



CPV - Submission 224  
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Attn: Secretary, Legislative Council Economy and Infrastructure Committee  
Parliament of Victoria  
Parliament House, Spring Street  
East Melbourne, VIC 3002

Dear Secretary

RACV welcomes the opportunity to provide a submission for the Inquiry into the *Commercial Passenger Vehicle Industry Act 2017* Reforms.

With more than 2.2 million members, RACV is a household name and a highly trusted organisation. We have long represented our members on motoring and transport issues, advocating on their behalf, and expressing their views to both government and stakeholders.

How Victorians move around the state in the future is of vital importance to the good functioning of our state, and our submission highlights some of the safety concerns regarding the reforms to the commercial passenger vehicle industry that were legislated in 2017.

If you would like to discuss this submission further, please contact Emily McLean, Senior Engineer Roads and Traffic on 9790 2916.

Yours sincerely

**BRYCE PROSSER**  
GENERAL MANAGER, CORPORATE AFFAIRS AND COMMUNICATIONS

## RACV Submission to the Economy and Infrastructure Committee of the Parliament of Victoria's Legislative Council

### For the Inquiry into the *Commercial Passenger Vehicle Industry Act 2017* Reforms

#### Identification of Commercial Passenger Vehicles

With the reforms of the Commercial Passenger Vehicle Act 2017 and the creation of Commercial Passenger Vehicles Victoria, all CPVs are required to display a form of identification when they are in service, so they can be easily identified. RACV supports this requirement because such identification aids in enforcement and is safer and clearer for customers.

However, there are some concerns about the use of identification signage. Firstly, we note that the format of the signage displayed is largely up to the CPV company and can vary across companies. This makes it possible for unregistered drivers to provide a CPV service and falsely represent themselves as CPV drivers by replicating legitimate identification signage. This poses safety concerns for less vigilant customers. To ensure the safety of passengers and that only legitimately registered CPV drivers are using signages, the ease of fraudulent replication of signages, and the process for signage approval, authorisation and distribution needs to be considered and reviewed. We support an approved and consistent scheme to be introduced.

Additionally, there should be regulations and enforcement penalties imposed to prohibit the use of the signage when the vehicle is not being used commercially. Such misrepresentation can mislead customers, allowing the misuse of road rule exemptions made for taxis and other CPVs, and could also make enforcement more difficult.

#### Road Safety Road Rules

Table 1 lists the current exemptions to specific rules regarding driving or stopping in certain lanes or zones for CPVs (*Road Safety Road Rules 2017*). These rules were raised in the Regulatory Impact Statement (RIS; Transport for Victoria [TfV] 2018).

Table 1  
*Exemptions to specific rules regarding driving or stopping in certain lanes or zone for CPVs*

<i>Road Safety Road Rules 2017 Rule Description</i>	<i>CPV Exempted</i>	<i>Permitted Action</i>
<u>153</u> Driving in a bicycle lane	All CPVs	Drive for up to 50 metres in a bicycle lane while providing a CPV service and dropping off or picking up passengers.
<u>156</u> Driving in a transit lane	Taxis	Drive in a transit lane.
<u>176</u> Stopping in a clearway	All CPVs	Stop on a length of road to which a <i>clearway sign</i> applies while providing a CPV service and dropping off or picking up passengers.

<a href="#">179</a> Stopping in a loading zone	All CPVs	Stop in a loading zone while providing a CPV service and dropping off or picking up passengers.
<a href="#">182</a> Stopping in a taxi zone	Taxis	Stop in a taxi zone.
<a href="#">187</a> Stopping in a bus lane, tram lane, tramway, transit lane, truck lane or on tram tracks	All CPVs	Stop in a bus lane, transit lane, or truck lane while providing a CPV service and dropping off or picking up passengers.
<a href="#">194</a> Stopping near a fire hydrant	All CPVs	Stop within 1 metre of a fire hydrant, fire hydrant indicator, or fire plug indicator if the taxi driver stops in a taxi zone and does not leave the taxi unattended.

RACV does not generally support the extension of the exemptions to the Road Safety Road Rules for commercial passenger vehicles as they may have impacts on the safe and efficient operation of public transport, vehicles, and bicycles. We have addressed individual exemptions below.

### Taxi Zones

Rule 182 outlines that only taxis are permitted to stop in taxi zones.

Extending the taxi zone exemptions to booked vehicles could make booked services more competitive and easier to use. It would be safer for passengers, drivers and other road users if CPV drivers can stop to drop off or pick up passengers in designated areas, especially on or around streets with high traffic volume. The use of taxi zones by booked services is likely to have minimal impact or delay to other road users as they are generally marked parking areas.

Being able to utilise the taxi zone would also reduce the need for booked and unbooked non-taxi services to drive while waiting for their next booking. They will be able to park and wait in taxi zones in the same way that unbooked services currently do. This will reduce their contribution to local area congestion.

However, it may lead to added congestion in taxi zones, particularly if booked vehicles use them to wait for their next fare. It also raises the issue of how a booked service is clearly marked/signed as operating as a commercial passenger vehicle, and allowed to use the taxi zone when operating as a commercial vehicle. This can be overcome by requiring clear signage, as supported in the 'Identification of Commercial Passenger Vehicles' section, above.

Therefore, RACV supports allowing all CPVs to use taxi zones. To maintain the original purpose of taxi zones to provide sufficient parking space for taxis to stand in rank and wait for customers, RACV further recommends that a time limit of 10-15 minutes applies to non-taxi services using taxi zones.

Additionally, we recommend that the exemption to stop near a fire hydrant (Rule 194) should be similarly revised as it applies when a taxi stops in a taxi zone.

### **Other Exemptions regarding Driving or Stopping in Specific Lanes or Zones**

The rationale for these exemptions are stated in the RIS (TfV 2018, p. 112) as a “*trade-off between the original purpose of the lane or zone and the benefits accrued to the vehicle provided the exemption*”. These benefits for CPVs were in terms of improved travel times, and safer and more efficient passenger pick-ups and drop offs.

At the time of the RIS, these exemptions were only provided to taxis. Because taxis are a small subset of all passenger vehicles, it was deduced that the benefits of the exemptions outweighed the potential costs from road congestion or unsafe roads.

However, Rules 153, 176, 179 and 187 have been extended to exempt all commercial passenger vehicles instead of just taxis. As the CPV industry expands and diversifies, particularly with more rideshare operators, it is recommended that this extension of exemptions for just taxis to all CPVs and the impact of this extension on road safety is reviewed. This is to ensure that the original purpose of the lane or zone and the safety they provide for other road users are not compromised for the benefits of exemptions for CPVs.

For example, with commercial passenger vehicles making up a growing proportion of all passenger vehicles, more vehicles will be allowed to drive up to 50 metres in a bicycle lane to pick up or drop off passengers. This would mean an increase in frequency of cyclists stopping to wait or having to move into an adjacent traffic lane to pass the stopped vehicle. This not only impacts the convenience of cycling, but also their actual and perceived safety of vulnerable road users.

### **Driver Use of Mobile Phone and Distracted Driving**

Rule 299 of the *Road Safety Road Rules 2017* stipulates that unless a visual display unit is acting as a driver’s aid (E.g. navigational system, rear view screens), drivers must not drive a vehicle that has an operating visual display unit that is visible to the driver from the normal driving position, or is likely to distract another driver.

Regarding mobile phones, Rule 300 states that drivers must not use a mobile phone unless it is used handsfree or mounted in a commercial holder. Under these conditions, the phone can be used either for an audio phone call, an audio playing function such as music, or as a navigational tool.

Under these laws, no mention is made of visual display units and mobile phones as driving aids and working aids (such as an app that allows drivers to manage their rideshare bookings) for unbooked or booked CPV services. The issue is not covered by the proposed Road Rule changes.

In the media, there have been concerns that rideshare drivers need to touch their phones due to their job demands (e.g. accepting a pending job) from using the rideshare app. Doing so does not fit into the three circumstances (audio phone call, audio playing function, navigational tool) that a driver is legally allowed to use their mobile phone while driving. Most of the time, it would also not be feasible for CPV drivers to park the car to accept or reject pending rides. This creates a dilemma as these drivers are technically breaking the law to perform their jobs.

Additionally, in most unbooked and booked CPV services, the nature of the job requires additional devices that might potentially be distracting while driving. Considering the context of driving as an occupation, these drivers also face occupational pressure while driving and are surrounded by an equal, if not increased, amount of potential distractions.

The National Transport Commission is currently working on a project to develop technology-neutral road rules to better address driver distraction and RACV has recently provided a submission in response to the Issues Paper. The purpose of the project is to find a better way to regulate the safe use of technology devices as part of the Australian Road Rules.

RACV recommends that the rules surrounding mobile phone and visual display units are reviewed to include considerations for both the occupational demands and the safety of CPV drivers. Such a review should influence and be influenced by the outcomes of the NTC's project. This review should be completed not only to provide clarity for drivers and law enforcement on the issue, but also to keep all road users safe by minimising and managing driver distraction.

### **Child Restraints**

RACV remains supportive of a proposal to remove the exemption for taxis which requires the provision of appropriate child restraints for children. Currently, Victorian law states that, when travelling in taxis:

- children aged younger than one year are not required to use a child restraint, and must travel while seated in the lap of a passenger who is at least 16 years old.
- children aged one year and older must occupy their own seat, with their own properly fastened seatbelt if there is no child restraint or booster seat available.

This exemption contradicts the National Guidelines for the Safe Restraint of Children Travelling in Motor Vehicles (NeuRA & Kidsafe Australia 2013) that strongly recommend that children remain in an appropriate child restraint until they reach 145cm in height. Seatbelts are designed for adults and children who are not yet 145cm tall do not achieve a good seatbelt fit. They are also at greater risk of serious injury or fatality in a crash if they are not suitably restrained. Thus, exempting taxis from child restraint laws means that young children travelling in taxis face the risks that the law and best practice guidelines seek to prevent.

It is noted in the RIS (TFV 2018), that the exemption was a trade-off between road safety and the compliance costs and logistical difficulties associated with the carriage of child restraints by CPV drivers and companies. RACV acknowledges that there are concerns around the feasibility of removing this exemption that need to be addressed:

- International visitors cannot legally use their own overseas restraints in Australia if they are not certified to meet Australian Standards. Therefore, they will not be able to transport their children legally if an appropriate restraint is not provided.
- Some families will require more than one seat if they are travelling with multiple children. This presents a challenge for unbooked CPVs to be able to cater to different customer requirements, which could result in refusal of service to passengers with young children.
- For a child restraint to work effectively, it must be fitted and used correctly. Drivers would need to know how to fit a child restraint to their vehicle to maximise the safety benefits of child restraints.

Regarding concerns about insufficient space for the carriage of (up to three different types of) child restraints, convertible child restraints/booster seats to accommodate children from birth to at least eight years are available in the market, as are foldable booster seats that accommodate children from approximately four to eight years. These are practical options for drivers to ensure that there are sufficient and convenient ways to provide appropriate child restraints that will help keep young passengers safe.

Advice and support on the types of restraints available and how to use them correctly are readily obtainable, and availability through booked and unbooked CPVs needs to be considered.

If there is uncertainty about the impacts of the removal of the exemption on road safety outcomes, service outcomes and compliance costs, market research and trials should be completed to identify the best way forward to cater for the safety of children travelling in CPVs, the service outcomes and compliance costs to companies.

RACV notes that an example of the carriage and provision of child restraints in taxis is that of in New South Wales (NSW Taxi Council 2019), where a minimum of 10% of the taxi fleet is required to be fitted with a child restraint. All taxis must also have anchor points for child restraints.

RACV is supportive of the implementation of a similar requirement in Victoria, which may help ensure that families are able to travel in CPVs and be able to transport their children safely. It is also suggested that upon implementation, this requirement should be promoted to the public to help families plan their travels.

### **Summary of Recommendations**

- RACV recommends stricter regulations around how identification signage for CPVs are approved and distributed for use to ensure these signages are not easily replicated.
- RACV does not generally support the extension of the amendments to the road safety road rules. However, RACV recommends that:
  - Non-Taxi CPV services are permitted to use taxi zones and stop near fire hydrants if in a taxi zone for a stipulated time limit.
  - Exemptions for CPVs to Rules 153, 176, 179 and 187, and the impact of these exemptions are reviewed. This is to ensure that the original purpose of the lanes and zones and the safety they provide for other road users are not undermined.
- RACV recommends that rules surrounding mobile phone use while driving and visual display units are reviewed (Rule 299 and 300), both for CPV drivers and for driver distraction more broadly.
- RACV recommends removing the exemption on the use of child restraints in taxis.
- RACV would support the implementation of a requirement for CPV companies to carry an approved child car seat in a portion of their fleet.

## References

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Neuroscience Research Australia 2013. *Best Practice Guidelines for the Safe Restraint of Children Travelling in Motor Vehicles*, viewed 27 June 2019, <[https://www.neura.edu.au/wp-content/uploads/2016/05/Best-Practice-Child-Restraint-Guidelines\\_0.pdf](https://www.neura.edu.au/wp-content/uploads/2016/05/Best-Practice-Child-Restraint-Guidelines_0.pdf)>

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