



From 11 April 2017 to 9 May 2017, Transport for NSW consulted on the proposed Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017 (the Regulation), and how it should work when implemented. During this time we received about 215 submissions, including from stakeholders from across the taxi, traditional hire car and rideshare service segments of the point to point transport industry.

The Regulation delivers the new regulatory framework for point to point transport recommended in 2015 by the NSW Point to Point Transport Taskforce, with a view to ensuring its long-term sustainability.

The final Regulation and the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016* will come into effect on 1 November 2017 at the same time as the powers of the new regulator for the industry, the Point to Point Transport Commissioner. One aspect of the new regulatory framework – the temporary \$1 Passenger Service Levy – won't commence until 1 February 2018, in order to give the industry time to initially focus on its new safety obligations and prepare its systems to account for the levy.

The table below outlines the key themes that emerged during the consultation on the Regulation and the corresponding responses from Transport for NSW.

1. Overview: safety first

Theme	Response
<ul style="list-style-type: none">The Regulation sets out new safety standards for providers of point to point transport passenger services.To meet the safety standards, authorised taxi service providers and booking services providers will need to implement risk management systems, ensure vehicles are roadworthy and that drivers have undergone criminal history and driver history checks.Stakeholders were generally supportive of these new safety standards – but requested guidance and support for the industry as it adapts to the new regulatory environment.	<ul style="list-style-type: none">A targeted education campaign will be implemented by the Point to Point Transport Commissioner to assist industry in understanding its obligations and taking the right steps to ensure all laws are adhered to.

2. Identification and management of risks to health and safety

Theme	Response
<ul style="list-style-type: none">The Regulation requires providers of passenger services to have safety management systems in place to identify hazards and mitigate potential risks to health and safety.Many stakeholders asked for greater guidance around how to best set up these systems.	<ul style="list-style-type: none">The Point to Point Transport Commissioner will work with industry to ensure the requirements of the legislation are understood.

3. Wheelchair accessible taxi services

Theme

- Stakeholders wanted to clarify when drivers of Wheelchair Accessible Taxis (WATs) were allowed to start and stop their fare calculation devices when transporting passengers in wheelchairs. For example, they asked if drivers could start their fare calculation devices on arrival at the pick-up point for the passenger.

Response

- The final Regulation clarifies that a WAT driver should not start their fare calculation device until 'the taxi is ready to safely transport a passenger in a wheelchair', and that the fare calculation device should be stopped on reaching the passenger's destination.
- The NSW Government provides a WAT Driver Incentive Scheme (WATDIS) payment to account for the time it takes to safely onboard a passenger in a wheelchair, as well as to assist the passenger alight at the end of the journey. The WATDIS was raised from \$7.70 (GST excl.) to \$15 (GST excl.) on 1 July 2016 as part of the point to point transport reforms.

4. Digital displays prohibited

Theme

- The Regulation originally proposed that point to point transport vehicles shouldn't display 'any digital or other moving image'.
- Stakeholders said that the definition of 'digital display' was unclear.
- It was suggested that digital displays with static images that can be updated periodically should be permitted on point to point transport vehicles in NSW. Displays like these are common internationally on taxis.

Response

- The Centre for Road Safety at Transport for NSW is reviewing digital displays, with a view to updating the relevant rules and regulations.
- All references to digital displays have been removed from the Regulation and will instead be included as an appropriate provision in the Road Rules 2014. This ensures the rules about digital displays apply to all vehicles (not just taxis and hire vehicles).
- The Road Rules 2014 and the Road Transport (Vehicle Registration) Regulation 2007 also currently contain provisions that govern the use of digital displays on vehicles.

5. Driver identification – taxis

Theme

- The proposed Regulation originally prescribed that a taxi driver's identity document had to contain 'the name and logo of the taxi service'.
- Stakeholders felt this was both too prescriptive and impractical. With many drivers working for multiple providers, the requirement as drafted meant a driver's identity document would have needed to include a series of service provider's names and logos.

Response

- The requirement for the driver identification to include 'the name and logo of the taxi service' has been removed from the final Regulation. This allows a driver to use the same identification when driving for different taxi service providers.
- The requirement to display identification does not currently apply to private hire car drivers and the Taskforce did not recommend that it be extended to booking service provider drivers, as details of the driver are often provided to customers at the time of booking.

6. Fare calculation devices

Theme

- The taxi industry said as current taximeters do not comply with new standards for fare calculation devices, more time was needed for the industry to make the necessary changes.

Response

- The Regulation has been amended to give service providers 12 months from commencement to comply with new requirements for fare calculation devices.
- Changes have been made to the Regulation to clarify record-keeping requirements, making it clear that specific details about all journeys must be kept by service providers – however, it is not necessary for the fare calculation device itself to capture, record and store all the details needed.

7. Duress alarm systems, vehicle tracking systems & approved security camera systems and safeguards for taxis

Theme

- The Regulation provides that all taxis in NSW must be fitted with security cameras.
- The Regulation also specifies that taxis in the Sydney Metropolitan region, Newcastle, Wollongong and the Central Coast must be fitted with a duress alarm system and a vehicle tracking system.
- A number of stakeholders asked that duress alarms and vehicle tracking systems be mandated for all taxis in NSW.
- A number of stakeholders also said hire vehicles should also be fitted with security cameras.

Response

- No change to the current approach.
- It is a matter for each taxi service provider outside of the mandated areas to determine, based on the nature, location and history of the particular taxi service, whether such security systems are required.
- As there is less inherent risk with booked services than rank and hail services, the costs of installation and maintenance of security cameras, duress alarms and vehicle tracking systems for hire vehicles is not justified.

8. Signs and markings – hire vehicles

Theme

- The Regulation proposed that hire vehicles must display a retroreflective sign on the rear driver side of the hire vehicle.
- Concerns were raised that the signs could encourage ‘hailing’ – or waving down in the street – of hire vehicles (which is prohibited).
- Some stakeholders proposed that permanent vehicle markings on number plates be required.

Response

- No change in the current approach.
- The purpose of the signs on hire vehicles is to aid in NSW Police Force enforcement of the 0.02 prescribed concentration of alcohol limit for drivers of passenger vehicles.
- The signs won't be displayed on the front of vehicles, minimising the potential of passengers attempting to hail hire vehicles.
- As most rideshare drivers also use their vehicles for private use, a permanent vehicle marking for hire vehicles would be both confusing and impractical.

9. Vehicle insurance

Theme

- The high costs of greenslips and Compulsory Third Party Property insurance for taxis was raised, as was the fact that hire vehicles currently pay much lower premiums than taxis.
- Concerns were also raised that rideshare drivers – who typically use their vehicles for a mix of private use and passenger services –

Response

- Minor changes were made to clarify required insurance coverage for all point to point transport vehicles.
- Changes to greenslip insurance are being made by the *Motor Accidents Injuries Act 2017* which is due to commence around December 2017. Premiums for taxis are

could avoid paying the correct rate of insurance.

expected to almost halve as a result.

10. Disqualifying offences & ineligible drivers

Theme

- Feedback was received that there were too many offences specified in the proposed Regulation and that there should be a right of appeal.

Response

- Transport for NSW and the Point to Point Transport Commissioner have worked to refine list of disqualifying offences in the final Regulation, capturing only those offences that are inherently relevant to the job of driving a passenger vehicle.

11. Driver of a wheelchair accessible vehicle to be competent in loading and unloading wheelchair passengers and WAT vehicle standards

Theme

- The Regulation requires that drivers of wheelchair accessible vehicles (WAVs) must demonstrate a level of competence in the loading, unloading and restraint of passengers in wheelchairs – but does not specify any particular courses that must be completed by drivers.
- The Regulation also specifies interior space requirements for WAVs.

Response

- While the level of competency must be met, the Regulation gives service providers flexibility in how they go about satisfying this requirement.
- The Regulation includes a grandfathered period after which time WATs and WAVs used to provide passenger services will need to be fully compliant with all requirements. This grandfathering arrangement reflects the fact that there is a current grandfathered arrangement in place for WATs. All non-compliant vehicles need to be replaced or upgraded within two years of the commencement of the new Regulation.

12. English language requirements – taxi drivers

Theme

- The Taskforce recommended that the English language requirement apply only to taxi services.
- The taxi industry said that English language requirements should also apply to hire vehicle drivers.

Response

- No change to the current approach.
- Taxi service providers are given a large degree of flexibility in determining how drivers meet the standard. It is not necessary for drivers to complete an English language assessment, but rather they must be able to demonstrate 'sufficient competence' with the English language.

13. Notifiable occurrences

Theme

- The Regulation provides that an authorised taxi or booking service provider must report to the Point to Point Transport Commissioner certain accidents or incidents that are prescribed as notifiable occurrences.
- Stakeholders sought clarification on what accidents or incidents should be reported to the Point to Point Transport Commissioner.

Response

- The final Regulation has been amended to provide clarification on a range of 'notifiable occurrences'.
- The 'notifiable occurrences' within the Regulation supplement the requirements set out in the Act.

14. Booking service for wheelchair accessible taxis

Theme

- In line with a recommendation from the Taskforce that a centralised booking number be maintained for WAT services, it is a current licence condition for Sydney WAT licences that bookings take place via a central number.

Response

- The final version of Regulation has both clarified and confirmed the centralised booking number requirement for WAT services in Sydney, with a provision that states that service providers must enter into an arrangement with a provider booking service that has been approved by the Point to Point Transport Commissioner.

15. Authorisation fees

Theme

- The per-trip model for authorisation fees originally proposed was widely opposed by industry.
- The taxi industry felt authorisation fees as originally proposed were too high and would threaten the viability of the taxi industry.
- The taxi industry proposed that authorisation fees should either be lowered, changed to a per-vehicle charge or removed completely.

Response

- Authorisation fees will now be charged at a tiered, flat rate, based on an annual trip range applicable to each service provider.
- To further assist industry during the transition phase, authorisation fees will not be payable until July 2018.
- These changes will simplify and lower authorisation fees for service providers.

16. Fares

Theme

- It is proposed that fares for all booked services – including booked taxi services – be deregulated, with maximum fares only applying to rank and hail taxi services.
- Industry stakeholders said taxis should be allowed to engage in surge pricing and be flexible in pricing depending on demand.
- The taxi industry said clarity was needed around how fare estimates may be calculated.
- Under the Regulation, pre-paid taxi fares will apply to all of NSW. The scheme originally began as a trial on the Central Coast and was later extended to a number of secure late-night ranks in Sydney's CBD. Since 1 July 2017, the scheme has applied to all of regional NSW outside of the Sydney metropolitan area.
- The taxi industry said the proposed cleaning fee was too low (i.e.) not to exceed 'the amount that may be charged where the driver of a taxi waits for 1 hour for a passenger.'

Response

- For booked trips, a fare estimate must be given to – and agreed to by – the intending passenger before the trip starts.
- The Regulation has been amended to clarify that fare estimates may be in the form of a rate per hour, rate per distance, set amount or a combination of those.
- Maximum fares and charges for rank and hail trips will continue to be set by the Government, but taxi service providers will need to make their fare schedules known to customers.
- Once the new Regulation commences, pre-paid taxi fares will apply to all of Greater Sydney, and therefore all parts of the state.
- The final Regulation has been amended to allow for a cleaning fee for taxis based on a maximum set fee that will be specified as part of the fares order.

17. Driver to remain with vehicle – Sydney Airport precinct and other airports

Theme

- The Regulation originally proposed that a driver of a point to point transport vehicle at the Sydney Airport precinct must not move more than three metres from their vehicle without a 'reasonable excuse', but made allowance for drivers to move beyond the three-metre limit for the purpose of loading or unloading luggage.
- A number of stakeholders felt that the proposed rule had the unintended consequence of preventing drivers from providing assistance to some passengers, especially vision impaired persons.

Response

- Commonwealth Laws and Airport regulations apply to the movement of people, goods and vehicles at airports.
- Transport for NSW cannot implement a Regulation that would permit a driver of a passenger vehicle to leave their vehicle unattended so that they may provide assistance to a passenger, as this would conflict with Commonwealth Law.
- The final Regulation has been amended to be consistent with the Commonwealth law that vehicles must not be left unattended.

18. Bus operators

Theme

- Transport for NSW notes that the point to point transport reforms will impact accredited bus operators with vehicles with between eight and 12 seats (including the driver).
- Bus operators providing passenger services in vehicles with more than 12 seats (including the driver) will not be affected by the point to point transport reforms.

Response

- Accredited bus operators with vehicles with between eight and 12 seats (including the driver) will have 12 months from the commencement of Part 3 of the *Point to Point Transport Act 2016* to be compliant under the new Act. Once this 12-month period ends on 1 November 2018, everyone providing passenger services in vehicles with 12 seats or less (including the driver) will need to be compliant with the *Point to Point Transport Act 2016*.
- Passenger services in vehicles with more than 12 seats (including the driver) will continue to be regulated under the *Passenger Transport Act 1990* (or the *Passenger Transport Act 2014* when it commences) and are not captured by the operation of the *Point to Point Transport Act 2016*.

19. NSW Passenger Service Levy

Theme

- The NSW Passenger Service Levy will fund the \$250 million industry assistance adjustment package that the Government has established to help the industry adjust to the reforms.
- The \$1 levy per trip will be charged to all providers of a passenger service, including taxis, traditional hire cars and rideshare services.
- Concerns were raised by industry about why the levy was needed – and why it should be paid by authorised taxi service providers and booking service providers.

Response

- The levy will not take effect until February 2018 – three months after the start of the new regulatory framework for the industry.
- There will be some exemptions for trips in remote and very remote NSW (including Walgett, Bourke, Cobar and Wilcannia).
- Transport for NSW and the Point to Point Transport Commissioner will continue working with industry on ways to ease the burden on authorised service providers in relation to the collection of the levy.
- The levy is only temporary – it will be in place for no more than five years, or until it raises the \$250 million needed for the industry adjustment assistance package: whichever comes first.

20. 'HC' plates – access to special purpose lanes

Theme

- Under the point to point transport reforms, the registration processes for hire cars have been streamlined, including the phasing out of special 'HC' registration plates.
- Hire cars that were licenced before 18 December 2015 will keep their existing HC plates – and continue to access special purpose lanes (including bus lanes) – until 30 June 2020.
- Hire car operators were concerned that the loss of access to special purpose lanes will negatively impact their businesses.

Response

- This matter is not a part of the Regulation. However, there is no change to the current approach under the broader point to point transport reforms.
- To continue giving HC-plated hire cars access to special purpose lanes would also have meant giving the same access to new rideshare entrants – an untenable position in terms of the impact of congestion in bus lanes.
- As the traditional hire car industry has long had access to special purpose lanes, the four-year transitional period of continued access is considered reasonable.

21. Industrial relations and drivers, taxation

Theme

- A number of matters relating to industrial relations and drivers and taxation were raised during the public consultation.

Response

- While these submissions are noted, the matters are outside the mandate of Transport for NSW.

22. Accessibility of services, vehicle and booking apps

Theme

- A number of stakeholders, in particular disability advocates, raised questions about accessibility in relation to such matters as services, vehicles and booking apps.

Response

- Transport for NSW notes the concerns raised, but also that a number of Commonwealth laws and standards cover matters of this nature.

Next steps

Transport for NSW appreciates the valuable feedback received during the public consultation on the Regulation. Where possible, the final Regulation has been adjusted to accommodate the views of stakeholders.

The Point to Point Transport Commissioner is meeting with industry stakeholders across NSW, to make sure they understand the new laws, as well as when and how they will apply.

Transport for NSW will soon publish a new taxi fares order and security camera specifications to support the new regulatory requirements for the industry.

Consequential amendments to the Road Transport (Vehicle Registration) Regulation and Road Transport (Driver Licensing) Regulation will also be made to support the new arrangements for annual safety inspections for point to point transport vehicles and to continue the application of an extra demerit point that is currently applied to eligible driver authority holders.

Transport for NSW is also reviewing all subsidies and incentives of services for people with a disability. More details will be published on the Transport for NSW website as the review progresses.

For further information, contact our dedicated industry helpdesk Point to Point Information on 1300 767 923 or pointtopointinfo@transport.nsw.gov.au.