



Point to Point
Transport Commissioner

Point to Point Transport and Community Transport

Barbara Wise, Point to Point Transport Commissioner
CTO Conference, Hunter Valley
16 November 2017

How did we get here?

2015: INDEPENDENT TASKFORCE REVIEWS
THE FUTURE SUSTAINABILITY OF THE POINT
TO POINT TRANSPORT INDUSTRY

NSW GOVERNMENT ACCEPTS 56 OF 57
RECOMMENDATIONS TO FREE UP INDUSTRY
TO INNOVATE & IMPROVE ACCOUNTABILITY
FOR SAFETY

IMMEDIATE REMOVAL OF NON-SAFETY
REGULATIONS. RIDESHARE LEGAL

2016: *POINT TO POINT TRANSPORT ACT*
PASSES PARLIAMENT.

MODERN SAFETY REGIME,
INDEPENDENT REGULATOR AND \$250
MILLION ADJUSTMENT ASSISTANCE
PACKAGE TO BE FUNDED BY A LEVY

2017: FINALISATION OF THE
REGULATION. INDUSTRY EDUCATION
AND TRANSITION TO THE NEW
LEGISLATION. NEW REGULATOR
COMMENCED 1 NOVEMBER

Why the changes?



THE POINT TO
POINT TRANSPORT
INDUSTRY
HAS **CHANGED**



CUSTOMERS
HAVE EMBRACED
NEW **BOOKING**
SYSTEMS



SERVICES
INCLUDE DRIVER
RATINGS AND
FEEDBACK



REGULATIONS
MAKE IT
DIFFICULT FOR
INNOVATION



PREPARE
INDUSTRY
FOR THIS
CHALLENGE

Which services are subject to the new law?

- Transporting passengers for a fare in a motor vehicle with up to 12 seats (e.g. taxis, uber)
- Automatic recognition under the new law for:
 - Authorised taxi networks
 - Accredited taxi operators not affiliated to an authorised network
 - Accredited hire car operators
 - 4WD, motorcycle tourist operators
- Accredited bus operators have 12 months to apply
- What is NOT a passenger service?:
 - Community transport services under contract
 - A service conducted to regular routes/timetables
 - Courtesy transport
 - Off-road services
 - Assisted School Travel Program
 - Health-related transport
 - Prisoner transport
 - Car pooling

New law and community transport – an overview

- Two new regulated entities – taxi service providers and booking service providers. Only taxis can provide rank and hail services.
- Point to Point Transport Commissioner doesn't regulate drivers and vehicles directly. Standards for each in regulation - ASPs responsible for ensuring they are met.
- Vehicles with more than 12 seats (including the driver) will continue to be regulated under the Passenger Transport Act.
- If providing services outside your contract with TfNSW in vehicles with up to 12 seats (including driver) need to become authorised as a booking service provider and liable for the passenger service levy.
- Those with bus operator accreditation and vehicles with up to 12 seats - a year from 1 November to comply with the new laws.

Passenger Transport Act and Regulations

- Passenger Transport Act 2014
- Community Transport under contract to TfNSW public passenger service
- Community transport services delivered in buses (i.e. more than 12 seats including driver) operators will need to be accredited and drivers authorised.
- TfNSW now developing a regulation to support Act
- The timing for this consultation and finalisation of the Regulation is still being finalised.

Booking service providers

- **Booking Service Providers:**
 - Take bookings for taxis or hire vehicles to provide passenger services, either immediately or at a later time
 - Communicate bookings to drivers or to providers of passenger services
- You provide a booking service if you contract with others who provide the passenger service or if you provide the service yourself



Authorisation

- Booking service providers must be authorised
- On-line application (\$120 fee).. Once approved, full portal access to manage own account
- There are conditions and standards that must be met, e.g. safety and payment of the levy.
- Annual authorisation fees based on the total number of passenger service transactions carried out each financial year. Fees are not payable for first year.

Trip range	Fees
0 – 19,999	\$500
20,000 – 49,999	\$750
50,000 – 99,999	\$1,250
100,000 – 499,999	\$2,500
500,000 – 999,999	\$5,000
1,000,000 – 2,499,999	\$8,500
2,500,000 – 4,999,999	\$15,000
5,000,000 – 9,999,999	\$25,000
More than 10,000,000	\$50,000

A new safety framework

Service providers have a primary **duty of care** to ensure so far as is reasonably practicable, the health and safety of drivers and other persons while they are engaged in providing a passenger service.

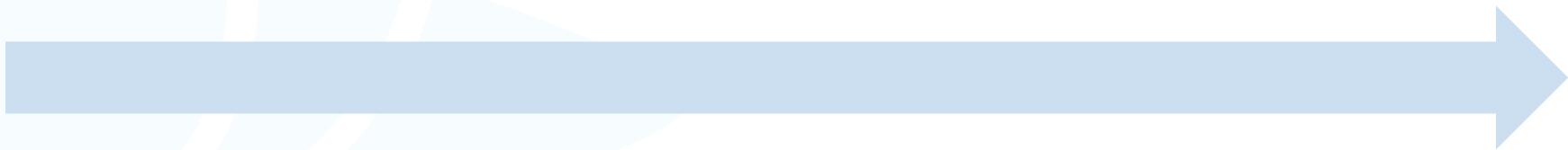
You must
eliminate or
minimise risks

The law gives
you flexibility as
to how you
manage risks

You will need to
have a safety
management
system (SMS)

SMS records:
- hazards & risks
- controls

The Point to
Point Transport
Commissioner
Industry Portal
will assist



Other people with safety obligations

- Vehicle Owners – the person whose name the vehicle is registered to
- Drivers – the person who drives the passenger vehicle when providing a passenger service.
- The Regulation applies two standards in relation to the safety standards:
 - “specified” - **must not contravene** and
 - “responsible person” **must ensure, so far as is as reasonably practicable, that the safety standard is complied with**
- (Taxi Licence holders – the lessee, sublessee or other person who has the benefit of the authority of a licence to the exclusion of the lessor, sub-lessor or other person)

Safety duties

- A safety duty cannot be transferred to another person;
- A person can have more than one safety duty by virtue of being in more than one class of duty holder;
- More than one person can concurrently have the same safety duty;
- If more than one person has a safety duty for the same matter, each person;
 - Retains responsibility for the person's duty in relation to the matter, and
 - Must discharge the person's duty to the extent to which the person has the capacity to influence and control the matter or would have had that capacity but for an agreement or arrangement purporting to limit or remove that capacity.

Safety standards

BOOKED VEHICLES

Wheelchair accessibility

Signs, lights and
markings

Motorcycle safety
standards

Insurance

Registration and
maintenance

BOOKED DRIVERS

Disqualifying offences

Medical fitness

Licence & eligibility

Wheelchair competence



Fares and customer information



BOOKED FARES

Set by providers

BOOKED INFO

before the journey:

Identifying information

Estimate of fares



Passenger Service Levy

- Applicable to those ASPs who are required to pay the levy
- Must register as a taxpayer through the industry portal
- Some exemptions apply for remote and very remote areas and those transacting less than 150 transactions per year
- Tiered fees for those transacting between 150 – 600 transactions (annual payment)
- Those transacting over 600 transactions will need to submit a monthly return
- Commencing in February 2018

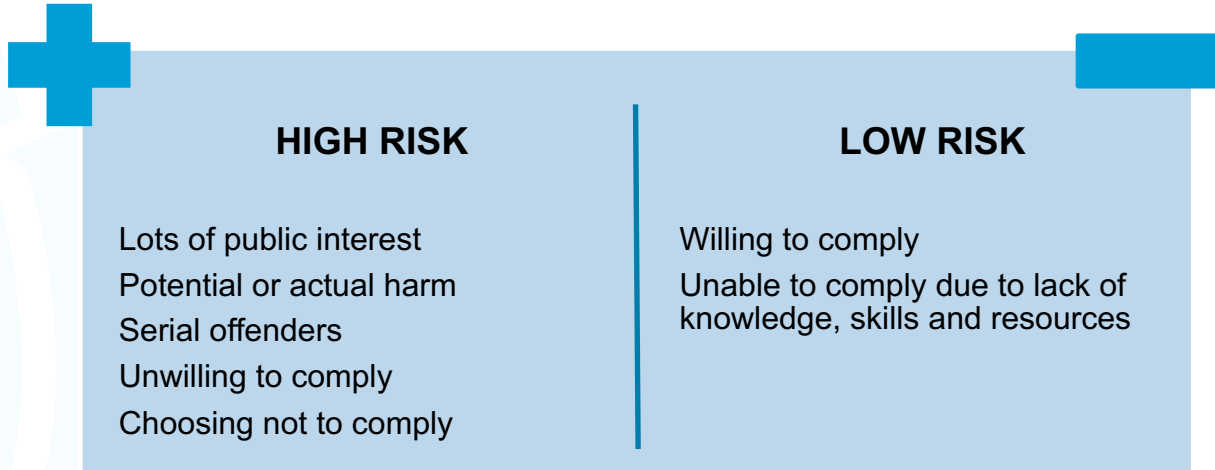




Note: The Passenger Service Levy applies to Broken Hill and Wentworth

Our approach to compliance

- The Point to Point Transport Commission undertakes advisory, auditing and enforcement activities and can do so at any time, depending on the circumstances





COURT SANCTIONS

- Criminal proceedings
- Court orders

ADMINISTRATIVE SANCTIONS

- Suspend licences
- Cancel authorisations and licences
- Penalty notices
- Warnings / cautions

VERIFYING AND SECURING COMPLIANCES

- Inspections
- Incident investigations
- Audits
- Improvement and prohibition notices

ASSISTING COMPLIANCE

- Information and advice
- Consultation
- Advisory services
- Prevention and awareness

Review of TTSS and other subsidies

The Point to Point Transport Taskforce recommended

“In relation to the funding for the Taxi Transport Subsidy Scheme and the incentives available for wheelchair accessible services, the Government, as a matter of priority, move to a service provider-neutral transport subsidy scheme for people with disabilities. In doing so, it should examine:

- the viability of wheelchair accessible services given the higher capital and running costs associated with providing these services, and
- the effectiveness and adequacy of passenger subsidies and other incentives for the provision of services to all people with disabilities, with a view to directly subsidising some aspects of service provision, where necessary.”

Transport for NSW has commenced this review.

Next steps

- Website www.pointtopoint.nsw.gov.au
- Industry Contact Centre 131 727
- If applicable, apply for authorisation on the industry portal