



# **NSW Government response**

Operation of the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*

Recommendation	NSW Government Response
<p>1. That the NSW Government amend the point to point transport regulations and examine the universal service obligations to allow for flexibility.</p>	<p>Noted.</p> <p>In 2015, the Point to Point Taskforce considered the universal service obligations that existed at that time.</p> <p>The Point to Point Taskforce recommended that the obligation that authorised taxi networks provide booking services for taxis throughout the licensed area 24 hours a day, 7 days a week, be removed. The Government supported this recommendation.</p> <p>The obligation on taxi networks to provide booking services 24 hours a day, 7 days a week was removed in November 2017.</p>
<p>2. That the NSW Government review how Compulsory Third Party insurance costs are calculated for all key stakeholders operating within the point to point transport industry, with a view to ensuring equal costs and competitive neutrality for taxis, hire vehicles and rideshare.</p>	<p>Supported in principle.</p> <p>The State Insurance Regulatory Authority is currently undertaking work to determine fit for purpose Compulsory Third Party (CTP) insurance premiums for the point to point transport industry. Ensuring competitive neutrality for taxis and hire vehicles, and that premiums reflect the risk that a vehicle and its owner or driver brings to the scheme, will be key principles in calculating insurance premiums. Premiums that reflect risk are a key mechanism to encourage a culture of safer driving within an industry segment, as well as ensuring fair and affordable premiums for other motorists in the scheme.</p>
<p>3. That the NSW Government improve quality and service standards within the point to point transport industry by:</p> <ul style="list-style-type: none"> <li>a) reinstating a centralised complaints handling system, and developing a fatigue management system and information sharing portal on banned drivers</li> <li>b) incorporating these mechanisms in the Driver Vehicle Dashboard portal managed by the Point to Point Transport Commission</li> <li>c) ensuring that any complaints handling system is accessible to consumers with a disability</li> </ul>	<p>Not supported.</p> <p>Consistent with the Government response to the 2015 Point to Point Transport Taskforce report, service providers are responsible for setting their own service standards. Complaints about service quality are best dealt with by the responsible service provider. A centralised complaints system confuses accountability for service delivery and adds complexity and delay for consumers in having their complaint addressed.</p> <p>The Point to Point Transport Commissioner operates the Driver Vehicle Dashboard to enable service providers to check that drivers continue to meet the required standards under the <i>Point to Point (Taxis and Hire Vehicles) Act 2016</i>.</p>

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<p>d) developing either internally or through external tender a mother app that provides New South Wales public users with the ability to access booking and payment for all taxi and rideshare platforms.</p>	<p>Fatigue management is a safety risk that should be managed by service providers as part of their safety management systems. The Point to Point Transport Commissioner carries out audits on service providers to ensure they have fatigue management systems in place to manage their drivers' working hours and rest times.</p> <p>App developers have the opportunity to create, on a commercial basis, an aggregator or mother app in response to customer demand that provides access to multiple point to point transport booking and payment platforms.</p>
<p>4. That the NSW Government increase on-street enforcement efforts in the point to point transport industry, particularly in regional New South Wales and investigate why a disparity currently exists between enforcement of rideshare and taxi vehicles.</p>	<p>Supported.</p> <p>The Point to Point Transport Commissioner has a team of authorised officers that regularly conduct compliance activities throughout NSW.</p> <p>Between 1 January 2020 and 31 January 2021, authorised officers visited 52 regional towns and areas. In that same time period, a total of 2,004 vehicle compliance checks were undertaken, with 911 of those checks on taxis and 1,093 on hire vehicles.</p> <p>The Point to Point Transport Commissioner will continue to carry out compliance activities in regional NSW.</p>
<p>5. That the NSW Government change the signage requirements for rideshare vehicles to a more visible, easily identifiable format.</p>	<p>Not supported.</p> <p>Signage requirements for hire vehicles were considered during the development of the <i>Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017</i>. During public consultation, concerns were raised that signage on hire vehicles might lead to potential customers assuming that they could hail a hire vehicle in the street in order to commence a journey.</p> <p>The reason for the retroreflective sign being displayed on the rear of the vehicle rather than the front is to minimise this potential.</p> <p>The Regulation prohibits a hire vehicle from being painted or marked, or having signs or lights that could imply the vehicle is a taxi or a vehicle that is plying or standing for hire. This is a specified safety standard for the vehicle owner and separately there are also significant penalties for drivers of hire vehicles plying or standing for hire.</p>

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<p>6. That the NSW Government work with local government to facilitate safe pick up and drop off zones for passengers of rideshare services and increase enforcement of these zones so they do not breach current rank and hail conditions.</p>	<p>Supported.</p> <p>The Point to Point Independent Review 2020 recommended that state and local governments and industry work together to provide for adequate kerbside and other spaces to support safe and convenient pick-up and drop-off for all point to point transport users. The NSW Government supports this recommendation.</p> <p>The NSW Government is currently trialling the use of CCTV systems at Central Station. These systems rely upon artificial intelligence to assist with monitoring activities, including licence plate recognition of taxis and non-taxi vehicles, passenger numbers and capacity times. This data can also be used to enhance onsite compliance activities and safety.</p> <p>The NSW Government is closely considering the expansion of this trial to other locations to enable the Point to Point Transport Commissioner to target a greater number of areas across NSW.</p>
<p>7. That the NSW Legislative Council's Select Committee on the Technological Change on the Future of Work conduct an independent review into the employment relationship between rideshare services and their drivers to determine how best to apply employment entitlements to rideshare drivers.</p>	<p>Noted.</p>
<p>8. That the NSW Government work with all stakeholders in the point to point transport industry to regulate the industry with a view to establishing a level playing field that addresses all inequities outlined through this inquiry process.</p>	<p>Noted.</p> <p>The NSW Government is continuing to work closely with stakeholders to ensure that industry has an opportunity to provide feedback on, and potential solutions to, the issues raised as part of the Inquiry and the Point to Point Independent Review 2020.</p>
<p>9. That the NSW Government commission research by the Independent Pricing and Regulatory Tribunal to determine the impact of point to point transport reforms on fares for consumers, with this to assess the impact of the reforms since they have been introduced, and</p>	<p>Supported.</p> <p>To support the deregulation of rank and hail taxi services, the Point to Point Independent Review 2020 recommended that the Independent Pricing and Regulatory Tribunal (IPART) be asked to develop an indicative fare schedule for country and for Sydney taxis for voluntary use by taxi operators for rank and hail services. The</p>

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<p>include a recommendation about arrangements for assessing the impact of fares on consumers in the future.</p>	<p>NSW Government supports this recommendation in the Independent Review. Transport for NSW will also monitor the market effects of fare deregulation by way of engaging IPART.</p>
<p>10. That the NSW Government consider utilising the taxi industry in regional New South Wales for government funded initiatives and contracts, such as community transport.</p>	<p>Supported in principle.</p> <p>The Point to Point Independent Review 2020 recommended that, in regional areas where point to point transport services are at risk, Transport for NSW and the Point to Point Transport Commissioner work with key stakeholders to develop a local point to point transport plan to address any unmet transport need. The NSW Government supports the recommendation of the Independent Review in principle.</p>
<p>11. That the Minister for Transport and Roads immediately publicly release the Point to Point Independent Review 2020 (conducted by Ms Sue Baker-Finch).</p>	<p>Supported.</p> <p>The NSW Government released the Point to Point Transport Independent Review on 24 February 2021.</p>
<p>12. That the NSW Government improve access to the point to point transport industry for people with a disability by:</p> <ul style="list-style-type: none"> <li>• requiring all booking apps to comply with accessibility guidelines</li> <li>• incorporating tactile number requirements in licencing requirements for all taxi and booked services</li> <li>• expanding the Taxi Transport Subsidy Scheme to rideshare services and moving to a provider-neutral smart card system</li> <li>• developing a mandatory education and training program, in consultation with the disability sector, that rideshare and taxi drivers must complete.</li> </ul>	<p>Supported in principle.</p> <p>Access to services for people with a disability is primarily regulated by the <i>Disability Discrimination Act 1992</i> (Cth) and the <i>Disability Standards for Accessible Public Transport 2002</i> (DSAPT). The DSAPT is currently being reviewed.</p> <p>The DSAPT currently includes requirements related to tactile signage for taxis. The Australian Human Rights Commission is responsible for ensuring that taxis meet these requirements.</p> <p>In addition, the <i>Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017</i> (the Regulation) currently includes the requirement that all wheelchair accessible vehicles meet the requirements of the DSAPT. This includes tactile numbers on doors.</p> <p>Under the Regulation, drivers of a wheelchair accessible vehicle must be able to demonstrate they are competent in the loading, securing and unloading of passengers. Service providers are also audited by the Point to Point Transport Commissioner to ensure they maintain an</p>

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	<p>appropriate level of competence in safely loading, restraining and un-loading passengers.</p> <p>The Point to Point Transport Commissioner has also developed a Wheelchair Accessible Taxis and Hire Vehicles Driver and Driver Assessor Competency Self-Assessment Guide. The guide is for use by taxi and booking service providers to assist with determining wheelchair accessible taxi and hire vehicle driver and driver assessor competencies.</p> <p>An electronic payment system for the Taxi Transport Subsidy Scheme is currently being rolled out across NSW. The NSW Government is also proposing to extend the scheme to other point to point transport providers.</p>
<p>13. That the NSW Government develop a point to point transport disability forum with representatives from the government, the point to point transport industry and the disability sector, to provide a formal forum to discuss and address disability access issues in the industry.</p>	<p>Supported in principle.</p> <p>Access to services for people with a disability is primarily regulated by the <i>Disability Discrimination Act 1992 (Cth)</i> and the <i>Disability Standards for Accessible Public Transport 2002</i>.</p> <p>The Point to Point Transport Commissioner will include disability access issues as a standing agenda item for the Commission's Industry Reference Group meetings.</p> <p>Transport for NSW will also consider options for engaging directly with the disability sector to address access issues.</p>
<p>14. That the NSW Government develop and implement a buyback scheme of ordinary taxi licences.</p>	<p>Not supported.</p> <p>The Point to Point Independent Review 2020 recommended that a program of transition assistance for taxi licence owners be established that targets those most likely to have experienced substantial financial loss and recognises that country licence owners primarily operate the licences. It also recommended that the assistance package is structured and timed to consider impact on social security pension requirements in relation to income tax liabilities.</p>

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	The NSW Government supports this recommendation of the Independent Review.
15. That to pursue Recommendation 14, the NSW Government form a working group which includes industry and the Transport Workers' Union.	Not supported.  In the context of the response to Recommendation 14, the NSW Government will consult with the point to point transport industry, including the Transport Workers' Union and other relevant stakeholders, in progressing and finalising the reforms.
16. That the NSW Government and working group (as outlined in Recommendation 15) develop a policy for bailment reform in conjunction with the development of a buyback scheme.	Not supported.  The preferred approach to any potential bailment reform and other matters related to contract determinations in the point to point transport sector is for the industrial parties to apply to the NSW Industrial Relations Commission (IRC). An application to the IRC for the exercise of these functions can be made by associations representing bailors and bailees.  Chapter 6 of the <i>Industrial Relations Act 1996</i> also provides for the IRC to inquire into any matter arising under contracts of bailment in respect of driver remuneration, annual, sick and long service leave, the minimum and maximum number of bailment hours, and other matters it considers necessary.
17. That the NSW Government reinstate and expand the criteria of the additional assistance package, to ensure that all taxi industry participants including taxi drivers who have been affected by the reforms can apply.	Not supported.
18. That the NSW Government consider ways to lessen the administrative burden on taxi networks when collecting the passenger service levy.	Supported.  During implementation of the Passenger Service Levy, Transport for NSW widely consulted with the taxi industry. Transport for NSW introduced a number of measures to assist the taxi industry in relation to the Passenger Service Levy, including: <ul style="list-style-type: none"> <li>• exemptions and rebates for certain small providers;</li> <li>• exemptions from the levy for providers in remote or very remote areas; and</li> <li>• a reduction or waiver of a levy liability in cases where a third party (i.e. driver) does not pass on a levy amount collected to the service provider.</li> </ul>

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	Around 40 per cent of service providers qualify for an exemption or rebate from the Passenger Service Levy.