

Fact Sheet

FS1.26/10.19

Chain of Responsibility Audits

PART 1: INFORMATION ABOUT CHAIN OF RESPONSIBILITY AUDITS

The Chain of Responsibility (CoR) framework introduced with the Personalised Transport Reforms in 2017 sets out the requirements of all stakeholders in the personalised transport industry.

The *Transport Operations (Passenger Transport) Act 1994* identifies the following as persons in the Chain of Responsibility:

- Authorised booking entities (and any local nominee),
- Other persons who provide booking services,
- Operators of taxi services or booked hire services,
- Holders of taxi service, limousine or booked hire service licences,
- Drivers of vehicles being used to provide the services,
- Registered operators of vehicles being used to provide the services.

Section 91ZN of the Act allows the chief executive to carry out an audit of a person's business activities for the purposes of assessing the person's compliance with the relevant legislation in relation to providing the service; or the motor vehicle used to provide the service, and to verify information given to the chief executive about a person's business activities relating to providing the service.

Responsibilities

In addition to the specific responsibilities set out in transport legislation, such as vehicle, driver, licence and security camera requirements, each person in the CoR has the following key safety duties:

- primary duty of care (safety duty) to ensure the safety of their activities relating to providing the taxi or booked hire service, and
- fatigue management duty.

The safety of activities is a shared responsibility of each person in the CoR and a person cannot transfer their duty to another person. Importantly, the level and nature of a responsibility depends on:

- the functions the person performs,
- the nature of the safety risks,
- the person's capacity to control, minimise or eliminate the risks.

The duties are general duties (as opposed to specific duties), requiring a person to take all reasonable steps to eliminate or minimise safety risks.

Who can be audited?

Any person or entity identified as a person in the chain of responsibility.

How will I know if I'm going to be audited?

Service providers will be issued an audit notice which will outline the purpose of the audit, what will be audited and confirming the arrangements of the audit, date, time and location.

The audit will be conducted by a TMR authorised officer.

What happens at the end of the audit process?

The auditor is required to complete an audit report and provide the service provider with the results of the audit. The service provider will be notified of the outcome of the audit process and any further action which may be required due to identified non-compliance of any provision, through a Direction to Comply Notice.

Audit schedule

The Department of Transport and Main Roads (TMR) authorised officers will initially adopt an Inform/Educate/Enforce focus in the CoR audits. To gain the greatest visibility about the industry's continued transition to the new framework, it is intended audits of Booking Entity Authorisation (BEA) holders will initially be prioritised.

Areas of focus for a BEA audit

BEAs have specific responsibilities under legislation and must ensure appropriate systems and processes are in place to meet these requirements. BEA audits will focus on requirements in the following areas:

- General safety duty
- Vehicle licencing, maintenance and approvals
- Driver authorisation
- Driver training
- Fatigue management
- Security camera systems
- Booking records, data and fares
- Booked hire signage (booked hire BEA only)

PART 2: EXAMPLES OF EVIDENCE FOR A BEA AUDIT

This is not an exhaustive list of the audit provisions or the evidence that may meet the requirements:

The CoR Audit tool is available on the TMR website and provides full details of all audit provisions. There are no prescribed ways to demonstrate compliance with risk-based provisions. If a person can demonstrate satisfactory risk mitigation in another way, they may be deemed compliant.

General

- There is a general safety duty to ensure the safety of activities relating to providing service. A way to meet the evidence required is a safety management system that demonstrates a systematic approach to managing safety, tailored to the size and complexity of the entity.

Vehicle and driver licencing

- You are required to ensure that all vehicles are licenced and, have and maintain the current Compulsory Third Party insurance and Purpose of Use. You can provide evidence of regular checks of TMR's Personalised Transport Public Register to meet these criteria.
- Evidence that all vehicles for which the BEA provides booking services for booked hire services are licenced by regular checks of TMR's Personalised Transport Public Register.
- All affiliated drivers hold the correct category of driver authorisation (BHTX). You can provide evidence of regular checks of TMR's Driver Authorisation Public Register (at least weekly, frequency dependent on level of risk identified).
- All affiliated drivers have completed required training published by TMR by keeping up-to-date records describing type and nature of training provided, and details of when drivers received training.
- Demonstrate reasonable steps to ensure drivers of personalised transport services do not drive fatigued by implementing a fatigue management system which includes processes for monitoring driver work hours and promoting driver awareness of fatigue through training.

Records management, data and reporting

- Requirement to provide information to TMR in the event of changes in circumstances. A system can be put in place to notify TMR about relevant matters within prescribed time, such as:
 - the BEA or the BEA's local nominee or any executive officer is charged with a disqualifying offence and when the charge is finally dealt with,
 - the BEA ends an arrangement with a driver for serious misconduct, or
 - the BEA's name, address or postal address changes.
- Provision of a fare estimate to the hirer of a booked hire service before the service begins.

BEAs booked hire identification sign

- All vehicles used to provide booked hire services (excluding taxis and limousines) must display an approved vehicle sign. A system can be implemented to raise driver awareness and to verify display of approved booked hire signs in accordance with legislative requirements.

Vehicle Maintenance

- All vehicles are maintained in accordance with the manufacturers recommended standards and carried out by a licenced mechanic. Keeping maintenance log books would fulfil the maintenance requirements.