

Australian Capital Territory

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

Disallowable instrument DI2016-202

made under the

Road Transport (Public Passenger Services) Regulation 2002, section 20B (Minimum 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 rideshare 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 make the service standards applying to rideshare services to reflect market reforms. The objectives are to support 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).

This 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) Rideshare 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 Commencement

This instrument commences on 1 August 2016.

SCHEDULE 1

Part 1 Safety

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

Section 1.1

Rideshare vehicle licensees are responsible for ensuring that vehicles are properly maintained and not to be used to provide services if they are not roadworthy.

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

Section 1.2

Drivers of rideshare vehicles 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 hire car services.

Part 2 Customers

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

Section 2.1

This section requires that drivers of rideshare vehicles must comply with procedures set by transport booking services in relation to customer inquiries, feedback, complaints and lost property.

Section 2.3

For drivers, compliance with the *Discrimination Act 1991* is a component of their service standards with potential liability associated offences applying for any failure to comply with the service standards.

Part 3 Certain Records Must Be Kept

This part requires outlines operational record-keeping requirements necessary for compliance and enforcement activity.

Section 3.1

The rideshare vehicle licensee is required to keep records for a minimum of two years which include:

- the period of time a vehicle is made available to a particular driver; and
- electrical, mechanical or structural repairs for maintaining the roadworthiness of a rideshare vehicle. (Such records include date, type and details of who conducted repairs or maintenance.)

Section 3.2

This section allows the records for the purpose of section 3.1 to be maintained by the transport booking service to which the rideshare vehicle licensee is affiliated.