



ACT
Government

**Access
Canberra.**

RESTRICTED HIRE CAR ACCREDITATION (WEDDINGS AND SCHOOL FORMALS ONLY) APPLICATION PACKAGE

(Including Renewal)

February 2017

About this Restricted Hire Car Service Accreditation Package

The information contained in this package is provided to assist restricted hire car operators establish and refine systems to meet the requirements of Restricted Hire Car accreditation.

The legislation underpinning restricted hire car accreditation is the *Road Transport (Public Passenger Services) Act 2001* and the *Road Transport (Public Passenger Services) Regulation 2002* (the Regulation). The primary purpose of the legislation is to ensure that standards of safety and service are maintained, give the community confidence in public passenger restricted hire car services and help ensure safe, reliable and efficient services.

An applicant for accreditation should become familiar with the Regulation prior to completing the forms contained in this package. Information on the Regulation can be found at www.legislation.act.gov.au.

The Road Transport Authority (the Authority) implements a program of enforcement and compliance to ensure operators maintain the Minimum Service Standards and comply with the Regulation. The enforcement and compliance program includes on-road inspections of vehicles and programmed and random audits of an operator's records and procedures. Unsatisfactory audits may lead to disciplinary action being taken against an operator's accreditation. On-road inspections focus on detecting illegal operators, consumer protection and public safety.

Information Relating to the Application Procedure

A \$30 application fee is payable on lodgement. Payment must be made online at <https://form.act.gov.au/smartforms/transport/public-transport-payments>

The application fee will not be refunded should an application for accreditation be unsuccessful.

Applications can be mailed to : OR submitted on-line to:

**Public Transport Regulation
Access Canberra
PO Box 582
DICKSON ACT 2602**

hirecarservices@act.gov.au

An applicant cannot commence operation of a restricted hire car service until the application for the restricted hire car accreditation has been approved by the Authority.

For further enquiries about restricted hire car accreditation please phone Public Transport Regulation on 62071381 or 62057173.

Information for Drivers of Restricted Hire Cars

If you wish to drive a restricted hire car you must obtain a restricted hire car endorsement on your driver's licence. Your ACT licence will be endorsed with a 'W' which gives you the authority to drive a restricted hire car.

For more information on how to obtain a restricted hire car endorsement you can contact:

Access Canberra

Phone: 13 22 81

Website: www.accesscanberra.act.gov.au

GUIDELINES FOR COMPLETING AN APPLICATION FOR RESTRICTED HIRE CAR ACCREDITATION

A person can only operate a restricted hire car if the person is accredited to operate the service by the ACT Road Transport Authority.

Mandatory Refusal of Accreditation

The Authority must refuse an application for accreditation (including renewal) under Section 8 of the *Road Transport (Public Passenger Services) Regulation 2002* (the Regulation) if:

1. the applicant is an individual, the applicant is not:
 - (i) an Australian citizen; or
 - (ii) a permanent resident of Australia, or
 - (ii) temporary resident who holds a visa that allows the person to work carrying out the regulated service to which the application for accreditation relates; or appropriate working conditions to allow the person to operate a taxi service.
- (2) the Authority believes on reasonable grounds that the applicant is not a suitable person to operate the kind or size of regulated service to which the application relates.

Suitable person information

When determining if a person is a suitable person, in relation to criminal offences, the Authority must comply with the guidelines approved by the Minister under section 19A of the Regulation (Accreditation Guidelines – relevant offences) which include:

- offences of dishonesty;
- driving offences;
- drug offences; or
- multiples of various offences.

Therefore, a person applying for accreditation must provide a National Police Certificate or police check results report.

Refer to www.act.gov.au/policecheck for information on how to obtain this.

If you hold a current working with vulnerable people card (non restricted), or have a National Police Certificate / police check results report which is less than six months old from the date of your application, you can provide this instead of applying for a new one.

Further matters to which the Authority may have regard in deciding whether the applicant is a suitable person include -

1. whether the relevant person is or has been executive officer of a corporation that is or has been placed in administration or liquidation or wound up under an Australian or foreign law;
2. the relevant person is an undischarged bankrupt under an Australian or foreign law; or

3. if the applicant is a corporation and –
- (a) a receiver or receiver and manager within the meaning of the Corporations Act has been appointed in relation to the applicant;
 - (b) a court has made an order under the Corporations Act for the winding-up of the applicant; or
 - (c) a relevant person is disqualified from managing a corporation under an Australian or foreign law
 - (d) a relevant person has been convicted or found guilty of an offence against the Corporations Act, section 209 (3) (which is about a public company giving financial benefits to a related party) or part 5.8 (which relates to companies under external administration etc).

Discretionary refusal of accreditation

The Authority may refuse an application for accreditation (including renewal) if the Authority believes on reasonable grounds that –

- (a) a relevant person has failed to comply with a requirement of the Act relating to the application; or
- (b) the person has contravened a Minimum Service Standard; or
- (c) the applicant has contravened a condition of the person's accreditation.

Meaning of a relevant person

Relevant person, in relation to an application for accreditation (including renewal) by a person or an accreditation held by a person means –

- (a) if the person is an individual – the person and anyone who is concerned with, or takes part in, the management of the regulated service to which the application or accreditation relates; or
- (b) if the person is a corporation – each executive officer of the corporation.

The Application

An application can be made by:

- (a) an individual; or
- (b) a legal partnership; or
- (c) a corporation.

If the application is to be under a partnership, a copy of the Certificate of Registration of Business Name must be provided.

If the application is made by a corporation, the following must be provided:

- (a) Certificate of Registration of Corporation;
- (b) Australian Securities and Investment Commission extract, that indicates all directors and office holders of the corporation; and

- (c) if a corporation is also using “trading as name”, a copy of the Certificate of Registration of Business Name.

Authorisation to release information form

The authorisation to release information form is to be completed by the applicant and submitted with the application. This form allows the authority to release information about a hire car service operator’s accreditation to a third party.

Minimum Service Standards

The Minimum Service Standards (MSS) set out the minimum requirements for the operation of a restricted hire car service. The applicant must demonstrate compliance with MSS by implementing procedures and processes which address all of the sections of the Standards and ensure that information and processes are auditable.

Information Relating to Insurance

The applicant must supply a copy of a current third party property insurance policy for at least \$5,000,000 for each vehicle

Applicant Checklist

Please tick each box to indicate the information has been supplied.

Applications to be completed:

- ☐ Restricted Hire Car Service Accreditation Application Form
- ☐ Suitable Person Details
- ☐ Authorisation to release information form

Additional information to be completed:

- ☐ Valid National Police Certificate, police check results report or current working with vulnerable people card (non restricted)
- ☐ Public Vehicle Policy details
- ☐ ASIC Documentation, Business Certificate or Corporation Certificate;
- ☐ ACT Drivers Licence;
- ☐ Birth Certificate/Passport/Citizenship, if applicable
- ☐ Accreditation Application Fee of \$30.00

RESTRICTED HIRE CAR SERVICE ACCREDITATION APPLICATION FORM (Including Renewal)

Details (in which the hire car service accreditation is to be held, e.g. for an individual, legal partnership or corporation)

(Each Director, office holder, partner is required to complete this form)

Surname (Family Name):		Mr	Mrs	Ms	Miss	Other
First Names (Given Names):						
Company / Trading Name:		ABN: ACN:				
Residential Address(PO Boxes not accepted):						
Mailing / Business Address:						
Business Hours Telephone Number:		Mobile Number:				
Fax Number:						
Email address:						
Date of Birth:		Place and Country of Birth:				
Drivers Licence No:		State Issued:				
Are you now or have you ever been known by another name? No <input type="checkbox"/> Yes <input type="checkbox"/> (if yes, please provide details below)						
Are you an: Australian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/>						
Passport Number:		Country Passport Issued:				
Signature:		Date:				
<i>If the application for accreditation is made by a corporation, a copy of the certificate of incorporation/registration of business name and copy of ASIC certificate, detailing the nominated Directors and Office Holders must be provided. If the application is made by a partnership, a copy of the business certificate must be provided.</i>						

SUITABLE PERSON REQUIREMENTS

(Each Director, office holder, partner or individual is required to complete this form)

Name:

	YES	NO
1. Have you got a valid National Police Certificate, police check results report or current working with vulnerable people card (non restricted)	<input type="checkbox"/>	<input type="checkbox"/>
2. Do you fall within the category of a person or a corporation that is or has been placed in administration, liquidation or wound-up under an Australian or foreign law?	<input type="checkbox"/>	<input type="checkbox"/>
3. Have you been disqualified from managing a corporation under an Australian or foreign law (including for example, the Corporations Act 2001, part 2D.6)?	<input type="checkbox"/>	<input type="checkbox"/>
4. Have you been found guilty of an offence against section 209(3) of the Corporations Act – public company giving financial benefits to a related party?	<input type="checkbox"/>	<input type="checkbox"/>
5. Have you been found guilty of an offence against part 5.8 of the Corporations Act – winding up of companies?	<input type="checkbox"/>	<input type="checkbox"/>
6. Have you been found guilty of an offence against another Australian law or foreign law that corresponds to section 209(3) or part 5.8 of the Corporations Act	<input type="checkbox"/>	<input type="checkbox"/>
7. Have you been declared bankrupt in the last five (5) years under an Australian or foreign law, or been convicted of any civil offence under the Corporations Act 2001?	<input type="checkbox"/>	<input type="checkbox"/>
8. Have you been the subject of a proceeding under section 588G or 592 (incurring of certain debts; fraudulent activity) of the Corporations Act 2001?	<input type="checkbox"/>	<input type="checkbox"/>
9. Are there any charges pending against you for any criminal offences or have you been found guilty or convicted by a court in ACT or elsewhere of any criminal offence in the last ten (10) years?	<input type="checkbox"/>	<input type="checkbox"/>
10. Are you disqualified under chapter 8 of the Road Transport (Public Passenger Services) Regulation 2002 from holding or applying for accreditation?	<input type="checkbox"/>	<input type="checkbox"/>
11. Have all the individuals, partners, directors, secretary or other office holders of the corporation individually completed the Suitable Person detail requirements?	<input type="checkbox"/>	<input type="checkbox"/>



AUTHORISATION TO RELEASE PUBLIC PASSENGER DRIVER LICENCE AND ACCREDITATION STATUS

Each Director, office holder, or partner is required to complete this form

Personal details

Surname

Given name

Other names

Date of birth

Business hours contact number

Mobile phone number

Residential address

Postal Address

Email Address

Driver licence number

Driver Authority Number

Application type

I am an accredited operator

☐

OR

I am applying for the following Public Vehicle Driver Licence Class:

Taxi ☐

Hire car (incl restricted and motorcycle) hire car ☐

Public Bus ☐

Rideshare ☐

ACT Public Passenger Service Accreditation number

I consent to the ACT Road Transport Authority

- Releasing information to Transport Booking Services regarding the status of my public passenger service accreditation and/or my licence to operate a public passenger service and/or my driver's licence.
- Releasing information to third party insurers or individuals or their agents following a motor vehicle accident involving a public passenger vehicle I operate.
- Obtaining details on any matter from a Transport Booking Service and/or any other Government agency relating to the operation of my public passenger service and/or driver's licence.
- Obtaining details of any matter, including details relating to a conviction, which may be deemed relevant to ascertain if I am a suitable person to hold a public passenger service accreditation and/or a public passenger driver's licence.

Signature

Date

This form must be returned to the Road Transport Authority via:

Email – roaduserservices@act.gov.au or Post – PO Box 582 Dickson ACT 2602 or Fax – 02 62077120

Office use only

Accepted by

Signature

Date

Road Transport Authority PO Box 582 Dickson ACT 2602 Phone: 13 22 81

MINIMUM SERVICE STANDARDS FOR HIRE CAR SERVICES

(Includes Restricted Hire Car Services)

By submitting an application for accreditation the applicant agrees to implement procedures and systems for the operation of their restricted hire car service in accordance with the legislative requirements and acknowledges that those systems and procedures are subject to audit and inspection.

PART 1 Safety

1.1 The operator of a hire car service must:

- (1) ensure that their vehicle is maintained, serviced and inspected so it remains roadworthy at all times;
- (2) ensure that a vehicle (other than a restricted hire car) that does not pass a roadworthy inspection or has safety equipment that is not working, and is deemed to be unsafe is not used as a hire car;
- (3) ensure there is an ability for drivers to inspect vehicles before use and a mechanism for reporting vehicle or equipment defects and faults;
- (4) ensure all drivers who use the vehicle are aware of their legal requirements under Road Transport law for driving their vehicle;
- (5) provide the Road Transport Authority (Authority) full details of all security devices that they have installed or arranged to be installed in the hire car, such as cameras, GPS tracking devices, and other equipment used to monitor safety;
- (6) for security devices under 1.1(5), ensure that there is the ability to capture data from the security device and access that data as required for regulated purposes;
- (7) where a third-party (other than an affiliated transport booking service) is used for the purposes of 1.1(6), provide the Authority with the third-party provider's contact details;
- (8) ensure that known defects with security devices and other required equipment used to monitor safety are repaired promptly.

1.2 The driver of a hire car must:

- (1) drive in a safe manner at all times, and not negligently or wilfully move, drive or cause the vehicle to be moved or driven so that any person is subject to risk of injury;
- (2) ensure that if a baby capsule or child restraint is provided, that it meets the standards provided under the *Road Transport (Safety and Traffic Management) Regulation 2000* and has no defects, such as a damaged harness belt, or significant cracks to the body of the device; and

- (3) report to the hire car operator any vehicle defects and/or faults (including the equipment) that prevent use as a hire car vehicle immediately after becoming aware of the defect or fault.

PART 2 Customers

- 2.1 A complaint in this part means any negative feedback that relates to possible breaches of the road rules and/or regulation and may result in endangerment to public safety.
- 2.2 The operator of a hire car service that is not affiliated with a transport booking service must:
 - (1) have procedures for handling and recording customer complaints and dispute resolution; and
 - (2) respond to the Authority within seven (7) days after a customer complaint has been forwarded to the operator by the Authority.
- 2.3 The operator of a hire car service that is affiliated with a transport booking service, must comply with customer inquiry and complaints procedures set by the transport booking service they are affiliated with.
- 2.4 The driver of a hire car service must comply with the requirements of the *Discrimination Act 1991*.

PART 3 Handling Lost Property

- 3.1 The operator of a hire car service that is not affiliated with a transport booking service must establish procedures for managing lost property.
- 3.2 The operator of a hire car service that is affiliated with a transport booking service must comply with lost property procedures set by the transport booking service they are affiliated with.

PART 4 Certain Records Must Be Kept

- 4.1 The operator of a hire car service that is not affiliated with a TBS must maintain records, to be kept for a period of not less than 2 years, which are capable of being audited for:
 - (1) the date, time, origin and destination of every hiring;
 - (2) the hire car used, and the driver details, for every hiring;
 - (3) the name or passenger reference in which each hiring is made;
 - (4) electrical, mechanical or structural repairs for maintaining the roadworthiness of a vehicle – including the date, type and details of who conducted the repairs or maintenance;
 - (5) customer complaints and the resolution of customer complaints; and

(6) lost property.

4.2 Section 4.1(6) does not apply to the operator of a restricted hire car service.

4.3 The operator of a hire car service that is affiliated with one or more TBS must maintain records, to be kept for a period of not less than 2 years, which are capable of being audited for:

- (1) the period of time a vehicle is made available to a driver;
- (2) electrical, mechanical or structural repairs for maintaining the roadworthiness of a vehicle – including the date, type and details of who conducted the repairs or maintenance.

PART 5 When Motorbike Used in Hire Car Service

5.1 The operator of a hire car service using a motorbike must:

- (1) have available, and ensure that all passengers wear undamaged Standards Australia International Limited approved full-face helmets in sufficient sizes to cater for all passengers;
- (2) ensure that all passengers wear clothing that provides full covering;
- (3) make available, and ensure passengers are advised of the availability of undamaged riding gloves and protective jackets in a sufficient number of sizes to cater for all passengers on hirings exceeding 15 minutes in duration;
- (4) ensure that all passengers wear fully enclosed shoes or boots;
- (5) ensure that all passengers wear adequate protective eye covering. In the absence of visors, goggles must be provided to each passenger. Sunglasses or other spectacles are not adequate; and
- (6) provide each passenger with an adequate briefing on the following matters before commencement of the hiring:
 - (a) fitting of helmets and other safety apparel;
 - (b) instructions on safe riding – including seating, use of footrests, leaning and communicating with the driver; and
 - (c) expected road conditions.