SCHEDULE 1

Part 1   Safety

This part focuses on the safety responsibilities residing with the taxi operator related to the vehicle and the operation and maintenance of fittings, should they be located in the vehicle.

Section 1.1
Operators are responsible for ensuring that vehicles are properly maintained and not to be used to provide services if they are not roadworthy.

Operator responsibilities extend to any security devices installed in the car (such as security cameras and GPS tracking devises) and their effective operation to support public and driver safety outcomes.

Operators also have responsibilities with respect to drivers of the vehicle including allowing for vehicle inspection before use and ensuring that drivers know their legal obligations.

Section 1.2
Drivers of taxis are responsible for ensuring that they drive in a safe manner at all times such that any person is not subject to risk.

Drivers also have responsibility with respect to the safety of child restraints used and the reporting of any vehicle defects and faults (including fittings) that prevent the use of the vehicle for taxi services.

Part 2 Taximeters

This part requires taxi service operators to ensure that taximeters comply with the Authority Approved Taximeter Standards, and ensure that they are properly calibrated and tested after a fare change when requested by a manufacturer.

Part 3 Customers

This part addresses obligations of operators in appropriately serving customers with the availability of appropriate complaint, feedback and dispute resolution mechanisms and particular obligations on drivers servicing vulnerable persons.

Section 3.1
This section requires that a taxi operator or driver (other than an independent taxi service operator) comply with customer inquiry and complaints procedures established by a transport booking service to which the operator is affiliated.

Section 3.2
This section requires that a taxi operator or driver (other than an independent taxi service operator) comply with lost property procedures established by a transport booking service to which the operator is affiliated.

Section 3.3
This section requires the driver of a taxi service to comply with the *Discrimination Act 1991*.

Part 4 Certain Records Must Be Kept
This part requires taxi service operators to maintain appropriate and auditable records for at least two years related to the availability of the vehicle to drivers, vehicle repairs for maintaining roadworthiness and all taximeter calibrations and testing.

Transport booking services may maintain the records referred to in part 4 on behalf of operators with whom it holds affiliation.

Part 5 Accessibility – Wheelchair Accessible Taxis

This part describes a series of requirements of operators and drivers of taxi services in regard to managing wheelchair accessible taxis.

Section 5.1
This section requires the operator of the WAT service to ensure that:
- drivers of WAT taxis give priority for the booking of the taxi to people living with disabilities;
- the Authority be advised when WAT taxis are unable to undertake bookings for more than 24 hours; and
- all private bookings are recorded with the WAT Transport Booking Service.

Section 5.2

This section requires the operator of the WAT service to manage drivers in such a way that the operator's WAT service gives priority booking to people living with disabilities, and that a disciplinary process for drivers who fail to provide such bookings is in place.

They must also ensure that drivers of the WAT service are properly trained in accordance with the Authority, and provide in-service or remedial training related to loading and unloading of wheelchairs and securing wheelchairs to WAT vehicles.

Section 5.3

This section requires that operators of WAT taxi services retain certificates of training or competency of associated drivers, and provide them to the Authority on request.