



Victoria Government Gazette

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TAXI-CAB INDUSTRY ACCREDITATION

BUSINESS AND SERVICE STANDARDS

SPECIAL

Transport Act 1983**ACCREDITATION OF TAXI-CAB INDUSTRY PARTICIPANTS****Business and Service Standards**

I, Lynne Kosky, Minister for Public Transport and Minister administering the **Transport Act 1983** (the Act), under section 133C of the Act, hereby determine the following minimum business and service standards.

Part 1 – Taxi-cab Licence Holders

The minimum business and service standards set out in this Part are to be met by all accredited taxi-cab licence holders (licence holders).

Agreements

The standards under this heading apply if the licence holder assigns under section 150 of the Act the right to operate a vehicle under a licence to another person.

1. A licence holder will assign the right to operate a vehicle under a licence only to a person who is accredited as a taxi-cab operator. The licence holder must take all reasonable steps to ensure that the assignee does not assign or attempt to assign the assignee's rights under the assignment.
2. The assignment agreement will include a condition that the assignee must comply with all business and service standards applicable to the accreditation of the assignee as a taxi-cab operator.
3. The assignment agreement will also contain a condition that the assignee must give the licence holder access to the records of the information specified in paragraphs 1(a), 1(i), 1(j), 1(k), 1(l) and 1(m) of Schedule 1 to the Transport (Taxi-Cab Industry Accreditation) Regulations 2007 that the assignee is required to keep under regulation 7 of those Regulations.
4. The licence holder will monitor and audit compliance by the assignee with the business and service standards relating to safety and customer service which are applicable to the accreditation of the assignee as a taxi-cab operator as follows:
 - (i) the licence holder must ensure that the records set out in standard 3 are kept in accordance with the Transport (Taxi-Cab Industry Accreditation) Regulations 2007;
 - (ii) the licence holder must audit the records set out in standard 3 at least once annually;
 - (iii) the licence holder must also ensure that a system is in place to monitor the assignee's compliance with safety and customer service standards.
5. In the event that the licence holder is satisfied that the assignee is in serious breach of a safety standard or customer service standards, the licence holder must –
 - (a) in the case of a serious breach of a safety standard, immediately notify the Director of Public Transport of the breach and write to the assignee demanding that the assignee rectify the breach and that the assignee take steps to ensure ongoing compliance with the standards; or
 - (b) in the case of a serious breach of a customer service standard, write to the assignee demanding that the assignee rectify the breach and that the assignee take steps to ensure ongoing compliance with the standards.
6. In the event that the licence holder's demand referred to in standard 5 (b) is not complied with in a reasonable period, the licence holder must report the breach to the Director of Public Transport.

Compliance with legislative requirements

7. A licence holder will comply with all legislative requirements relevant to the activities for which the licence holder is accredited as a licence holder including, but not limited to, the requirements imposed by or under –
 - the **Transport Act 1983**; and
 - the Corporations Law (if applicable).

Information and records management

8. A licence holder will record the information specified in the regulations completely, accurately and in a timely and accessible manner and will keep those records for the period required by the regulations to enable the inspection, auditing and reporting of the information as required by or under the regulations.

Customer service

9. A licence holder will ensure that a vehicle is operated under each licence held by the licence holder.

Dealings with industry participants, customers and Government

10. A licence holder will conduct all dealings with any assignees of the right to operate a vehicle under a licence held by the licence holder fairly and honestly.

Part 2 – Taxi-cab Operators

The minimum business and service standards set out in this Part are to be met by all accredited taxi-cab operators (operators).

In this Part, a reference to a taxi-cab in relation to an operator means a taxi-cab operated or permitted to be operated by the operator.

Agreements

1. An operator will only permit a taxi-cab to be driven by a person who –
 - (a) holds a driver accreditation to drive a taxi-cab of that class; or
 - (b) under section 165 of the Act, is not required to hold a driver accreditation while driving the taxi-cab in the circumstances of the case.
2. An operator will ensure that it is a condition of any bailment or other agreement, under which the operator permits another person to operate a taxi-cab, that the other person complies with all the provisions of the Transport (Taxi-Cabs) Regulations 2005 that apply to the person.
3. An operator will ensure that any bailment or other agreement, under which the operator permits another person to operate a taxi-cab, contains any conditions necessary to enable or assist the operator to meet the business and service standards applicable to the accreditation of the operator as a taxi-cab operator.
4. An operator will report to the Director of Public Transport all serious breaches of the conditions referred to in standard 3 that lead to a breach by the operator of the business and service standards applicable to the accreditation of the operator as a taxi-cab operator.
5. An operator who is an assignee must give the licence holder access to the safety and customer service records specified in standard 3 of part 1 of these business and service standards.

Compliance with legislative requirements

6. An operator will comply with all legislative requirements relevant to the activities for which the operator is accredited as a taxi-cab operator, including, but not limited to any requirements imposed by or under:
 - the **Transport Act 1983**;
 - the **Road Safety Act 1986**;
 - the **Occupational Health Safety Act 2004**;
 - the **Accident Compensation Act 1985** and the **Accident Compensation (WorkCover Insurance) Act 1993**;
 - the **Equal Opportunity Act 1995**, the **Racial and Religious Tolerance Act 2001** and the **Disability Discrimination Act 1992** of the Commonwealth;
 - the **Workplace Relations Act 1996** of the Commonwealth and any other Federal or State Act that governs the employment rights of the operator's employees.

Business capability

7. An operator will provide and maintain the equipment, premises, systems, procedures and people necessary to effectively and sustainably carry out the activities for which the operator is accredited as a taxi-cab operator.

Information and records management

8. An operator will record the information specified in the regulations completely, accurately and in a timely and accessible manner and will keep those records for the period required by the regulations to enable the inspection, auditing and reporting of the information as required by or under the regulations.

Financial viability

9. An operator will, at all times, have the financial capacity to meet all costs, expenses and other financial obligations relating to the operation of all taxi-cabs as they arise.

Safety

10. An operator will provide a system or protocols to ensure that –
 - (a) no taxi-cab is operated on a highway by a person whom the operator is aware or ought reasonably to be aware is not fit to be in possession or control of the vehicle at that time; and
 - (b) at the beginning of each shift, each taxi-cab is fit for service and meets all safety standards required to be met by or under the **Transport Act 1983**, the **Road Safety Act 1986**, and the **Occupational Health and Safety Act 2004**; and
 - (c) at least once in every 24 hour period (midnight to midnight), each taxi-cab is inspected, and the results of the inspection are recorded, by the driver commencing the shift, in accordance with schedule A; and
 - (d) any faults in, or damage to, a taxi-cab that are identified when the taxi-cab is being operated by a driver who is not the operator are reported to the operator as soon as is practicable.
11. An operator will ensure that, at least once every three months, each taxi-cab is inspected, and the results of the inspection are recorded, by a person competent to carry out the inspection, in accordance with schedule B.
12. An operator will ensure that each taxi-cab is either maintained in accordance with the manufacturer's maintenance schedule or is maintained so as to achieve at least the same level of safety as would be achieved by the manufacturer's maintenance schedule.
13. An operator will ensure that any faults in a taxi-cab, of which the operator is aware, are investigated and remedied –
 - (a) if the fault compromises the safety of the taxi-cab, before the taxi-cab is again operated; or
 - (b) in all other cases, as soon as is practicable – after the operator becomes aware of the fault.
14. An operator will ensure that any damage to a taxi-cab, of which the operator is aware, that compromises the safety of the taxi-cab is repaired before the taxi-cab is again operated after the operator becomes aware of the damage.

Customer service

15. An operator will provide a system or protocols to ensure that the driver of each taxi-cab acts in accordance with his or her statutory customer service responsibilities.
16. An operator will provide a system or protocols to ensure that, at the start of each shift –
 - (a) each taxi-cab is externally and internally clean and is free of any offensive odour; and
 - (b) the driver of each taxi-cab is wearing the approved uniform under the regulations and is neat and clean in appearance and is free of any offensive odour.

17. An operator will ensure that each taxi-cab is either maintained in accordance with the manufacturer's maintenance schedule or is maintained so as to achieve at least the same level of reliability as would be achieved by the manufacturer's maintenance schedule.
18. An operator will ensure that any damage to a taxi-cab, of which the operator is aware, that does not compromise the safety of the taxi-cab is repaired as soon as is practicable after the operator becomes aware of the damage.
19. An operator will ensure that each taxi-cab is available for hire, or is hired, for 90 per cent of high demand periods (if any) for the service area within which it is licensed to operate, calculated over each quarter in each financial year, subject to any conditions of the relevant taxi-cab licence.

Dealings with Industry, customers and Government

20. An operator will conduct all the operator's dealings with bailee drivers, providers of taxi-cab network services and employees fairly and honestly.
21. An operator will conduct all the operator's dealings with customers fairly and honestly.
22. An operator will provide a system or protocols to ensure that appropriate assistance and support is given to the operator's bailee drivers and employees who suffer trauma or other injury arising from the drivers' or employees' operation of relevant taxi-cabs.
23. An operator will comply with all the operator's contractual obligations under the bailment and employment agreements with, respectively, the operator's bailee drivers and the operator's employees.
24. An operator will take all reasonable steps to ensure that each bailee driver and each employee who is to operate a taxi-cab understands his or her rights and obligations in relation to the taxi cab (and associated/ancillary equipment) that is subject to the bailment agreement or is to be operated by the employee.

Complaints handling

25. An operator will ensure that –
 - (a) each complaint relating to the operation of each taxi-cab, of which the operator is aware, is promptly investigated; and
 - (b) any action required to be taken to adequately address the complaint is promptly taken.

Education and training

26. An operator will ensure that each bailee driver and each employee who is to operate a taxi-cab is trained in the use of the equipment installed in the taxi-cab that is subject to the bailment agreement or is to be operated by the employee.

Part 3 – Providers of Taxi-cab Network Services

The minimum business and service standards set out in this Part are to be met by all accredited providers of taxi-cab network services (network service providers) unless a standard specifies a limited class or classes of network service providers. Where a standard specifies a limited class or classes of network service providers, the standard is to be met by all network service providers within that class or those classes.

Agreements

1. A network service provider will only enter into an agreement or other arrangement with a taxi-cab operator or taxi-cab driver for the provision of the services that the network service provider is accredited to provide if that operator or driver holds the relevant accreditation.
2. A network service provider will ensure that an agreement or other arrangement referred to in Standard 1 is not inconsistent with compliance by the taxi-cab operator or taxi-cab driver (as the case requires) with all of the requirements by or under the Act that apply to the operator or driver in that capacity, including, in the case of an operator, compliance with all of the business and service standards that are applicable to that person's accreditation as a taxi-cab operator.

3. A network service provider will report serious breaches of the law by, and complaints of a serious nature regarding, taxi-cab operators and taxi-cab drivers to the Director of Public Transport.

Compliance with legislation

4. A network service provider will comply with all legislative requirements relevant to the activities for which the network service provider is accredited as a provider of taxi-cab network services, including, but not limited to any requirements imposed by or under:
 - the **Transport Act 1983**;
 - the **Road Safety Act 1986**;
 - the **Occupational Health Safety Act 2004**;
 - the **Accident Compensation Act 1985** and the **Accident Compensation (WorkCover Insurance) Act 1993**;
 - the **Equal Opportunity Act 1995**, the **Racial and Religious Tolerance Act 2001** and the **Disability Discrimination Act 1992** of the Commonwealth;
 - the **Workplace Relations Act 1996** of the Commonwealth and any other Federal or State Act that governs the employment rights of the network service provider's employees.

Business capability

5. A network service provider will provide and maintain the equipment, premises, systems, procedures and people necessary to effectively and sustainably carry out the activities for which the network service provider is accredited as a provider of taxi-cab network services.
6. A network service provider who is accredited to provide taxi-cab network services coming within at least all of paragraphs (a), (b) and (e) of the definition of 'taxi-cab network service' in section 130A of the Act and who provides those services to or in respect of more than 9 taxi-cabs will provide a telephone infrastructure capable of receiving all inbound calls for 90 per cent of the time as measured over a quarter.
7. A network service provider who is accredited to provide a central communications system for taxi-cabs will establish and maintain a system that is capable of providing effective communication wherever it is reasonably practicable to do so when the system is operating, including communication to the network service provider of the activation of the emergency warning device in any of those taxi-cabs.

Information and records management

8. A network service provider will record the information specified in the regulations completely, accurately and in a timely and accessible manner and will keep those records for the period required by the regulations to enable the inspection, auditing and reporting of the information as required by or under the regulations.

Financial viability

9. A network service provider will, at all times, have the financial capacity to meet all costs, expenses and other financial obligations relating to the activities for which the network service provider is accredited as a provider of taxi-cab network services as they arise.

Safety

10. A network service provider will ensure that a booking or order for the hiring of a taxi-cab is not offered to taxi-cab drivers if the network service provider has reason to believe that accepting the offer will jeopardise the safety of the driver who accepts the booking or order.
11. A network service provider will advise the operator of a taxi-cab if the network service provider becomes aware of any issue relating to the taxi-cab that indicates the existence of a risk to the safety of the driver of the taxi-cab or of customers or members of the public.

12. A network service provider will advise the Director of Public Transport of any issue referred to in standard 11 if the issue involves the risk of death or serious injury.
13. A network service provider who is accredited to provide a central communications system for taxi-cabs will ensure that the system provides effective communication wherever it is reasonably practicable to do so when the system is operating, including communication to the network service provider of the activation of the emergency warning device in any of those taxi-cabs.
14. A network service provider who is accredited to provide a central communications system for taxi-cabs will ensure that there are in place standard operating procedures and the human and other resources necessary to effectively respond to the activation of the emergency warning device in any of those taxi-cabs.
15. A network service provider who is accredited to provide a global positioning system for taxi-cabs will ensure that the system is available at all times to those taxi-cabs when they are being operated.

Customer service

16. A network service provider will offer all bookings or orders that are specified to be for the hiring of a wheelchair accessible taxi-cab to drivers of wheelchair accessible taxi-cabs as a priority.
17. If a booking or order referred to in standard 16 (the wheelchair booking or order) has not been accepted and has been outstanding for more than 5 minutes, the network service provider will cease to offer conventional bookings or orders for the hiring of a taxi-cab to wheelchair accessible taxi-cabs the drivers of which could reasonably accept the wheelchair booking or order until the wheelchair booking or order has been accepted.
18. A network service provider will advise the person making a booking or order for the hiring of a taxi-cab of any significant delay known to the network service provider in the arrival of a taxi-cab at the place of pick-up either –
 - (a) in the case of an order, or of a booking for a time up to 6 hours in advance, at the time the booking or order is made; or
 - (b) in the case of a booking for a time more than 6 hours in advance, at the time network service provider first becomes aware of the delay.

Dealings with Industry, customers and Government

19. A network service provider will conduct all of the provider's dealings with taxi-cab operators and taxi-cab drivers fairly and honestly.
20. A network service provider will provide a system or protocols to ensure that appropriate assistance and support is given to the drivers of the taxi-cabs for or in respect of which the provider provides taxi-cab network services, and for the provider's employees, who suffer trauma or other injury arising from the drivers' operation of relevant taxi-cabs or from the employees' employment with the provider.
21. A network service provider will provide codified disciplinary procedures for the operators and drivers of the taxi-cabs for or in respect of which the provider provides taxi-cab network services that –
 - (a) afford natural justice to operators and drivers subject to them; and
 - (b) are fully documented; and
 - (c) ensure timely action on disciplinary matters; and
 - (d) do not permit the imposition of any sanction against an operator or driver without giving the operator or driver the right to be heard except in circumstances where the safety of any person is, or is likely to be, jeopardised; and
 - (e) provide for a right of appeal to a panel, a majority of whose members are persons independent of the network service provider (see Example 1 below); and

- (f) allow for documentation of discipline and appeal proceedings and full access to documents by the operator or driver under investigation, subject to the right of the complainant to not have his or her identity disclosed; and
- (g) provide a right for an operator or driver to be represented in, or in relation to, appeal proceedings referred to in paragraph (e); and
- (h) ensures any bond imposed in the form of moneys or deposits payable by an operator or driver to secure attendance at a hearing in connection with the disciplinary or appeal process:
 - (i) does not exceed \$150; and
 - (ii) is fully refunded to the operator or driver on his or her attendance at the disciplinary appeal, irrespective of the outcome of that hearing.
- (i) provide for compensation for loss of earnings to be paid to a driver or operator if a disciplinary decision is not upheld on appeal and the driver or operator establishes loss of earnings resulting from the decision; and
- (j) ensure that any financial penalty imposed as a sanction in connection with the disciplinary process is lawful and does not exceed \$100, unless a higher amount is permitted under the **Associations Incorporation Act 1981**, the **Co-operatives Act 1996** or any other applicable legislation (see Example 2 below).

Example 1

People independent of a network services provider include:

- (a) people who are not employees, directors, members or shareholders of the network service provider;
- (b) people who do not have a financial interest in the network service provider;
- (c) people who are not responsible or relevant persons in relation to the accreditation of the network service provider.

Example 2

A financial penalty may be lawful if it is permitted under the **Associations Incorporation Act 1981**, the **Co-operatives Act 1996** or any other applicable law, not including these Standards.

Complaints handling

22. A network service provider will operate a complaints management system that is consistent with Australian Standard AS 10002, including procedures for complaint resolution and referrals to other parties.

Education and training

23. A network service provider will ensure the provision of adequate training for internal staff on the systems and procedures in place for the provision of the taxi-cab network services that the provider is accredited to provide.
24. A network service provider will ensure the provision of adequate training for the operator and drivers of the taxi-cabs to or in respect of which the provider provides taxi-cab network services in relation to –
- (a) the procedures for offering bookings or orders for the hiring of taxi-cabs to drivers; and
 - (b) the system by which bookings or orders for the hiring of taxi-cabs are offered to drivers; and
 - (c) payment systems and procedures; and
 - (d) the conduct required of operators and drivers; and
 - (e) in the case of a network service provider who is accredited to provide a central communications system for taxi-cabs, the equipment and procedures in place for responding to emergencies.

Part 4 – Definitions and Interpretative Provisions

1. In this notice, unless inconsistent with the context or subject matter –

Act means the **Transport Act 1983**;

bailee driver means a person to whom a taxi-cab operator bails a taxi-cab for the purpose of that person operating the taxi-cab, but does not include an employee of the operator;

driver accreditation means an accreditation to drive a taxi-cab under Division 6 of Part VI of the Act;

high demand period means, for the service areas known as the metropolitan taxi zone, the outer-suburban taxi zone or an urban taxi zone –

- (a) 7.30 am to 9.30 am Monday to Friday; and
- (b) 3.00 pm to 7.30 pm Monday to Friday; and
- (c) 11.00 pm Friday to 6.00 am Saturday; and
- (d) 11.00 pm Saturday to 6.00 am Sunday;

licence means a taxi-cab licence;

service area means the area within which a taxi-cab is licensed to operate under the conditions of its licence;

shift means a period of operation of a taxi-cab by the same driver that is continuous apart from meal and comfort breaks;

statutory customer service responsibilities means compliance by the driver with regulations 18(2), 23(3) and (4), 25(3), 26(4) or (5), 27(2), (3) and (4), 28, 29, 30, 31, 33 to 37, 38(7), 39 to 43, 44(9), 45, 46 and 47(2) of the Transport (Taxi-Cabs) Regulations 2005.

Schedule A

At least once within every 24 hour period (midnight to midnight) the items of the condition of the taxi-cab set out in the Table below are to be inspected and the results of the inspection recorded as indicated in the Table.

Table

Vehicle registration number:

Odometer reading (kilometres):

Item	Satisfactory	Not Satisfactory	Action Taken	Action Required
All readily accessible fluid levels				
Tyre tread and pressures				
Brakes (brake pedal height and firmness)				
All lights and indicators				
Windscreen condition				
Wipers and washers (includes rear window on station wagon or van)				
Security camera (if fitted – mandatory for metropolitan, outer-suburban and Geelong zone taxi-cabs)				

Dated:

Signed:

Schedule B

At least once every three months, the items of the condition of the taxi-cab set out in the Table below are to be inspected and the results of the inspection recorded as indicated in the Table.

Table

Vehicle registration number:

Odometer reading (kilometres):

Item	Satisfactory	Not Satisfactory	Action Taken	Action Required
Brakes (pad wear, fluid leaks)				
Suspension and steering components				
Body and structural components				
Exhaust system				
Absence of oil leaks				

Dated:

Signed:

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