



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2023-223

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	14
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: [REDACTED]
To: [CMTEDD FOI](#)
Subject: Re: rideshare enquiry
Date: Sunday, 2 July 2023 5:49:00 PM

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Dear Jess,

I hope this email finds you well. My name is [REDACTED], and I am a concerned resident residing in the ACT region. I am writing to seek clarification regarding the regulatory authority governing the policies and practices of rideshare companies, specifically Uber, in the Australian Capital Territory.

As you may be aware, Uber operates as a prominent rideshare network in our region, and its services have become an essential part of our transportation options. However, I have recently come across some conflicting information regarding the regulatory framework for Uber and other rideshare companies. I am seeking transparency and clarity in understanding who governs and regulates the policies and operations of Uber in the ACT.

I have made inquiries with various authorities, including Services NSW and Access Canberra, but the responses I received were not entirely clear. Services NSW directed me to their authority in NSW, while Access Canberra informed me that the Government does not control the age of vehicles used on rideshare networks, but only taxis. Uber stated that it is the company's discretion to allow vehicles of a certain age on their network.

I am interested in knowing which government agency or authority in the ACT is responsible for overseeing and regulating rideshare companies like Uber. Specifically, I would like to understand how the ACT Government ensures the safety and compliance of vehicles used for ridesharing services, as well as the fair treatment and protection of drivers and passengers.

To facilitate my understanding and to address my concerns, I would appreciate it if you could kindly provide me with the following information:

1. The government agency or department responsible for regulating rideshare companies, especially Uber, in the ACT.
2. The specific regulations and policies in place that govern the eligibility of vehicles used for ridesharing services, including the maximum age limit for vehicles.
3. The measures and mechanisms in place to ensure that rideshare companies comply with safety standards and provide adequate insurance coverage for their drivers and passengers.
4. Any initiatives or ongoing efforts by the ACT Government to address concerns related to the

fairness and working conditions of rideshare drivers.

As a responsible resident, I firmly believe that a transparent and accountable regulatory framework is crucial for ensuring the well-being and safety of all residents and visitors utilizing rideshare services in our region.

I thank you in advance for your attention to this matter and for providing me with the information I seek. Your prompt response will be greatly appreciated.

Yours sincerely,

[REDACTED]

[REDACTED]

02/07/2023

On Fri, 30 Jun 2023 at 17:26, CMTEDD FOI <CMTEDDFOI@act.gov.au> wrote:

OFFICIAL

Good evening

I refer to your recent request for information and would like to clarify some things with you before proceeding.

I note you have asked five questions in your request. Can you please confirm if you are seeking policy documentation to answer these questions or seeking direct answers to your five questions?

Are you also able to please confirm that you are seeking this information in under the *Freedom of Information Act 2016*?

Jess Pupulkovski | Freedom of Information Coordinator | Information Access Team

Phone: 02 6207 7754 | Email: CMTEDDFOI@act.gov.au

Corporate | Chief Minister, Treasury and Economic Development Directorate | ACT Government

Level 5, 220 London Circuit, Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | act.gov.au

From: [REDACTED]
Sent: Wednesday, 28 June 2023 4:36 PM
To: CMTEDD FOI <CMTEDDFOI@act.gov.au>; AC Road User Services <RoadUserServices@act.gov.au>; Licence and Registration Administration <LicenceandRegistrationAdministration@act.gov.au>
Subject: rideshare enquiry

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

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Hello

Hope this email finds you well.

I've an enquiry about the age of the rideshare vehicles that can be used on rideshare networks.

As per government regulations, taxi's can only be upto 8 years old while Uber is allowing upto 15 years old cars to be driven to provide Point to Point transport service same as taxis. I called Services NSW, Access Canberra, and Uber asking about the regulatory framework. The results that I got from these 3 authorities are as follows:

- 1. Services NSW-** They sent me the link to describe their authority in NSW.
- 2. Access Canberra-** The lady told me that the Government doesn't have control on the age of vehicles to be used on rideshare networks but they control taxis only.
- 3. Uber-** It's up to the company to allow the age of the vehicle to be used on their network.

I'm filing a lawsuit against Uber for scamming drivers on multiple aspects of their business.

Through this email, Can I get a bit more information about how the government controls the rideshare companies, and if the government doesn't control the rideshare companies, Can I get a bit more knowledge about the following :

1. Why do drivers need to pay rideshare rego in ACT?
2. Why do drivers need to have Rideshare insurance for their vehicles?
3. Why do drivers need to register their vehicles and obtain Vehicle license?

4. If the government is not controlling the vehicles of the rideshare networks, why do drivers have to pay the above mentioned extra fees to be a rideshare driver?

5. If a rideshare vehicle has a minor defect like no rideshare sticker, dirty vehicle, no logbook record in the car, no driver authority with driver while driver, they're issued infringement.

This is for the betterment of the country and everyone living here as Rideshare companies wont stop underpaying drivers and making these unethical moves just for their own profits. Thousands of drivers are facing more than 50% reduced work because of Uber letting more cars on their network which are old and could be potentially unsafe for passengers.

As both Taxi and Rideshare companies both provide the same service, the eligibility of the cars to be used on their networks should be the same. As the government has set down too strict criteria for a driver, there should be control on the rideshare companies as well.

Hope to hear from you soon

Regards



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ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI2023-223

[REDACTED]

via email [REDACTED]

Dear [REDACTED]

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 28 June 2023. Your request sought information relating 'RideShare' in the ACT.

On 2 July 2023, you clarified the scope of your request, and specifically asked for answers to the below four questions:

1. *Which government agency or department responsible for regulating rideshare companies, especially Uber, in the ACT.*
2. *Are there any specific regulations and policies in place that govern the eligibility of vehicles used for ridesharing services, including the maximum age limit for vehicles.*
3. *Are there any measures and mechanisms in place to ensure that rideshare companies comply with safety standards and provide adequate insurance coverage for their drivers and passengers.*
4. *Are there any initiatives or ongoing efforts by the ACT Government to address concerns related to the fairness and working conditions of rideshare drivers.*

Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 9 August 2023.

Decision on access

Searches were completed for relevant information maintained by CMTEDD and I have decided to grant **full access** to the available information. The corresponding information is released to you in the below table:

Applicant's questions	Access Canberra's response
<p>1. Which government agency or department responsible for regulating rideshare companies, especially Uber, in the ACT.</p>	<ul style="list-style-type: none"> • Access Canberra are responsible for the regulation of all rideshare Transport Booking Services (TBS) in the ACT. • This is governed through the <i>Road Transport (Public Passenger Services) Regulation 2002</i>, in particular Section 3A, and the <i>Transport Booking Services – Service Standards</i> https://www.legislation.act.gov.au/di/2020-31/.
<p>2. Are there any specific regulations and policies in place that govern the eligibility of vehicles used for ridesharing services, including the maximum age limit for vehicles.</p>	<ul style="list-style-type: none"> • Rideshare vehicle eligibility is governed under Division 3A.3.1 <i>Road Transport (Public Passenger Services) Regulation 2002</i>. • The Transport Booking Services determine the suitability of vehicles (i.e age).
<p>3. Are there any measures and mechanisms in place to ensure that rideshare companies comply with safety standards and provide adequate insurance coverage for their drivers and passengers.</p>	<ul style="list-style-type: none"> • Transport Booking Services (Rideshare companies) must meet the TBS Service Standards attached above. • Insurance coverage and/or the level of coverage is not a matter for Access Canberra.
<p>4. Are there any initiatives or ongoing efforts by the ACT Government to address concerns related to the fairness and working conditions of rideshare drivers.</p>	<ul style="list-style-type: none"> • No information held by CMTEDD.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

Statement of Reasons

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per Schedule 1 of the Act
- perform the public interest test as set out in section 17 of the Act by balancing the

factors favouring disclosure and factors favouring non-disclosure in Schedule 2

The public interest information under schedule 2 of the Act

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and non-disclosure.

Taking into consideration the information found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest'.

Factors favouring disclosure in the public interest:

(a) disclosure of the information could reasonably be expected to do any of the following:

- (i) promote open discussion of public affairs and enhance the government's accountability;*
- (ii) contribute to positive and informed debate on important issues or matters of public interest;*
- (iii) inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community.*

I have placed substantial weight on the above factors favouring disclosure. It is reasonable to expect that information about this topic may be of interest to other residents within the Canberra community. The release of this information can reasonably be expected to provide information that will inform the community, enhance debate and inform members of the community about government operations.

I did not identify any factor favouring nondisclosure and have decided to release this information to you in full.

Charges

Processing charges are not applicable for this request because the number of pages released to you is below the charging threshold of 50.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published. You may view CMTEDD disclosure log at

<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2023>

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

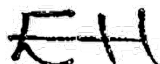
ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
15 Constitution Avenue
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact the CMTEDD FOI team by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Emma Hotham
Information Officer
Chief Minister, Treasury and Economic Development Directorate

18 July 2023