



# Response to the Taskforce Recommendations

## New regulatory framework

The taskforce recommends:	Response:
1. The future regulatory framework of point to point transport services be outcome-focused, promote cost-efficient and innovative service delivery, and enable and promote a diverse range of services and service delivery models. It should not mandate the use of specific technology.	Supported.
2. The regulatory framework should not cover those services currently not covered by the Passenger Transport Act 1990 or proposed to be covered by the Passenger Transport Act 2014.	Supported. The Government agrees that the regulatory framework should cover the transportation of members of the public for a fare, including ridesharing and any emerging point to point services. As now, it should not apply to services that are available free of charge or only to defined groups.
3. The regulatory framework apply to services provided in vehicles with 12 seats or less, including the driver; public passenger services provided in vehicles with more than 12 seats (including the driver) would be captured by passenger transport law requirements for buses.	Supported.
4. The only distinction between point to point transport service types delivered in small passenger vehicles be whether they are booked by the customer, or are hailed or hired from a rank.	Supported. As now, only licensed taxis will be able to undertake rank/hail hirings.
5. The definition of a booking should permit immediate bookings, but require the keeping of sufficient records to establish the identity of the customer, the origin and destination, and the time and date of travel.	Supported.
6. The regulatory framework should be risk-based and establish a clear chain of responsibility for safety outcomes. Responsibility for mitigating or eliminating risks should be placed with those entities that have the management, control, influence and information to fulfil that obligation. It should also incentivise those entities whose brand is associated with the service to take greater accountability for safety outcomes.	Supported.

<b>The taskforce recommends:</b>	<b>Response:</b>
7. The regulatory framework be based around entities with four essential functions in the provision of point to point transport services, being booking services, taxi organisations, vehicle owners and drivers. This regulatory framework should impose specific obligations on any person or organisation performing those functions, regardless of whether they are authorised or not.	Supported.
8. Booking services and taxi organisations be required to be authorised by the regulator and that the requirements for authorisation be proof of identity and criminal history checks of nominated managers and directors.	Supported.

## Regulation of drivers for safety

<b>The taskforce recommends:</b>	<b>Response:</b>
9. The current driver authorisation scheme be replaced by a system which gives taxi organisations and booking services greater flexibility to determine how standards are met.	Supported. Once this new framework is introduced, Roads and Maritime Services will no longer authorise drivers. Instead, the legislation will set standards that drivers must meet, and taxi companies and booking companies will be required by law to ensure their drivers meet them.

### Standards for driver licence tenure, driving history and medical fitness

10. The requirement for a point to point driver to hold an unrestricted NSW driver licence and to have held an unrestricted Australian driver licence for 12 months in the past two years be retained.	Supported.
11. The age requirements for point to point drivers do not need to be addressed in this regulatory regime, as this is covered by the Graduated Licensing Scheme under road transport legislation.	Supported.
12. The driver medical fitness requirements should be administered as part of the driver licensing regime.	Supported.
13. To facilitate the industry's fulfilment of their regulatory obligations, the future regulatory framework include an express provision to allow the regulator to share vehicle registration, licensing and criminal charge information in real time with booking services and taxi organisations. To enable this, improvements to Roads and Maritime Services data systems should be made.	Supported.

<b>The taskforce recommends:</b>	<b>Response:</b>
14. The regulator be resourced to ensure that it receives real time information from NSW Police about charges laid against point to point drivers to facilitate the industry's fulfilment of their regulatory obligations.	Supported.
<b>Other standards for drivers</b>	
15. Categories of criminal and other offences which disqualify a driver from driving a point to point vehicle be clearly defined in the regulation.	Supported.
16. Drivers of all wheelchair accessible vehicles (not just taxis) be required to meet a certain level of competence in the safe loading, restraint and unloading of customers in wheelchairs, with industry having flexibility to determine how this obligation is met.	Supported. Competency standards will be developed in consultation with representatives of the disability sector.
17. The requirement of a point to point driver to inform the regulator that they may lawfully work in Australia be removed.	Supported. This matter is covered by immigration laws.
<b>Special requirements for taxi drivers</b>	
18. The National Minimum English Standard be retained for Sydney taxi drivers. However, prospective drivers should no longer be required to pass an English language assessment to prove they meet the standard. Instead, a taxi organisation should be given flexibility to determine how to satisfy itself that a driver meets the standard.	Supported. Note: the National Minimum English Standard only applies for Sydney drivers.
19. Taxi organisations be required to take steps to assure customers of the identity of the driver in a secure and safe way. The Government should not prescribe how taxi organisations fulfil this obligation.	Supported. These changes will have effect once the new safety framework is in place.
20. Requirements relating to driver worksheets be removed.	Supported. As these worksheets are currently used to check (among other things) that in-vehicle safety equipment is operational, this requirement will be removed after commencement of the new regime.
<b>Consistent application of road transport law</b>	
21. Drivers covered by the proposed regulatory framework who meet the other requirements of the professional driver scheme be permitted an extra demerit point.	Supported.
22. All people driving point to point vehicles be subject to the requirement that they must have a blood alcohol concentration of below 0.02.	Supported.

# Vehicle Safety and Security

The taskforce recommends:	Response:
23. The taskforce recommends that there be no requirement for vehicle owners to be authorised by the regulator.	Supported.
<b>Registration and roadworthiness</b>	
24. The taskforce recommends that: <ul style="list-style-type: none"><li>&gt; the standard for vehicle roadworthiness for point to point vehicles be retained, that is, the standard required for passenger vehicle registration.</li><li>&gt; the requirement that all maintenance is undertaken by a licensed mechanic be retained.</li><li>&gt; inspection requirements for registration purposes of all vehicles used for point to point transport be aligned to those of other light vehicles.</li><li>&gt; vehicle registration categories be revised in light of the flexible use of vehicles across different categories of registration enabled by technology and the collaborative economy. As an initial step, guidelines for defining “private use” should be developed and vehicle owners should be required to nominate at registration that their vehicle is being used for point to point services.</li><li>&gt; registration processes for point to point transport vehicles be updated with a view to removing the requirement for regulatory number plates and to reduce red tape more broadly for industry participants.</li></ul>	Supported.  Supported.  Supported-in-principle. Vehicles used to provide point to point transport services will need to be inspected once a year, at a minimum, regardless of vehicle age. Supported-in-principle. Any vehicle used for point to point services will need to have appropriate registration.  Supported.
<b>Vehicle security for rank and hail</b>	
25. The taskforce recommends: <ul style="list-style-type: none"><li>&gt; the requirement that taxis have four side doors be retained.</li><li>&gt; a vehicle used to provide rank and hail services be readily identifiable as a taxi. It should be a serious offence for anyone to represent that they are providing a taxi service if the vehicle is not a licensed taxi with the relevant security features.</li><li>&gt; working security cameras continue to be required in any taxi providing rank and hail services in NSW.</li></ul>	Supported.  Supported. Only licensed taxis will be able to undertake rank/hail work.  Supported.

<b>The taskforce recommends:</b>	<b>Response:</b>
> vehicle tracking devices and duress alarms (or their equivalents) continue to be mandated in taxis providing rank and hail services in Sydney, Newcastle, Wollongong and the Central Coast. Elsewhere in NSW, taxi organisations should determine if this equipment is needed, based on an assessment of risk.	Supported.
> the requirement for a boot release device not be retained.	Supported. However, taxi companies may choose to mandate them for their services.
> the specifications for security equipment in taxis be revised as a matter of priority, with a view making them outcome-focused and flexible.	Supported.
> mandated inspections by entities nominated by regulation (Authorised Taxi Inspection Station examiners), and certification that security equipment has been checked, be removed, noting that obligations to ensure that vehicles are roadworthy and secure are to be placed on the booking service, taxi organisation and vehicle owner.	Supported. Vehicle inspection requirements for security purposes will be removed when the new safety framework comes into place, noting that point to point vehicles will still require an annual inspection for roadworthiness.

## Insurance

<b>The taskforce recommends:</b>	<b>Response:</b>
26. The Government's review of profits and competition in the CTP insurance market be released as soon as possible.	Supported.
27. The framework for establishing CTP cover for point to point vehicles be reviewed in recognition of the more flexible use of vehicles across the current classifications, to consider a system that better rewards safer behaviours.	Supported.
28. All point to point vehicles be required to have a third party property damage insurance policy which indemnifies the driver to a minimum level of coverage, to be determined in consultation with stakeholders. In the meantime, the existing level should be maintained.	Supported.

## Fares

The taskforce recommends:	Response:
29. Fares for booked taxi services be substantially deregulated to bring them into line with other booked services.	Supported. This change will come into force following an awareness campaign for customers.
30. All booking services be required to offer a potential customer an estimate of the total fare for the customer's journey before a booking is confirmed. The potential customer should also be informed about whether and how the final fare payable may vary from the estimate provided.	Supported.
31. The Government continue to determine the maximum fare components (flagfall, distance rate and waiting time rate) and other charges for rank and hail taxi journeys.	Supported.
32. Taxi organisations be allowed to set and be required to display fares and charges that are at or below the regulated maximum. They should also be allowed flexibility about when they apply peak vs. off-peak fares. Further, some charges should be removed or substantially deregulated: <ul style="list-style-type: none"> <li>&gt; rank and hail services should no longer be allowed to charge a return toll for one-way journeys using the Sydney Harbour Bridge and Sydney Harbour Tunnel.</li> <li>&gt; while a cleaning fee should be chargeable if a customer soils a taxi, this amount should be set and displayed by the taxi organisations.</li> </ul>	Supported. Taxis have always been able to charge less than the regulated maximum fare, set by Transport for NSW. These changes will come into force following an awareness campaign for customers.
33. Fares and charges for rank/hail services be calculated on a device using the rates displayed by the taxi organisation. The Government should remove prescriptive requirements for the equipment used to calculate the applicable fares and charges. Any regulation of this equipment should be flexible and outcome-focused.	Supported.

## Service Quality and Innovation

The taskforce recommends:	Response:
34. Responsibility for service quality including of drivers, vehicles and any ancillary customer services, rest with taxi organisations and booking services.	Supported.

<b>The taskforce recommends:</b>	<b>Response:</b>
<p>35. Regulations on the quality of point to point transport services be removed, including those covering:</p> <ul style="list-style-type: none"> <li>&gt; the presentation, conduct and training of drivers.</li> <li>&gt; testing relating to the geographic knowledge and understanding of the regulation by the driver.</li> <li>&gt; specifications for vehicles used to deliver point to point transport services.</li> <li>&gt; vehicle inspections for quality and comfort standards.</li> <li>&gt; maximum age limits for vehicles used to deliver taxi services.</li> <li>&gt; restrictions on advertising in or on a taxi, as long as a potential customer is able to easily identify that the vehicle is a taxi and the name and contact details of the taxi organisation.</li> <li>&gt; reporting of key performance indicators.</li> <li>&gt; management of customer feedback and lost property.</li> </ul>	Supported. These requirements have now been stripped back as part of stripping back more than 50 pieces of red tape for the point to point industry.
<p>36. In the interim, to assist industry and customers during the transition to the new arrangements:</p> <p>The regulator should maintain a centralised feedback system for taxis, and give taxi organisations and booking services access to the system so that they are able to respond to any customer feedback and make informed decisions about drivers who provide service under their brand.</p>	Supported.

## Supply

<b>The taskforce recommends:</b>	<b>Response:</b>
<p>37. There be no restrictions imposed on the supply of booked-only service providers or vehicles. Further, any government-imposed fees for the authorisation of industry participants should be charged on a consistent basis (e.g. per vehicle, per entity, or per km travelled). These fees should reflect the efficient cost of regulating the booked point-to-point transport industry, except in the case where the Government chooses to recover costs associated with any industry adjustment package.</p>	Supported.

<b>The taskforce recommends:</b>	<b>Response:</b>
38. There be no increase in the number of non-wheelchair accessible taxi licences in Sydney. These arrangements should be reviewed over the next four years as the new regulatory arrangements are put in place.	Supported. No new taxi licences, other than wheelchair accessible taxi (WAT) licences, will be issued in Sydney over four years in transition. Replacement licences may be issued.
39. There be no new ordinary taxi licences and short term licences issued outside Sydney. The Government should instead offer, through a periodic tender process, a small number of annual taxi licences that can be used anywhere in the state outside Sydney.	Supported.
40. Existing ordinary taxi licences be converted to transferable annual licences that are renewable up to nine times.	Not supported. The reforms do not change the legal rights of taxi licence owners. Only licensed taxis will be able to do rank and hail work, as now.
41. Taxi licences and their conditions be changed to achieve both greater consistency across licence categories and compatibility with the new regulatory framework. Conditions for WAT licences to be operated using a wheelchair accessible vehicle should be retained. Conditions which restrict Peak Availability Licences to operating at specific times should also be retained, at least in the short term.	Supported.
42. Any area-based restrictions on the operation of booked services, including booked taxi services be removed. The existing operating boundaries for rank/hail services should be reviewed over the next four years as the new regulatory arrangements are put in place (including arrangements for some increase in taxi licences outside Sydney).	Supported-in-principle. There will be no area-based restrictions for booked services under the new regulatory model.  Scope for rationalisation of area boundaries and arrangements for any additional non-WAT licences outside of Sydney will be given consideration.

## Transport disadvantage

<b>The taskforce recommends:</b>	<b>Response:</b>
43. Greater consistency in funding timeframes, tendering requirements and contract specifications for various point to point transport programs (for example, the Assisted School Travel Program, community transport programs and some aspects of non-emergency patient transport) be pursued. Consideration should be given to consolidated contract management to improve coordination and efficiency in service provision, reduce compliance costs and provide greater certainty for point to point providers.	Supported. Transport for NSW, in collaboration with relevant agencies, will review existing arrangements for different programs and make recommendations to Government.

The taskforce recommends:	Response:
<p>44. The following universal service obligations (USOs) relating to services provided in taxis be removed:</p> <ul style="list-style-type: none"> <li>&gt; the obligation on taxi drivers to accept all hirings when offered,</li> <li>&gt; the obligation on booking services for taxis to provide coverage throughout the licensed area 24 hours a day, 7 days a week, and</li> <li>&gt; the obligation on booking services for taxis to ensure that 10 per cent of taxis in their taxi fleet be required to carry a child restraint.</li> </ul>	<p>Supported-in-principle. This will not commence until 1 July 2017, to allow time for a review of wheelchair accessible services and for more providers to enter the booked market.</p> <p>Supported.</p> <p>Supported.</p>
<p>45. Larger taxi organisations and booking services (for example, those with twenty or more vehicles in their fleet) be required to provide de-identified trip data to Transport for NSW as a way of monitoring whether all areas or all customer groups are receiving services, and to inform other policy and transport planning decisions. If there are identifiable groups of customers who experience a significant negative impact, the Government should consider subsidising services through transparent and properly costed community service obligations (CSOs).</p>	<p>Supported. This will also apply to any related bodies corporate of a taxi or booking company with 20 or more vehicles used to provide the services.</p>
<p>46. The obligation on wheelchair accessible taxis to be available for hire ten hours a day and the prohibition on the changeover of their drivers between midday and 5 pm each day, be removed.</p>	<p>Supported. Restrictions on WAT operating hours have been removed.</p>
<p>47. The Government investigate how best to ensure booking services for customers requiring wheelchair accessible services can be effectively delivered. Over the short term, the requirement for wheelchair accessible taxis to affiliate with the centralised booking service should be retained, but the Government should directly subsidise the cost of that service (currently met by operator affiliation fees), as an explicit CSO.</p>	<p>Supported.</p>

<b>The taskforce recommends:</b>	<b>Response:</b>
<p>48. In relation to the funding for the Taxi Transport Subsidy Scheme and the incentives available for wheelchair accessible services, the Government, as a matter of priority, move to a service provider-neutral transport subsidy scheme for people with disabilities. In doing so, it should examine:</p> <ul style="list-style-type: none"> <li>&gt; the viability of wheelchair accessible services given the higher capital and running costs associated with providing these services, and</li> <li>&gt; the effectiveness and adequacy of passenger subsidies and other incentives for the provision of services to all people with disabilities, with a view to directly subsidising some aspects of service provision, where necessary.</li> </ul> <p>As a transitional measure, the existing subsidies and incentives should remain in place.</p>	<p>Supported. In addition, subject to the outcome of this review, to help ensure the continued provision of WAT services, the following will apply:</p> <ul style="list-style-type: none"> <li>&gt; The WAT driver incentive payment will increase from \$7.70 (plus GST) to \$15 (plus GST).</li> <li>&gt; The TTSS cap will be increased from \$30 per trip to \$60 per trip.</li> <li>&gt; An expanded interest free loans scheme has been put in place to fund the full cost of putting a WAT on the road at a cost of \$5M a year, once it is fully rolled out, with loans of up to \$100,000 available (the full cost of purchasing and converting a vehicle to a WAT).</li> <li>&gt; WAT licences in metropolitan areas are free, in line with country areas.</li> <li>&gt; Transport for NSW will cover the costs of a centralised WAT booking service, saving each Sydney WAT operator \$2,130 per vehicle per year.</li> </ul> <p>These changes will be introduced as soon as possible, following an awareness campaign for customers and drivers.</p>
<p>49. Given the changes taking place in the point to point transport industry, the NSW Government approach the Commonwealth and other jurisdictions about consistency in application of the Disability Standards for Accessible Public Transport (DSAPT) across industry participants and the appropriateness of current or proposed standards.</p>	<p>Supported-in-principle, noting that the Australian Government is undertaking a review of the transport standards under its Disability Discrimination Act 1992. The NSW Government will raise the need to provide clear guidance for taxi, hire car and new economy transport services on their obligations with the Australian Government.</p>

# Compliance and enforcement

The taskforce recommends:	Response:
<p>50. The future regulatory framework:</p> <ul style="list-style-type: none"> <li>&gt; provide the regulator with powers to promote and monitor compliance and a range of instruments and penalties to enable it to respond to cases of non-compliance in a manner which is appropriate to the circumstances and in proportion with the risk presented.</li> <li>&gt; enable auditing of the systems and processes that taxi organisations, booking services and vehicle owners use to ensure that they comply with their obligations; to require them to retain records of compliance with their obligations and to make all such records available to the regulator.</li> <li>&gt; include a requirement that any records that must be kept under the proposed regime be retained in NSW and establish an appropriate extraterritorial jurisdiction provision.</li> <li>&gt; include facilitation of a contravention of the law as an offence.</li> </ul>	Supported.
<p>51. The regulator:</p> <ul style="list-style-type: none"> <li>&gt; develop the capacity of its compliance and enforcement staff to ensure they have the skills and knowledge to effectively undertake its functions under the proposed regime; and</li> <li>&gt; develop and publish a compliance and enforcement policy.</li> </ul>	Supported. The Government will establish a new regulator which will be accountable for administering the new regime and will be appropriately resourced to do so.
52. The penalties under the proposed regime be set to effectively deter all industry participants from contravening the law.	Supported.

## Transition

The taskforce recommends:	Response:
<p>53. A transitional assistance office be established to provide advice, education and support to industry participants (in particular, taxi operators).</p>	<p>Supported. The Government has tasked the Office of the NSW Small Business Commissioner with developing a package of business advice services for taxi operators, to help them structure their businesses and maximise their opportunities in this dynamic market.</p> <p>The Government has committed \$3 million for this assistance over three years.</p>

<b>The taskforce recommends:</b>	<b>Response:</b>
54. Ongoing education and guidance be provided to industry participants about their obligations under the regulatory framework.	Supported.
55. Transport for NSW develop a public education campaign about how the changes will affect customers.	Supported. Information for customers is already available on the Transport for NSW website and Transport for NSW will undertake ongoing community awareness activities to help customers understand the new framework.
56. The Government provide transitional assistance to the owners of perpetual taxi financial assistance to other industry participants is not recommended.	Supported-in-principle.
57. As part of any adjustment assistance package: <ul style="list-style-type: none"> <li>&gt; a base level of transitional assistance be provided to current owners of taxi licences to partially offset the expected reduction in income from the licences resulting from converting ordinary taxi licences to transferable annual licences,</li> <li>&gt; a hardship fund be established to provide assistance to licence owners especially adversely affected, such as those at or near retirement with few other assets or sources of income,</li> <li>&gt; a panel be established to assess any applications for assistance from the hardship fund and make determinations about any assistance to be given to applicants.</li> </ul>	<p>The Government will provide structural adjustment assistance to industry, as a result of significant changes in the market for booked point to point services while noting that taxi licence owners will still own an income producing asset.</p> <p>The package is valued at \$250 million for structural adjustment assistance for taxi and hire car licence owners, not including the \$15.5 million per year in additional WAT subsidies and \$3 million over three years for the taxi operator business advice package.</p>