



Passenger Transport Act Review

August 2024



Government of South Australia
Department for Infrastructure
and Transport

Build. Move. Connect.

We acknowledge the Traditional Custodians of the Country throughout South Australia and recognise their continuing connection to land and waters. We pay our respects to the diversity of cultures, significance of contributions and to Elders past, present and emerging.



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Foreword

South Australia's taxi and rideshare sector is in desperate need of change.

The Malinauskas Government came to office with a commitment to undertake a root-and-branch review of the current passenger transport regime, both in practice and law.

This report of the Passenger Transport Act Review provides a framework for broad and enduring change designed to make services safer and more reliable, while supporting a more sustainable industry.

We have consulted broadly within the industry and the community, and the report makes 29 recommendations detailing proposed changes to the legislative framework that regulates taxis, rideshare and chauffeur vehicles. These are designed to improve the safety of drivers and passengers, address unnecessary restrictions on service delivery and better protect consumers.

Change is much needed. There is no doubt this is a sector that is experiencing significant challenges. From assaults, theft and unsafe driving to fare fraud, overcharging customers, defrauding the government, refusing service and driving unroadworthy vehicles, there have been multiple instances of behaviour that is simply unacceptable.

Moreover, this has become an industry of haves and have-nots. The arrival of Uber and other rideshare operators has left many taxi drivers at a significant disadvantage, through no fault of their own. While many in the sector continue to prosper, others are struggling to sustain their business. The playing field needs to be levelled.

We also have to ensure that Access Taxis better perform the service for which they are designed – providing people with disabilities the same freedom to travel using passenger services that everyone else in the community takes for granted. There is a clear need for fundamental changes in the way wheelchair-accessible transport services are delivered, with identification of new service delivery models a key next step to address longstanding issues.

The South Australian Government will now work with industry and key stakeholders to progress changes to the *Passenger Transport Act* in line with key recommendations in this review, and supported by a Taxi Industry Reform Package.

I look forward to working with industry participants and other key stakeholders on next steps to progress the report's recommendations.



Hon Tom Koutsantonis MP
Minister for Infrastructure and Transport

Overview

This report sets out the outcomes of the review of the *Passenger Transport Act 1994* (the Act) led by the Department for Infrastructure and Transport (the Department). The review was initiated in 2022 as part of the State Government's election commitment to review the Act, with a focus to improve the regulatory standards of all taxis and rideshare services to help ensure that South Australians receive a safe, clean and reliable ride while improving the value of licences.

The review's focus was on point-to-point transport – that is any service in a vehicle with 12 seats or less (including the driver) that can take customers on the route they choose, at the time that suits them, for a fare. This includes taxis, chauffeur vehicles and rideshare.

The report outlines the outcomes of the review of the Act which has been informed by feedback from industry, customers, and key stakeholders through public consultation undertaken in the second half of 2022, along with ongoing engagement with the sector.

Overall, the review identified the need for a system that:

- transitions the taxi industry into a modern, fit for purpose regulatory structure
- has a focus on the safety of drivers, passengers and other road users
- supports better services and better protects customers
- helps prevent the unacceptable and appalling behaviours experienced by drivers and passengers, and
- addresses longstanding service availability issues for users of Access Taxis.

To address these issues the report sets out 29 recommendations identified by the Department to introduce amendments to the Act and *Passenger Transport Regulations 2009*.

Key recommendations include:

- removing the limit on the number of taxis that can operate and a Taxi Industry Reform Package delivered to support industry transition to new models for metropolitan and Access Taxis
- progressing a new service delivery model for wheelchair accessible transport through a market sounding process to identify viable options for the delivery of accessible transport services
- removing barriers for metropolitan point-to-point operators to operate in the country, and
- improving the regulatory framework to strengthen compliance arrangements and better address safety and consumer issues.



What we heard?

As part of the review, the Department consulted with key industry and private consumer stakeholders through a YourSAY survey, one-on-one industry meetings and written submissions.

To further inform the review, the Department considered the regulatory framework and reviews undertaken of the point-to-point industry in other jurisdictions as well as previously identified policy and operational issues, including those raised previously by the community and industry.



Safety improvements are needed to deliver better customer and community outcomes

Better safety outcomes, for drivers and the community was a key theme we heard through the consultation.

Point-to-point customers and drivers are vulnerable to a multitude of safety risks. The review found evidence of sexual assault, verbal and physical abuse, theft, unsafe driving, speeding, driving under the influence of drugs and alcohol, fraud, and driving unroadworthy vehicles. These cases have led to criminal charges against point-to-point drivers. Drivers have also been the victims of attacks by passengers.

The review heard of unacceptable driver behaviour, including:

- a driver showing explicit photographs of a sexual nature to a 66-year-old woman
- a driver exposing himself to a young woman in a rideshare vehicle
- other examples of serious sexual assault and serious criminal behaviour which have been withheld to protect victims and/or their families
- a driver stealing cash from the walker of a 90-year-old woman
- drivers using second EFTPOS machines to overcharge trip fares
- a driver playing loud and inappropriate music during a nearby funeral procession of a fallen officer
- a driver deliberately crossing an intersection on a red light in early hours of the morning.

Providing a point-to-point service is unique in that it involves the use of a vehicle, the passenger doesn't generally know the driver, and the environment is isolated and may increase the chance of assault or other unsafe behaviours. This means the operator needs to be responsible for ensuring the vehicle is roadworthy and maintains appropriate safety features such as vehicle identification and cameras for both passengers and drivers.

Key potential measures to address these issues identified through customer feedback as highly important to safety were vehicle tracking (56 per cent of respondents) and the identification of drivers (40 per cent of respondents).

The importance of number plates for the identification of point-to-point vehicles was recorded as important for both customers (51 per cent of respondents) and industry (80 per cent of respondents). Many also supported the use of cameras in all point-to-point vehicles.

Point-to-point customers are vulnerable to fare gouging, both through inappropriate use of surcharging and pressure from drivers who use illegal payment methods. 47 per cent of customers indicated that surge pricing should not be permitted. The current difference in fare regulation between industry segments was also raised as a consistent issue for many stakeholders, with arguments put forward for the benefits of regulated and de-regulated fares in various circumstances. In practice, issues have also been identified around taxi drivers asking customers to pay 'off meter' and using unauthorised EFTPOS terminals.

At the same time, industry feedback identified outdated vehicle requirements that increased costs to industry without improving safety or customer outcomes. A number of stakeholders also provided feedback on the existing accreditation framework being unnecessarily rigid, limiting opportunities for new and innovative service models.



Customers want better access to point-to-point services in our regions

The current metropolitan boundary restricts where point-to-point services can operate, limiting passenger transport options for customers outside the Adelaide metropolitan area.



Access Taxi services are not meeting customer needs

The review found overwhelming evidence of customers that rely on Access Taxi services continuing to receive poor service, including taxis running very late or not arriving at all, leaving vulnerable people stranded. Each month, over 500 people with a booking are forced to wait more than 30 minutes for an Access Taxi, with no certainty that it will arrive. This is despite the State Government implementing a range of initiatives aiming to improve services and assist Access Taxi operators such as paying a significant lifting fee on all jobs.

The industry has repeatedly cited extensive costs and an inability to make a meaningful income, yet there is clearly a significant demand for these services, particularly outside of core hours of 7:30am to 6:30pm Monday to Saturday, and 9am to 5pm on Sundays, when the vast majority of the fleet is not operating.

Some Access Taxi operators claimed there is not sufficient work, or that there are too many vehicles operating, to be profitable. Yet customers tell us their bookings are being rejected by drivers in preference for even more lucrative non-Access work, such as multi-seat trips, or contracts with third parties. Feedback called for more accessible transport services to be made available to them, and respondents stated there would be greater use of the service if the community could rely on it.



Issues of fare fraud, overcharging customers and defrauding the State Government have also been identified. The review has found that 60 per cent of operators have attempted or committed fraud, despite some drivers receiving over \$170,000 each year in government subsidies alone.

Examples of fraud include claiming a \$25 lifting fee for customers who were not using a wheelchair or mobility device, claiming lifting fees when there wasn't a client in the vehicle, multiple lifting fees for a single trip where the client never left the vehicle, and double charging by requiring clients to pay the full fee including the amount that is paid by the State Government under the South Australian Transport Subsidy Scheme (SATSS).

The greatest challenges occur in outer metropolitan areas and outside of business hours, although instances of poor service delivery have been evidenced regardless of location or time. This means that people reliant on Access Taxis to get around are unable to access health and other services, or participate in everyday activities most take for granted.

Feedback from Access Taxi customers is that this causes serious anxiety, stress and the feeling of helplessness for people who don't have other transport options. Their experiences adversely impact on their quality of life by limiting the opportunities they pursue simply because the taxi service is unreliable.

Feedback from respondents was that they don't go out at night for fear of not being able to get home. Individuals take desperate steps to secure their mobility including buying private accessible vehicles, if they can, or being physically handled to get to their destination using non-accessible vehicles. The review also found that customers have felt compelled to pay well above the legal fare in an attempt to secure a ride.

Some examples of issues experienced by passengers include:

- **Multiple instances of missed or late services, including:**
 - a war veteran missing the ceremony where he was to receive a service medal
 - a woman attending a Pink concert was left stranded and told to wait until 5am for the next Access Taxi
 - a woman having to wait for almost three hours at the Botanic Gardens until the early hours of the morning following her brother's wedding ceremony
 - an individual being forced to spend a night at a hospital due to taxi unavailability; and
 - a 73-year-old woman having to wait for five hours in the dark at a local shopping centre which had closed for the day.
- **Multiple instances of missed or late services for medical appointments, including:**
 - an Access Taxi not showing up for a 100-year-old man visiting a doctor and needing his son to lift him in and out of the wheelchair four times; and
 - a mum grappling with taking her 9-year-old to footy while attempting to take her 11-year-old son, who is in an electric wheelchair, to the dentist on the same afternoon.
- **Multiple instances of missed funerals, including:**
 - a 96-year-old woman only able to attend her husband's funeral after being physically lifted out of her wheelchair by strangers into a private vehicle when the Access Taxi didn't arrive.
- **Serious accidents involving access vehicles, including:**
 - an electric gopher falling off the back of the taxi loading ramp with the occupant in it; and
 - a wheelchair tipping over due to the front wheels not being properly anchored, with the driver blaming the carer despite CCTV footage showing it was the driver's fault.
- **Poor driver behaviour, including:**
 - an amputee flung from their gopher due to poor driving
 - a driver seizing a phone out of a customer's hand to access destination information
 - drivers not understanding nor showing respect to customers with communication disabilities; and
 - a driver refusing to assist an 80-year-old man to move his wife's wheelchair out of their home so she could attend a doctor's appointment. The driver claimed that assistance was outside of the "lifting fee" obligation.
- **Dangerous driving, including:**
 - a driver pouring coffee and peeling an egg whilst driving at 100km/h.



Current challenges for the taxi industry

We have heard from all taxi stakeholders about the devastating impact of changes to the industry since the introduction of rideshare. This is in part due to the regulatory differences between taxis and rideshare such as camera requirements for taxis only, specialised equipment, and regulated fares. In addition, rideshare operates in an uncapped market, further limiting the taxi industry's ability to compete.

Metropolitan taxis currently have a restricted market through a licencing system. With the exception of Access Taxis, all other vehicle categories, including country taxis, have no limitation on the number of vehicles that can operate and do not have licences.

The State Government took over the regulation of taxis from most local governments in 1956, and for many years there were no new licences sold. However, in 1991 the sale of licences was reinstated, with fifteen issued each year. Metropolitan taxi licences were purchased from the State Government regularly for investment purposes.

The last sale of licences occurred in 2015, with eight plates sold for approximately \$300,000 each. This was a decrease from \$375,000 per plate four years earlier.

The licence prices are set by the market and have continued to decrease over recent years. In a 2016 review of the point-to-point sector, licence value was considered to be approximately \$240,000. While the State Government does not collect sale prices of licences, we heard from industry that sale prices since that time have varied from \$10,000 to \$80,000.

After the introduction of rideshare, in 2017 industry assistance was provided to licence holders, for hardship and the impact upon the licence price. For each licence, an owner could apply for \$30,000. Lessees of taxi licences were eligible for \$50 a week for the remainder of their lease for a maximum of eleven months. There was a total of \$30,990,000 paid to licence holders and \$1,098,250 to lessees.

Unlike other Australian states, South Australian taxi licence holders were not eligible to participate in the class action against Uber.

The taxi industry continues to call for State Government support to address the impact of the decrease in licence and leasing values and impact upon their business viability. Information received shows that since the introduction of rideshare, the taxi industry has seen a reduction of over 50 per cent of taxi work.



Review recommendations

The review identified 29 recommendations for consideration by the South Australian Government.

Change how Access Taxi services are delivered

Availability and reliability of Access Taxis has been raised over an extended period and multiple efforts to address shortcomings in the current model have failed. People with disability don't have confidence in Access Taxis as a service. This restricts the ability for people with disability to engage in everyday activities that others take for granted.

In recent years, the State Government has implemented a range of initiatives to assist Access Taxi operators, including extending the working age for vehicles to 12 years. Lifting fees were increased to \$25 and subsequently extended to also include trips provided to clients who use a wheelchair, scooter or large mobility device, but are not SATSS members. This has resulted in an additional \$3.3 million per annum to industry members.

However, some customers continue to receive unacceptable levels of service with many people waiting more than 30 minutes for a booked service. In some cases, Access Taxis never arrive. This is worse for those who live in outer metropolitan areas.

It is recommended that alternative service delivery models for the delivery of accessible transport services be identified and assessed through a market sounding process to identify viable options for the delivery of accessible transport services in South Australia.

Stronger compliance and enforcement powers to address safety issues and fraudulent behaviour

The current compliance framework establishes Authorised Officers and the Passenger Transport Standards Committee (PTSC) as the point-to-point industry's investigation and review bodies.

Originally, the PTSC was established to consider and determine complex disciplinary matters that go beyond simple administrative decisions, including reviewing driver accreditation for persons accused or charged with serious offences.

However, under the current structure, the PTSC considers a large volume of minor administrative matters, for example, instances where an accredited person fails to provide an updated working with children check or fails to report that their drivers' licence has been suspended. These matters currently can only be referred to the PTSC, as the power to suspend or revoke an accreditation sits with the committee.

The PTSC also has limited discretion and powers in some key areas such as dealing with overdue debts or monies acquired through fraud, or immediate suspensions where there are serious safety concerns for customers and the general public.

Similarly, for Authorised Officers, the age of the legislation has resulted in limited power to enforce certain breaches.

To strengthen the current compliance framework and clarify responsibilities of members of investigation and review bodies, it is recommended that legislative amendments are implemented to enable:

- Clearer compliance and investigation powers including stronger powers to obtain information (e.g. from mobile phones) and issue penalties.
- Standalone expiable offences to enable swift action to be taken for conduct such as non-taxi point-to-point vehicles running a meter or stopping in a taxi rank.
- The Minister or a delegate to operate as the initial decision maker for passenger transport accreditation and licencing matters, with the power to refuse, revoke and vary accreditation. This would replace the current role of the Passenger Transport Standards Committee.

South Australian Civil and Administrative Tribunal would replace the District Court as the external review body.

There would also be the ability to impose a broader range of sanctions, such as a demerit point scheme for passenger transport driver accreditation breaches.



RECOMMENDATION 3

Address structural issues in the metropolitan taxi industry by removing the limit on the number of taxi licences

Currently a taxi licence is required to operate a general or Access Taxi in metropolitan Adelaide. Only taxis can pick up a customer from a rank, be hailed from a street or do trips subsidised under the SATSS. There are currently 1,035 general taxi licences and 102 Access Taxi licences. Unlike rideshare, the number of taxis cannot grow in response to demand because of the cap on the number of licences.

For general taxis, many of these licences are held by investors who do not operate the taxi. These taxi licences are leased to operators who manage the running of the vehicle, usually via separate arrangements with the driver. This overly complex structure makes it difficult to effectively regulate the point-to-point industry as a whole and restricts entry for new drivers and the industry's flexibility.

To address these issues, reforming the taxi licence structure is recommended. Under a new regulatory arrangement, metropolitan taxi licences would still be required to operate a service in greater Adelaide, but licences would be held by the State Government and issued annually.

Under the annual licensing arrangement, taxi licences would be uncapped, addressing longstanding issues with the limit on the number of available licences preventing entry into the taxi market and allowing taxis to operate like other industry participants by being able to expand their fleet in response to demand.

Licences would be valid for 12 months and could be renewed but will be subject to an annual fee. Licences would no longer be allowed to be privately leased, sold or shared.

Deliver a Taxi Industry Reform Package

A Taxi Industry Reform Package is recommended to enable transition to new models for metropolitan and Access Taxi licences.

As part of the package, the review recommends a buyback of taxi licences from metropolitan taxi licence holders residing in South Australia. The buyback would be of metropolitan taxi licences that were obtained either privately or at auction before the introduction of rideshare that are still held by the licence holder.

It is recommended eligible licence holders receive a payment of \$200,000 for the first metropolitan taxi licence held and \$10,000 for each subsequent licence up to a total of six licences.

All Access Taxi licence holders will also be eligible for payment. A payment amount of \$100,000 for the first licence is recommended, and of \$10,000 for each subsequent licence.

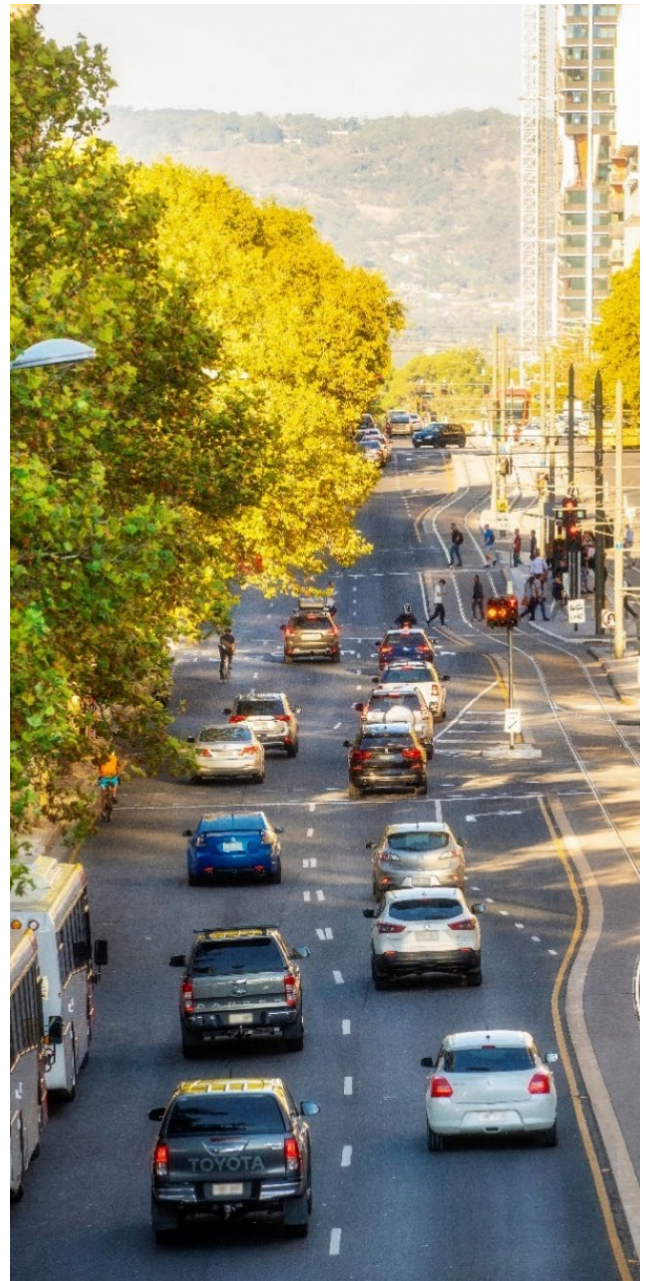
Taxi licences subject to State Government payments would be resumed by the State Government, however current metropolitan licence holders who want to retain their licence and not receive the payment will be able to elect to do so and be exempt from the annual fee for any licence they choose to retain.

It is recommended that the Taxi Industry Reform Package be funded by increasing the metropolitan trips point-to-point levy by \$1. As only a certain amount is collected via the levy each year, the structure and timing of payments would need to be determined.

The levy would apply to all trips by metropolitan accredited providers (taxi, rideshare and chauffeur), noting tour and special chauffeur and large passenger operators would continue to be excluded from paying the levy.

As it stands, all 'relevant service providers' are responsible for paying the levy to the State Government. These can include centralised booking services (CBS), transport booking services, and operators that accept direct bookings and may not be affiliated with a booking service.

Payments from both booked, and rank and hail services would go through a CBS prior to being collected by the State Government. Penalties would be enforced on those who engage in malpractice or are non-compliant.



Remove barriers for service delivery in regional South Australia and city fringe areas

A single definition of the metropolitan Adelaide boundary currently applies to both point-to-point passenger transport and public transport services making it difficult to change the boundary for one mode of service without affecting the other. Going forward, it is recommended the boundaries be defined separately for public transport and point-to-point services, to ensure they can be individually adjusted to respond to community needs over time.

Currently payment of the point-to-point levy and accreditation conditions such as driver, vehicle and equipment requirements are dependent on whether the service is provided inside or outside of the metropolitan boundary. Taxi licencing requirements determine if the vehicle can operate in metropolitan Adelaide or outside of the boundary. Current arrangements restrict service areas, limiting passenger transport options for customers. The interaction of the accreditation system and its intersection with the metropolitan boundary also creates confusion for the point-to-point industry.

While the metropolitan boundary would be retained, creating a separate boundary specific to point-to-point services would allow for boundary realignment that enables country operators to operate in small, high growth areas around Gawler, Stirling and Crafers to improve service availability. Taxi licences would still be required to operate taxis within the metropolitan boundary although with no limits on taxi licence numbers.

Changes to the accreditation conditions would allow metropolitan taxis and rideshare vehicles to operate statewide. Noting the different regulatory requirements, it is recommended that metropolitan accredited taxis and rideshare vehicles be required to have unique identifiers for compliance purposes.

This would help mitigate the risk of unauthorised operation of country taxis in the metropolitan area.

It is recommended that the point-to-point trip levy apply to metropolitan taxis and rideshare vehicles operating outside of the metropolitan boundary.



Introduce a simpler accreditation model to remove duplication, enable effective regulation and better respond to new and emerging business models

The current accreditation system is burdensome, complicated, and does not enable effective regulation of current and emerging business models. For example, there is currently confusion and complexity around who is required to hold accreditation with some industry participants required to hold multiple accreditations to operate a single point-to-point service.

Taxi licence holders are required to hold an operator accreditation and are subject to the same requirements as operators even if they do not provide a day-to-day service.

To simplify and streamline the passenger transport accreditation model it is recommended that the requirement for operator accreditation be removed.

All vehicles to be used for the purpose of a point-to-point service would instead need to be authorised under a new 'passenger transport

authorisation system' by the registered owner of the vehicle. This would occur alongside the existing system used for all vehicle registrations.

There will be two accreditation types:

- **Passenger Transport Drivers:** as is the case currently, accreditation will be required for any person driving a passenger transport vehicle. Specific requirements including training requirements will apply for services such as wheelchair accessible taxis.
- **Passenger Transport Service Providers:** accreditation will be required for any *CBS* (a company or entity which accepts a booking from a member of the public and connects the passenger with a driver or other service providers) and any *other service provider* (a person, company or entity that takes a booking from a member of the public, another CBS or service provider which is then assigned to a driver).

This forms part of a broader framework recommended to 'future proof' the State's regulatory framework for passenger transport services to support the introduction and fit-for-purpose regulation of new service models.



RECOMMENDATION 7

Taxi fares continue to be subject to annual indexation

Currently metropolitan and country taxi fare prices are regulated for both booked and rank and hail work. This ensures consumers have certainty about the cost of the service.

Rideshare and chauffeur fares are not regulated but must be a fixed amount or based on a cost per kilometre or hour, or determined by the passenger, before the relevant journey begins.

Currently, changes to taxis fares requires amendments to the Regulations and does not permit a dynamic response to industry cost pressures, such as the substantial increases in petrol costs in early 2022. In recent years, annual indexation has been applied each year.

It is recommended that all taxi fares, including for rank and hail and SATSS work remain regulated but be subject to annual indexation based on the consumer price index.

RECOMMENDATION 8

Surge pricing safeguards to protect consumers in emergency situations

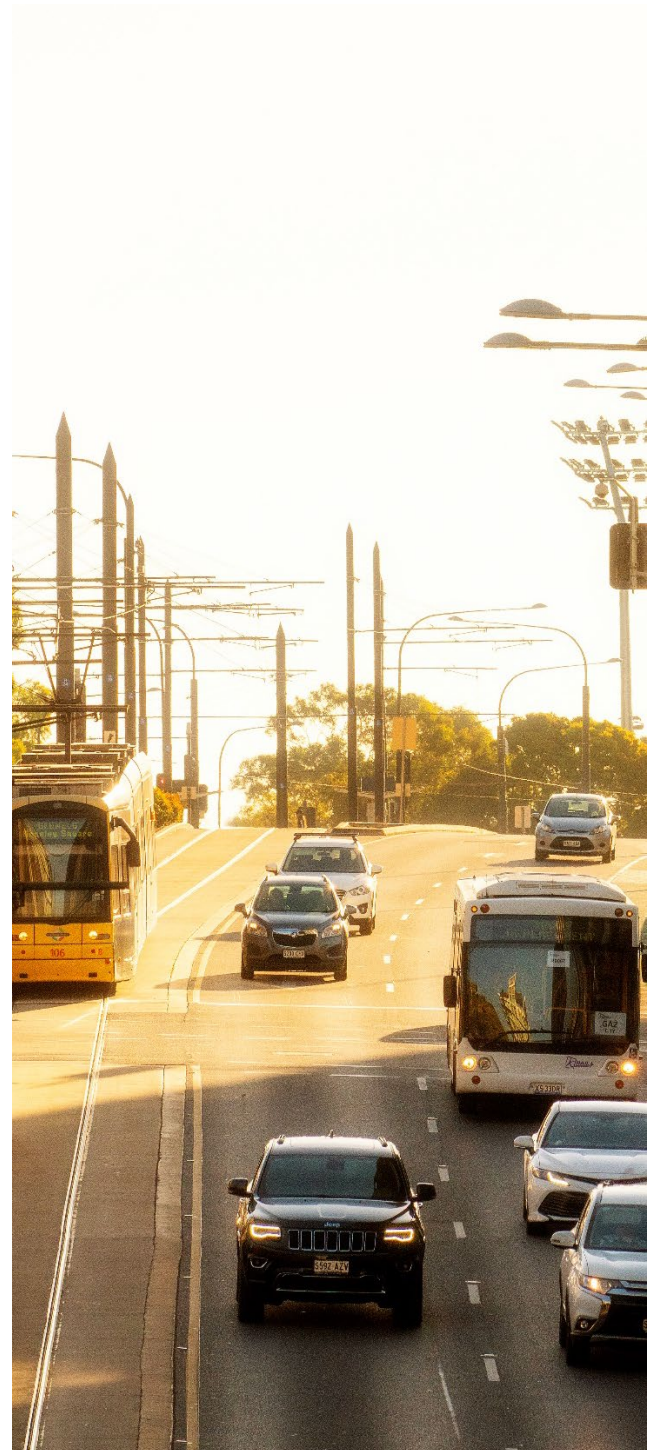
Rideshare operators have the ability to charge 'surge priced' fares according to supply and demand. Concern has been expressed that allowing surge pricing increases the risk of customer price gouging particularly when customers most need the services.

In line with a number of other Australian jurisdictions, it is recommended that the Minister be given the power to prohibit or cap surge pricing in certain prescribed situations including during a declaration of emergency under the *Emergency Management Act 2004* (SA).

RECOMMENDATION 9

Responsive pricing set by the Minister

A new power for the Minister to approve a surcharge on regulated fares is recommended to enable adjustment to fares in response to issues such as rising fuel prices, weekend work and public holidays and after-hours work.





RECOMMENDATION 10

New sanctions for unauthorised use of EFTPOS and meters

Currently, meters are required to be fitted in both metropolitan and country taxis. A 'taxi meter' is defined under the Act and is subject to a number of regulatory requirements regarding its installation and use.

For other booked services, there is no need to use a fare meter, as rates and payment are arranged at the time of booking.

The use of EFTPOS machines is currently only regulated for taxi services and remains unregulated for other point-to-point services. There are various regulations in place for how taxi operators and drivers install and use EFTPOS machines.

It is not necessary for non-taxis to have fare meters installed, due to those industry segments utilising unregulated fares. Additionally, EFTPOS systems should not be permitted outside of taxi vehicles because it implies that those vehicles are able to accept unbooked rank & hail jobs.

It is recommended that use and presence of EFTPOS machines be banned for all point-to-point transport vehicles, except taxis and chauffeur vehicles where this is approved under their plan of operation. The use and presence of meters would be banned for all point-to-point transport vehicles, except for taxis.

The penalties and expiation fees for taxis using an unauthorised meter would be increased and new penalties introduced to better enforce existing requirements for EFTPOS terminals in taxis to be linked to the meter.

Increasing the metropolitan point-to-point trip levy will increase the risk of individuals engaging in practices to avoid its collection. Use of unlinked EFTPOS terminals has also led to customer overcharging.

To help improve personal safety of drivers and enhance consumer protection, it is recommended that the potential to transition to a transport card-based payment system be investigated.

Introduce a General Safety Duty and Chain of Responsibility

Different business structures, with multiple parties involved make it difficult to hold people to account for safety and other regulatory issues. In other sectors, such as the heavy vehicle industry, this is managed through a General Safety Duty (GSD) and Chain of Responsibility (CoR).

A GSD is a legal requirement to eliminate or minimise the risk of incidents involving death, injury or damage, and to encourage the development, maintenance, and continuous improvement of workplace safety practices.

A GSD is intended to apply to any person in the CoR, which places a legal obligation on people/entities within an industry supply chain. It allows any person within the chain to be held accountable for relevant industry obligations and requirements that have been attached to them, as a party within the chain.

A GSD generally establishes primary safety duties that impose a duty on each party in the CoR to, so far as reasonably practicable, ensure the safety of the parties' activities that relate to the service being provided.

Duties can apply broadly to everyone within the chain or can be tailored to specific parties.

A GSD and CoR is applied within multiple industries including heavy vehicle, domestic commercial vessels and is being developed in proposed laws for the automated vehicle space.

To supplement the accreditation model, it is recommended that a GSD and CoR for the point-to-point transport industry be established to adequately regulate for safety and to enable industry participants to be held accountable for relevant primary and secondary safety duties.

The CoR would encompass all passenger transport industry service members.

At a minimum it will include:

- Passenger Transport Service Providers
- Passenger Transport Drivers
- Vehicle Providers
- Vehicle Inspectors, and
- Equipment providers and installers.

The level of responsibility attached to each person in the CoR would depend on their function, the safety risks involved with their function and their ability to control, eliminate, or minimise the risk. Offence and auditing provisions would also be developed to enforce relevant duties and address non-compliance.

RECOMMENDATION 12

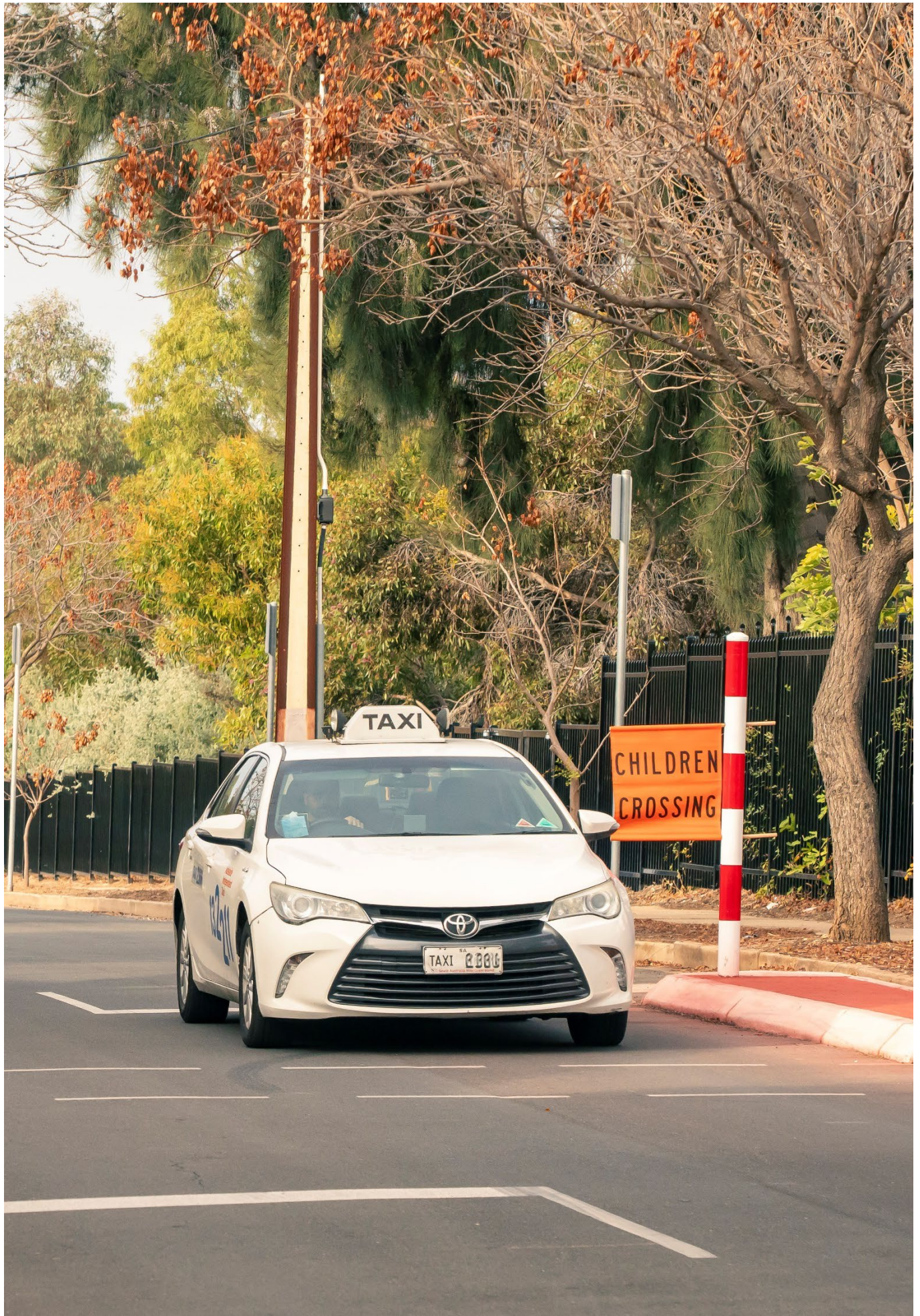
Safety focussed vehicle identification requirements

Currently there are different vehicle identification obligations for each industry segment. These are significantly more onerous for taxis than rideshare.

Vehicle identification aids passenger and driver safety, as readily identifiable signage shows customers that it is a legitimate point-to-point transport service vehicle. Identification also assists with the ability to conduct compliance activities as it enables compliance officers to identify whether a vehicle is providing passenger transport services.

As vehicle identification requirements are for safety purposes, it is recommended that taxis no longer be required to be white in colour. Vehicle colour will be a commercial matter for Passenger Transport Service Providers that want to mandate a particular colour for their unique livery. Taxi vehicles will also retain current plate, signage, and livery requirements as they need to be clearly identified as taxis to undertake rank and hail work.

To increase visibility of rideshare and chauffeur vehicles for compliance purposes, it is recommended they be required to have visible, tamper evident and permanent stickers affixed to the front and rear of the vehicle



RECOMMENDATION 13

Maintain vehicle age limits to ensure safety, with some changes

Vehicle age is an indication of vehicle's usage and associated wear and tear and its on road performance and risk, and therefore an important consideration when determining the safety of the vehicle for passengers, drivers and other road users.

Furthermore, technological and automotive developments to improve vehicle and passenger safety continue to be implemented in newer vehicle models.

To level and streamline vehicle age requirements across different segments of the point-to-point industry, it is recommended that current vehicle age limits for point-to-point vehicles be changed to:

Vehicle	Age limit
Metropolitan Taxis	10 years old
Country Taxis	10 years old (reducing from 15 years old)
Rideshare vehicles	10 years old
Small Passenger Chauffeur vehicles	10 years old

RECOMMENDATION 14

Introduce consistent vehicle inspection requirements

The current inspection regime does not apply equally across the industry. Metropolitan taxis require an inspection every 6 months, whereas all other industry segments, including country taxis and chauffeur vehicles, require an inspection every 12 months.

To simplify vehicle inspection requirements across all segments and to level the playing field, it is recommended that all metropolitan and non-metropolitan point-to-point vehicles, including metropolitan and country taxis, rideshare, and chauffeur vehicles have annual (12 month) inspection until the vehicle is five years old, and then six-monthly inspections thereafter.

RECOMMENDATION 15

Remove unnecessary vehicle requirements

Operator accreditation is not granted if the vehicle and stipulated equipment do not meet determined standards, in respect to a passenger transport service. Utility vehicles and vehicles fitted with bull bars are currently not able to be used in the provision of passenger transport services.

It is recommended that requirements restricting utility vehicles and bull bars be removed as they do not serve a public benefit or customer safety purpose. The vehicle standards that apply to regular vehicles would continue to apply.

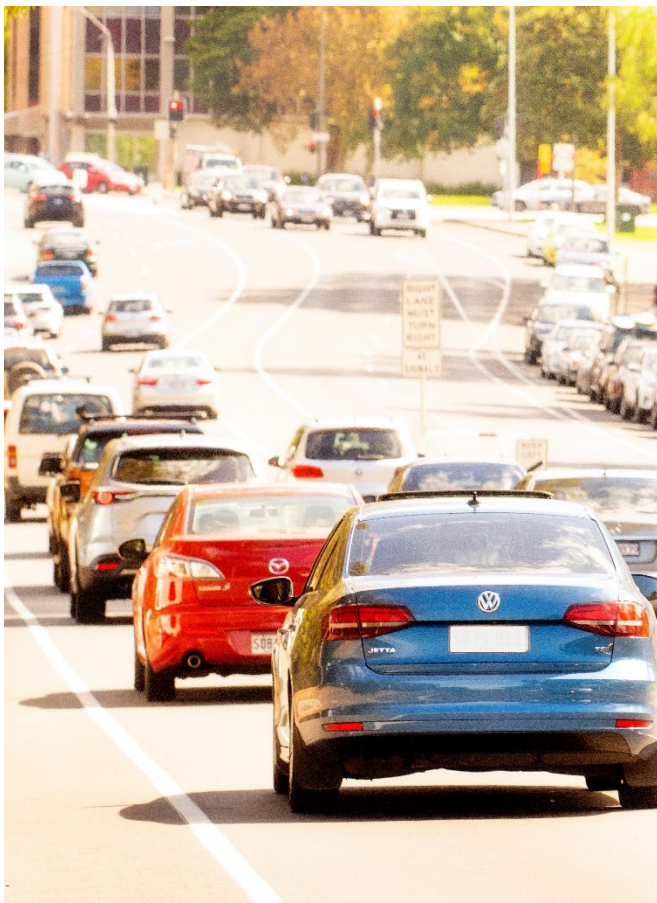
RECOMMENDATION 16

Remove engine capacity requirements

Currently, as a condition of Small Passenger Vehicle (Metropolitan) Operator Accreditation, which applies to metropolitan rideshare, the engine capacity of an internal combustion engine must be four cylinders or more. There are also additional regulations which continue to cap engine capacity for other industry segments including a requirement for six cylinders or more for Small Passenger Vehicle (Non-Metropolitan) accredited vehicles.

This limits the use of environmentally sustainable vehicles, particularly hybrid vehicles. Additionally, with changes to vehicle technology and performance over time, the requirement no longer has a public safety or customer protection benefit.

In light of the above, it is recommended that regulatory requirements on engine capacity for passenger transport vehicles be removed.



RECOMMENDATION 17

Enable point-to-point vehicles to have less than four doors

Currently, a condition on Small Passenger Vehicle (Metropolitan) Accreditation, which applies to metropolitan rideshare and metropolitan taxis, requires that the sedan or wagon must have at least four doors.

While this can allow ease of access into a vehicle, explicitly limiting which vehicles can be used for passenger transport services based on the number of doors creates a barrier to entry within the market. Allowing passengers to choose the type of vehicle being offered before a booking is made, permits new forms of vehicles to be used within the passenger transport space.

It is recommended that regulatory requirements on vehicle doors be removed for small passenger vehicles. However, passengers would need to be notified before a booking is accepted that the vehicle has less than four doors.

RECOMMENDATION 18

Enable left hand drive vehicles in the industry

Currently, a left-hand drive vehicle cannot be used to provide passenger transport services. This can prevent operators from using left-hand drive vehicles as a passenger transport service, particularly operators looking to use vintage vehicles.

It is recommended that left-hand drive vehicles that meet South Australia's vehicle registration and passenger transport standards be permitted to be used as a passenger transport services.

RECOMMENDATION 19

Require cameras in all point-to-point vehicles

When performing passenger transport services, all metropolitan taxis are currently required to have a security camera installed and operational at all times. This is currently not applicable to other industry segments raising safety and security issues, particularly within the rideshare industry. Safety for drivers and passengers was raised as a significant issue throughout the consultation.

Furthermore, the current camera standards are outdated and potentially require new features to manage in-service issues. High quality security cameras are now readily available, and adequately fulfill service requirements.

To ensure in-vehicle safety across the industry, it is recommended that all vehicles used for taxi and rideshare services (metropolitan and country) be required to have an approved security camera. Chauffeur vehicles would also be required to be fitted with an in-vehicle camera. Camera specifications would be reviewed to ensure camera requirements are fit for purpose but minimise overall cost to industry.

RECOMMENDATION 20

Remove regulatory uniform requirements

According to existing regulations, drivers of public passenger vehicles must wear a uniform that complies with standards determined or approved by the Minister, however no uniform determinations or approvals are currently in place.

It is recommended that regulatory requirements mandating uniforms within the taxi industry be removed as they do not serve a safety purpose. The use of uniforms will be a business decision.

RECOMMENDATION 21

Further consider guidelines and industry standards related to driver safety

Currently, for the point-to-point transport industry, driver safety standards such as fatigue are not regulated within transport legislation. CBS' have self-regulated processes in place to manage fatigue by logging drivers off after they have been signed on for a set period.

In practice however, there is nothing to prevent the driver from changing platforms and continuing to work. This issue has been exacerbated by the 'gig economy' where individuals can drive for multiple platforms, including food delivery.

With the aim to improve driver safety standards within the passenger transport industry, it is recommended that the Department engage with SafeWork SA about the applicability of existing work health and safety laws and the need for additional guidelines or industry standards for the gig economy sector.

It is also recommended that the need for an independent body with the power to set minimum standards and conditions for gig economy workers be further investigated, with reference to arrangements being implemented or considered nationally and in other Australian States and Territories.



Provide a framework for more on vehicle advertising

Currently, advertisements on a passenger transport vehicle are limited to the vehicle's rear luggage compartment or, with the Minister's approval, the rear window of the vehicle. Any advertising must then comply with any standards determined by the Minister.

This can limit advertising opportunities within the passenger transport industry and causes added complexities for the advertising and taxi industries interested in creating additional business opportunities in this space.

It is recommended that advertising no longer be restricted to the rear luggage compartment or the rear window, however to reduce confusion and preserve vehicle identification, the Minister, or their delegate, would retain the ability to determine where advertising is placed in or on a vehicle used for point-to-point transport services.

Advertising standards would be developed on the type of advertising allowed on a point-to-point vehicle, ensuring that advertising:

- does not obscure livery (in the case of taxis and Access Taxis)
- does not obscure other vehicle identification requirements (for rideshare and chauffeur vehicles)
- does not adversely affect service delivery and customer's ability to positively identify a point-to-point vehicle
- is not offensive, discriminatory or controversial in nature (e.g. displays political or religious statements); and
- can be compulsorily removed upon direction.

Other considerations would be regarding other road safety requirements, (i.e. driver distraction, in accordance with the Australian Road Rules), vehicle standards (i.e. Road Traffic (Light Vehicle Standards) Rules 2018) and disability inclusion requirements (i.e. *Disability Discrimination Act 1992*).

Investigate implementation of safe drop off and pick up zones in high traffic areas

Taxi ranks serve as a safe and dedicated pick-up and drop-off (PUDO) point for taxi passengers, however, no similar, permanent alternatives are currently available for rideshare services. Temporary zones have been used for events, such as the Adelaide Fringe.

Under the current Australian Road Rules (ARR), rideshare services are not specifically accounted for or defined. Therefore, rideshare drivers must abide by ARRs established for general road users regarding restricted kerbside space and accordingly are not permitted to use taxi ranks. This is mirrored within the road rules of all Australian jurisdictions.

The lack of alternative PUDO zones creates safety issues, not only for rideshare drivers and passengers, but other road users and pedestrians. With the aim to manage kerbside space and create safer PUDO zones for all passenger transport services it is recommended that research and trials be undertaken in partnership with relevant local councils to investigate how PUDO zones can be implemented more broadly within areas of high traffic and congestion (i.e. Adelaide CBD).



Enforce greater compliance at taxi ranks and vehicles ‘plying for hire’ in contravention of conditions

The use of taxi ranks by a vehicle, other than a taxi, is prohibited under the ARR's and the *Road Traffic Act 1961* and on the spot fines apply.

The Act also prohibits anyone, other than a taxi, from plying for hire or standing at a designated taxi stand. A significant court imposed fine can be applied, however the breach is not expiable. Enforcing this requirement is therefore costly and time consuming.

To address unauthorised use of taxi ranks it is recommended that a new offence be created within the Act with an expiation introduced into the Regulations. Penalties would be given to point-to-point vehicles that are not taxis behaving like a taxi by seeking to solicit bookings. This would consider the behaviour both at taxi ranks and more broadly. Penalties could include the ability to expiate and suspend or revoke accreditation. This would form part of the broader compliance framework (Recommendation 2) to enable more immediate responses to regulatory and safety issues (e.g. failed working with children check).

Review data management, collection and sharing requirements

Given advances in information technology there are opportunities for greater cooperation with Passenger Transport Service Providers to enhance driver accreditation functions as well as compliance activities through a more effective and real-time data sharing arrangement.

Additional information, including reliable trip data, could provide an improved understanding of point-to-point industry risk exposure and driver safety from the fatigue management perspective.

It is recommended that additional data collection and sharing requirements be introduced as a condition of accreditation and penalties established for non-compliance.





RECOMMENDATION 26

Moving to a greener and more accessible fleet

The point-to-point industry, particularly taxis, are already early adopters of 'green vehicles' but there are currently no hybrid or low emission measures that specifically target the industry. Hybrid and electric vehicles (EVs) are vehicles that utilise one or more electric motors for propulsion, producing low to zero carbon emissions as opposed to internal combustion engine vehicles. Hybrid vehicles are also more fuel efficient delivering operational savings for the industry.

Overseas some taxi fleets are wheelchair accessible vehicles, increasing wheelchair accessible transport options.

A new power is recommended that would enable the Minister to mandate vehicle requirements for different industry segments. This would provide a mechanism to mandate that, by a Minister determined time, point-to-point vehicles are transitioned to:

- hybrid/EVs/low emission power train; and/or
- wheelchair accessible compliance.

The point-to-point industry would be consulted on any future proposals to mandate the composition of the fleet.

RECOMMENDATION 27

Investigate options for implementing sector wide driver training to improve service delivery and passenger safety standards

Currently, all individuals applying for a taxi driver accreditation must successfully complete a taxi driver training course conducted by an approved taxi training provider. Participants are assessed on their knowledge of Adelaide, professional development training, competency in speaking, reading and writing English, and their hours of driving. On completion, trainees attain a certificate of completion which allows them to apply for a 12-month trainee taxi driver accreditation.

Approved taxi driver training providers include Suburban Taxis, the Taxi Council of South Australia and 13 Cabs.

Access Taxi drivers must attain specific wheelchair accessible service training. Small passenger accredited drivers (including rideshare) may attain additional training by an accredited operator or rideshare CBS, however, it is not a requirement to attain or maintain their driver accreditation.

Most rideshare CBS' provide their own training in some form.

It is recommended that the minimum level of industry wide driver training, to improve service delivery and passenger safety standards, particularly for passengers living within a disability, be investigated. Generally, training provided for point-to-point drivers, at a minimum, would be required to cover topics with a focus on customer and driver safety including:

- disability and anti-discrimination awareness
- work health and safety; and
- customer safety.

Furthermore, training for accessible vehicle drivers would need to be more comprehensive, with a greater focus on ensuring the safe boarding, passage, and treatment of passengers with a disability.

Following an initial comprehensive accessible driver training session, annual refresher training would be required. Training would be a requirement to driver accreditation.

Regular passenger drivers and drivers of large passenger vehicles (e.g. bus drivers and tour drivers) would be excluded from this requirement.



RECOMMENDATION 28

Maintain current driver's licence tenure requirements

Under South Australia's current regulatory framework, driver accreditation requires the applicant to hold an appropriate driver's licence. For drivers of a taxi or a vehicle under a Small Passenger Vehicle (Metropolitan and Non-Metropolitan) Accreditation (i.e. rideshare, chauffeur) the applicant must have held an appropriate driver's licence for at least six months prior to applying for accreditation.

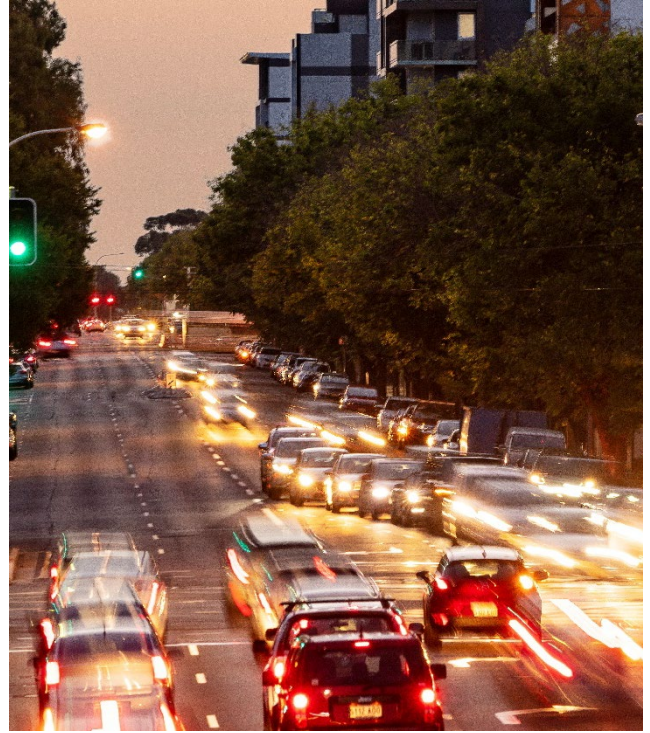
The data indicates that in the last ten years, South Australian drivers have a higher crash rate within the first six-months of receiving their licence, compared to the following six months. The data also indicates that whether or not a licence has been converted from an overseas licence or obtained through a standard Australian licensing pathway has minimal impact on crash rates.

Following further consideration to current driver's licence tenure requirements for passenger transport drivers no change to these requirements is recommended, as it serves a key passenger and road safety measure, particularly for newly licensed drivers.

This aligns with the approach taken in most Australian jurisdictions, which generally apply a six or 12-month licence tenure as part of any application to hold the equivalent passenger transport driver accreditation. Tenures apply regardless of how or where the applicants have obtained their full driver's licence.

Ensure we future proof the regulatory arrangements for the point-to-point industry

To ensure that the Act remains relevant to future innovations in the passenger transport space, it is recommended that the regulatory framework be flexible and adaptive to enable and effectively regulate new and emerging business models for provision of point-to-point services. This would include provision for autonomous vehicles, noting that work is underway nationally to put in place regulatory arrangements for their safe deployment on the road network.



Conclusion

Overall, the review recommended that significant changes to how the point-to-point sector is regulated.

In particular, fundamental changes are needed to address the situation of metropolitan taxi licence holders and to improve service availability for people who currently rely on Access Taxis to get around.

Regulations need to be targeted to safety and recognise that many of these safety issues are common to both taxis and rideshare vehicles. Consumer protection issues and fraudulent behaviour should also be addressed while opening up opportunities for take up of innovations in vehicle technology and new service delivery models.

The next step for delivery of the review's recommendation is the introduction of amendments to the *Passenger Transport Act* into the South Australian Parliament. Changes to regulations and other instruments, systems and processes are also needed.





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