



## On-Demand Passenger Transport Services legislation changes

In the last two taxi newsletters, we told you about new 'on-demand' legislation which is now in effect. Taxi operators must now:

- keep records in addition to those specified in the Accreditation Manual, and
- notify the Transport Commission of prescribed incidents, accidents or findings.

We will continue to inform you about the changes and what they mean for taxi operators.

You can find all issues of the Taxi Newsletter online here

[https://www.transport.tas.gov.au/public\\_transport/industry\\_and\\_operator\\_information/taxi\\_newsletters](https://www.transport.tas.gov.au/public_transport/industry_and_operator_information/taxi_newsletters)

Fact sheets for taxi operators are also available at [https://www.transport.tas.gov.au/public\\_transport/industry\\_and\\_operator\\_information/taxi\\_hire\\_vehicles\\_and\\_ride\\_sourcing/taxi](https://www.transport.tas.gov.au/public_transport/industry_and_operator_information/taxi_hire_vehicles_and_ride_sourcing/taxi)

## Safety duties

Persons who are a party in the *chain of responsibility* for an on-demand passenger transport service (taxi) have safety duties under the *Passenger Transport Services Act 2011* (the Act).

These persons are:

- an accredited operator
- a responsible person for an accreditation (where the operator is a company)
- an affiliated operator in relation to a booking service provider (BSP\*)
- a taxi driver
- a registered operator of a taxi vehicle

\*Information about BSPs will be provided in the next issue of the Taxi Newsletter.

The safe operation of a taxi service is the shared responsibility of all the persons listed above.

[Safety duties of accredited operators and relevant responsible persons \(not including affiliated operators\)](#)

- Ensure, so far as is reasonably practicable, while vehicles are being used for the taxi service:
  - the safety of drivers
  - the safety of other road users
  - the safety of passengers
- Must:
  - eliminate risks to safety, so far as is reasonably practicable
  - if the risk(s) can't be eliminated, minimise those risks so far as is reasonably practicable

- Comply with:
  - the provisions of the Act, or of any other law that relate to the safe use of a vehicle
  - the Accreditation Standards
- any reasonable policy or procedure of the accredited operator in connection with the safe and secure provision of the taxi service

### Safety duty of driver

- Must
  - take reasonable care for their own safety while providing the taxi service
  - take reasonable care that their actions, while providing the taxi service, do not adversely affect the safety of other persons
  - comply, so far as the driver is reasonably able, with any reasonable instruction that is given by the accredited operator to ensure that they comply with –
    - the provisions of the Act, or of any other law that relates to the safe use of a vehicle
    - the Accreditation Standards
    - any reasonable policy or procedure of the accredited operator in connection with the safe and secure provision of the taxi service

### Safety duty of registered operator of vehicle

- Must
  - take reasonable care that their actions in relation to the vehicle, do not adversely affect the safety of other persons
  - comply, so far as the registered operator is reasonably able, with any reasonable instruction that is given by the accredited operator to ensure that they comply with-
    - the provisions of the Act, or of any other law that relates to the safe use of a vehicle
    - the Accreditation Standards

The Transport Commission takes the safety of taxi services in Tasmania very seriously. Heavy fines apply for a person who fails to comply with their safety duty.

## Requirement to notify when a taxi is used for the first time

Accredited taxi operators must now notify the Transport Commission within 14 days after a vehicle begins to be used for their taxi service.

Notifications can be made easily:

- online at:
  - [https://www.transport.tas.gov.au/public\\_transport/industry\\_and\\_operator\\_information/taxi\\_hire\\_vehicles\\_and\\_ride\\_sourcing/taxi\\_notify\\_new\\_taxi](https://www.transport.tas.gov.au/public_transport/industry_and_operator_information/taxi_hire_vehicles_and_ride_sourcing/taxi_notify_new_taxi) or,
- by emailing:
  - [operator.accreditation@stategrowth.tas.gov.au](mailto:operator.accreditation@stategrowth.tas.gov.au)

If you don't notify the Commission as required, you may incur a fine.

## Complaints relating to taxi drivers

The Commission is concerned about recent complaints from customers where it is alleged that a taxi driver has engaged in unlawful conduct.

The Commission may refer these complaints to the Transport Safety and Investigation Unit or Tasmania Police for investigation. The Registrar of Motor Vehicles may also consider information relating to a taxi driver's conduct and determine whether they are a *fit and proper* person to continue to hold an ancillary certificate.

Accredited taxi operators may wish to have a written code of behaviour that details minimum standards of acceptable driver behaviour. If you have a code, you should monitor your drivers' compliance and take appropriate action if a driver breaches the code.

Remember that you must notify the Commission of an incident occurring during the provision of your taxi service that resulted in:

- a complaint being made to the police containing allegations of assault, indecency, or indecent assault
- a complaint that the driver denied the service to a person accompanied by an assistance animal
- the driver being charged with a *serious offence*
- the driver being disqualified from driving.

## New regulations and wheelchair-accessible taxi operators

The new *Taxi and Hire Vehicle Industries Regulations 2023* and *Passenger Transport Services Regulations 2023* came into effect on 26 June 2023

There are some important changes for wheelchair-accessible taxi (WAT) services:

- A WAT must undertake a minimum of 30 hirings that involve carrying a wheelchair passenger in each calendar month
- A WAT driver must give priority to a hiring that includes the transport of a person in a wheelchair
- The new trip subsidy is \$20.00 which must be split 50/50 between the operator and driver.

These changes will assist with the availability of wheelchair-accessible taxi services to people living with a disability.

The *Taxi and Hire Vehicle Industries Regulations 2023* provides a meaning for wheelchair passenger –

*A wheelchair passenger means a person in a wheelchair who travels in a taxi and who –*

*(a) satisfies the driver at the completion of the journey that the person is the holder of a transport scheme permit, relating to subsidised taxi travel due to the person's permanent dependence on a wheelchair, under the scheme administered by the Department; or*

*(b) presents to the taxi driver a taxi travel voucher issued under an equivalent transport scheme of another State or a Territory.*

The Commission wrote to holders of WAT licences about a condition which requires the minimum 30 hirings in each calendar month.

## Removal of maximum operating age for WATs

There is no longer a maximum operating age for approved wheelchair-accessible taxis. They can continue to be used as long as they are safe and pass regular inspections.

## Regulations Team

For further information on any of the topics in this newsletter, or any other information, contact us by email:

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