

Australian Capital Territory

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

Disallowable instrument DI2016-xx

made under the

Road Transport (Public Passenger Services) Regulation 2002, section 18B (Minimum service standards for regulated services)

1 Name of instrument

This instrument is the *Road Transport (Public Passenger Services) (Minimum Service Standards—Hire Car Services) Approval 2016 (No x)*.

2. Revocation of Previous Instrument

Disallowable Instrument DI2016-xx (as notified on the ACT Government Legislation Register) is revoked.

3 Determination

I approve the standards contained in Schedule 1 as the Minimum Service Standards for the operation of a Hire Car Service.

4. Commencement

This instrument commences on **the day after notification**.

SCHEDULE 1

MINIMUM SERVICE STANDARDS FOR HIRE CAR SERVICES (OTHER THAN RESTRICTED HIRE CAR SERVICES)

PART 1 Safety

1.1 The operator of a hire car service must:

- (1) ensure that their vehicle is maintained, serviced and inspected so it remains roadworthy at all times;
- (2) provide the Authority full details of all security devices that are installed in the hire car, such as cameras, GPS tracking devices, and other required equipment used to monitor safety;
- (3) ensure a process is in place for drivers to inspect vehicles before every shift and a mechanism for reporting vehicle defects and faults (including to equipment and security devices) is available;
- (4) ensure that if a baby capsule or child restraint is provided, that it has no defects, such as a damaged harness belt, or significant cracks to the body of the device;
- (5) ensure that defects concerning security devices, such as cameras, GPS tracking devices and other required equipment used to monitor safety are repaired promptly;
- (6) ensure that security devices are monitored and any security incidents promptly responded to;
- (7) where a third-party is used for the purposes of 1.1(6), provides the Authority with the third-party provider's details for the monitoring of the security devices; and
- (8) ensure that a vehicle that does not pass a roadworthy inspection or has safety equipment that is not working, and is deemed to be unsafe is not used as a hire car.

1.2 The driver of a hire car must report to the operator vehicle defects and faults (including to equipment) that prevent use as a hire car immediately after becoming aware of the defect or fault.

PART 2 Handling Customer Inquiries & Customer Complaints

2.1 A complaint in this part means any negative feedback that relates to possible breaches of the road rules and/or regulation and may result in endangerment to public safety.

2.2 The operator of a hire car service that is not affiliated with a Transport Booking Service (TBS) must:

- (1) have procedures for handling and recording customer complaints and dispute resolution;

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- (2) respond to the Road Transport Authority (Authority) within seven (7) days after a customer complaint has been forwarded to the operator by the Authority.
- 2.3 The operator of a hire car service that is affiliated with a TBS, must comply with customer inquiry and complaints procedures set by the TBS they are affiliated with.

PART 3 Handling Lost Property

- 3.1 The operator of a hire car service that is not affiliated with a TBS must establish procedures for managing lost property.
- 3.2 The operator of a hire car service that is affiliated with a TBS must comply with lost property procedures set by the TBS they are affiliated with.

PART 4 Certain Records Must Be Kept

- 4.1 The operator of a hire car service that is not affiliated with a TBS must maintain records, to be kept for a period of not less than 2 years, and which are capable of being audited, for:
 - (1) the date, time, origin and destination of every hiring;
 - (2) the hire car used, and the driver details, for every hiring;
 - (3) the name in which each hiring is made;
 - (4) the date and type of maintenance and repairs that were undertaken for any hire car used to operate the hire car service;
 - (5) details of who conducted the maintenance/repairs;
 - (6) customer complaints and the resolution of customer complaints;
 - (7) lost property.
- 4.2 The operator of a hire car service that is affiliated with one or more TBSs must maintain records, to be kept for a period of not less than 2 years, and which are capable of being audited, for:
 - (1) the date and type of maintenance and repairs that were undertaken for any hire car used to operate the hire car service;
 - (2) details of who conducted the maintenance/repairs.
- 4.3 The operator of a hire car service that is affiliated with one or more TBSs must record any other information that is required by the TBS.

PART 5 When Motorbike Used in Hire Car Service

5.1 The operator of a hire car service using a motorbike must:

- (1) have available, and ensure that all passengers wear undamaged Standards Australia International Limited approved full-face helmets in sufficient sizes to cater for all passengers;
- (2) ensure that all passengers wear clothing that provides full covering;
- (3) make available, and ensure passengers are advised of the availability of undamaged riding gloves and protective jackets in a sufficient number of sizes to cater for all passengers on hirings exceeding 15 minutes' duration;
- (4) ensure that all passengers wear fully enclosed shoes or boots;
- (5) ensure that all passengers wear adequate protective eye covering. In the absence of visors, goggles must be provided to each passenger. Sunglasses or other spectacles are not adequate;
- (6) provide each passenger with an adequate briefing on the following matters before commencement of the hiring:
 - (a) fitting of helmets and other safety apparel;
 - (b) instructions on safe riding – including seating, use of footrests, leaning and communicating with the driver; and
 - (c) expected road conditions.