



Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017

The Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017 (the Regulation) is made under the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016* (the Act). It prescribes the requirements for safety standards, authorisation of providers, taxi licences, fares and other matters. Together, the Act and the Regulation provide a regulatory framework for passenger services undertaken in any vehicle with 12 seats or less (including the driver).

The Act, in accordance with the recommendations by the Point to Point Transport Taskforce, creates two types of entities: providers of passenger services (including taxi services) and providers of booking services, and states that these entities must be authorised.

The Regulation elaborates on the provisions in the Act relating to the authorisation of taxi service providers and booking service providers including authorisation conditions and disqualifying offences for applicants and nominated directors or managers.

What does 'provide a booking service' mean?

The Act prescribes that to provide a booking service means carry on the business of taking and communicating bookings for taxis or hire vehicles to provide passenger services. This includes directly communicating the bookings to drivers or arranging bookings to pass on to a service provider to carry out the passenger service.

A provider of a booking service must be authorised.

Who can be a Booking Service Provider (BSP)?

An application for authorisation may be made by an individual, two or more persons operating as business partners, a body corporate or an entity prescribed by the regulations. This includes:

- A business that takes bookings for passenger services provided by taxis
- Ridesharing companies that facilitate passenger services using hire vehicles
- Hire car companies that take bookings
- Any persons that directly take bookings, including a driver

Authorisation standards and conditions

The Act prescribes general standards for authorisation including that the applicant or nominated managers for body corporates has not been convicted of, or is facing proceedings for, a disqualifying offence. Disqualifying offences are found in the Regulation. Similar standards also apply to close associates of the applicant.

Conditions of authorisation are prescribed in the Regulation. These include the requirement for a BSP to maintain a record of information on each booking for a passenger service transaction including contact information for the passenger or the person who made the booking; the date, time and location of journey; the name of the driver, vehicle registration number and other matters. Records must be kept for at least two years.

The Regulation also requires that the Point to Point Transport Commissioner must be notified of changes to nominated directors or managers as well as changes of address to premises and the place where records are kept. The Regulation also specifies authorisation standards and conditions for partnership entities.

Authorisation fees

The Regulation prescribes authorisation fees for booking service providers. Fees rise according to the number of passenger service transactions. The Taskforce recommended that any government-imposed fees for the authorisation of industry participants be charged on a consistent basis and should reflect the efficient cost of regulating the point to point transport industry.

Safety Management System

Safety duty holders, including a provider of a booking service, are required to have a safety management system in place to manage and eliminate risk. The steps for managing risk involve identifying hazards, assessing and controlling risks and ongoing review of risk controls.

Providers are also required to regularly consult with other duty holders to ensure there are no gaps in managing safety risks. Throughout the risk management process, the duty holder must document any hazards identified, risks assessed and the proposed control measures.

Maintaining a safety management system will assist providers in managing the risks involved in carrying on a business of providing a booking service with the intention of maintaining better safety outcomes for customers.

Safety standards

The Regulation provides a number of safety standards for BSP's including:

- Ensuring vehicles meet safety standards and have appropriate insurance
- Ensuring wheelchair accessible vehicles used to provide a passenger service comply with the required standard
- Ensuring drivers have not committed a disqualifying offence and are eligible to provide point to point transport services
- Ensuring drivers of wheelchair accessible vehicles are competent in the loading, unloading and carriage of wheelchair passengers
- Ensuring appropriate signs and markings on hire vehicles
- Providing information to hirers

Fare Estimates

BSPs will be obliged to provide a fare estimate to an intending customer before the trip commences (refer to Fares fact sheet).

Passenger Service Levy

BSPs are liable to pay the \$1 passenger service levy per trip (refer to Levy fact sheet).

More information

A copy of the proposed Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017, the Regulatory Impact Statement, and the latest updates on the point to point transport reforms are available at www.transport.nsw.gov.au/pointtopoint.