

Australian Capital Territory

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

Disallowable instrument DI2016-208

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 hire car service (including restricted hire car services). An approval under section 20B(1) is a disallowable instrument by virtue of section 20B(4).

### OVERVIEW

The purpose of this instrument is to replace the service standards currently applying to hire car services (including restricted hire car services) to reflect market reforms. The objective is 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 is in force until it is amended or revoked.

## CLAUSE NOTES

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

The Disallowable Instrument is known as the *Road Transport (Public Passenger Services) Hire Car 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**

The instrument commences on 1 August 2016.

## **Schedule 1**

### **Part 1 Safety**

This part focuses on the safety responsibilities residing with the hire car 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 devices) 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 hire cars 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 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 2.1**

This section defines ‘complaint’ and that it relates to any potential breaches of the Road Rules and/or regulation that may endanger public safety.

### **Section 2.2**

This section requires that hire car operators not affiliated with transport booking services have procedures for handling customer complaints and dispute resolution. To support enforcement and compliance activity, they must respond to Authority within seven days regarding a complaint received by the Authority.

### **Section 2.3**

Operators that are affiliated with a transport booking services must comply with that service’s customer enquiry, complaint and dispute-resolution processes.

### **Section 2.4**

The driver’s 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 Handling Lost Property**

### **Sections 3.1 to 3.2**

This part addresses the requirements of hire car operators and its drivers in handling lost property, whether they are affiliated or not affiliated with a transport booking service.

Operators not affiliated with a transport booking service must establish their own procedures for managing lost property. Operators affiliated with a transport booking service must adhere to the service’s procedures for managing lost property.

## **Part 4 Certain Records Must Be Kept**

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

### **Section 4.1**

This section requires hire car operators, independent of transport booking services, to maintain appropriate and auditable records related to hirings, vehicle repairs, complaints their resolution and lost property.

### **Section 4.2**

Restricted hire car operators are not required to keep records related to lost property.

### **Section 4.3**

Operators affiliated with transport booking services, are required to maintain appropriate and auditable records related to a vehicle’s use by a driver and structural vehicle repairs.

## **Part 5            When Motorbike Used in Hire Car Service**

This part requires operators make available and provide prescribed safety-related clothing and equipment while travelling on the motorbike, and be briefed on the fitting of equipment, safe riding and expected road conditions.

### **Section 5.1**

This section requires operators using a motorbike to advise passengers on appropriate clothing and equipment to wear and/or their availability from the operator, including helmets, eyewear, gloves and jackets, shoes or boots.

Operators are also required to provide appropriate pre-trip briefing on fitting of equipment and clothes, safe riding and road conditions.