



Tasmania

Terms of Reference of the Taxi Industry Reference Group

Introduction

The Department of Infrastructure, Energy and Resources (DIER) seeks to establish a Reference Group of experienced taxi industry representatives to facilitate communication between the industry and the Government.

The role of the Reference Group will be to provide advice to DIER on behalf of the taxi industry on a range of issues affecting the industry. Initially the issues considered by the group will be those which will inform a process of rewriting the *Taxi and Luxury Hire Car Industries Act 1995*, the *Taxi Industry Regulations 1996* and the *Taxi Industry (Taxi Areas) Regulations 1996* proposed to be completed in 2007.

The Reference Group will not be expected to participate in the drafting of the legislation, as this is undertaken by the Office of Parliamentary Council within the Department of Premier and Cabinet. However, the Reference Group will provide the industry with the opportunity to contribute to the development of policies that will form the basis from which the new regulatory framework can be established.

While the process of rewriting the legislation will have a defined lifespan of approximately 18 months, it is intended that the Reference Group's activities will continue beyond the conclusion of this process, to provide continued representation for the industry to Government in the longer term.

Background

There are currently no formal consultative arrangements between the Tasmanian Government and the taxi industry. In previous years a number of industry/ Government consultative bodies have been established. The Taxi Industry Advisory Board (TIAB) was established by the *Taxi Industry Act 1995* to provide independent advice to the Minister and the Commissioner for Transport on matters relating to taxis with a specific focus on facilitating the smooth conversion of public vehicle cab licences into perpetual taxi licences. The TIAB was abolished, with the support of the former peak industry body, the Taxi Industry Association of Tasmania (TIAT), in October 1999. Following the abolition of the TIAB the Taxi Advisory Group (TAG) was formed as a means of consulting with industry and key stakeholder groups on operational matters and policy issues concerning the taxi industry. TAG has not met since September 2003 and TIAT disbanded in 2004. Since that time DIER has consulted directly with operators and the two new industry groups, the Tasmanian Taxi Association and Taxis Tasmania.

In addition to these arrangements, there have been specially convened working parties for reviews of the industry, such as the 1993 Working Party on Taxi Industry Reform, and the Taxi Industry Review Group, which was established in 1999 to review Tasmania's taxi industry legislation in relation to its compliance with National Competition Policy (NCP).

During the 1999 review, the Taxi Industry Review Group identified a range of issues that were beyond its Terms of Reference. In the Regulatory Impact Statement the Review Group recommended that a working party be established by the Secretary of DIER to consider these issues and to undertake further work on matters that were considered during the review.

In his second reading speech of the *Taxis and Luxury Hire Car Industries Amendment Bill 2003* in December 2003 the then Minister for Infrastructure, Jim Cox MHA, committed the Government to the establishment of such a working party.

The establishment of this Reference Group honours this commitment and will provide a consultative forum for the medium to long term.

Membership

Core members of the Reference Group shall be drawn from across the taxi industry, including taxi operators, licence owners, drivers and fleet managers. As far as possible, members shall be representative of different geographic locations within Tasmania.

The maximum number of core members drawn from the industry shall be eleven (11). Additional members may be invited to join the group for consideration of specific issues where additional expertise may be required. This might include, but would not necessarily be limited to, taxi drivers and luxury hire car operators or drivers.

Members shall be selected through a two-stage process.

In the first stage, DIER will approach the two taxi industry associations, the Tasmanian Taxi Association and Taxis Tasmania, for nominations to the Reference Group. Each association will be asked to nominate representatives who are well placed to be able to represent the views of the industry and who will have the support of the different interests within the industry. The associations will be asked to consider nominating people who have not been involved in previous advisory groups.

After having received the industry nominations DIER shall advise the names of the representatives to the wider industry through its industry newsletter and provide an opportunity for other industry participants to nominate themselves to the group. Such nominees must demonstrate that their interests are not well represented by the associations' nominees and that they are able to act on behalf of a broad, unrepresented section of the industry and to provide input to the Reference Group that is in the interests of the industry as a whole.

DIER will require nominated members of the Reference Group to have a demonstrated interest in the Tasmanian taxi industry, relevant experience in the industry, an understanding of the issues facing the industry and the capacity to contribute to a formal review process.

Nominees must canvas the views of the industry to present to the Reference Group.

Members must attend the majority of the Reference Group's meetings. Once the Reference Group has finalised its input into the process of rewriting the legislation, longer-term membership of the group will be considered.

DIER shall chair the Reference Group and will provide secretariat support for the work of the group. DIER representatives shall include the Director, Passenger Transport Policy (Chair), the Manager, Vehicle Operations and the Manager, Transport Operator Accreditation.

Quorum

A minimum of six (6) industry representatives shall be taken to be a quorum. Continuity of membership is important for the work of the group. For this reason proxies will not be permitted.

Terms of Reference

The Taxi Industry Reference Group shall be established as a representative group from the taxi industry to work with DIER on considering a range of issues related to the rewriting of the *Taxi and Luxury Hire Car Industries Act 1995* and the remaking of the *Taxi Industry Regulations 1996* and the *Taxi Industry (Taxi Areas) Regulations 1996*.

After the completion of this process, the terms of reference of the Reference Group shall be revised and the group shall be reconstituted as the principal point of consultation between the industry and the Government in the medium term and beyond.

The issues to be considered by the Reference Group shall initially include, but shall not be limited to, those outlined below.

1. The Reference Group shall consider the following issues identified by the Taxi Industry Review Group:
 - **fare setting mechanisms:** the Reference Group shall consider current arrangements for setting taxi fares and examine alternative methods, including the scope of fares to be set by an independent body;
 - the Reference Group shall examine the distribution of revenue in the industry and other issues relating to driver remuneration and conditions;
 - **an industry Code of Conduct:** the Reference Group shall assist with the development of an industry Code of Conduct that complies with the operator accreditation requirements of the *Passenger Transport Act 1997*;
 - **radio rooms:** the Reference Group shall examine the role of radio rooms to consider whether they adequately promote competition for taxi services within areas and whether they can improve their capacity to respond to and adopt innovative practices and new technologies;
 - in so doing, consideration shall be given to the benefits and drawbacks of the regulation and compulsory membership of radio rooms; and
 - **taxi areas:** the Reference Group shall examine the feasibility of amalgamating adjoining taxi areas with similar assessed market values of licences.
2. The Reference Group shall consider the following issues identified by DIER and/or the industry:
 - operation of the *Taxi and Luxury Hire Car Operator Accreditation Guidelines* including providing feedback to DIER and the Transport Operator Accreditation Board on the industry's progress in implementing them and to pass on suggestions about any changes that might enable smoother implementation of the guidelines;
 - the potential for the taxi industry to provide cost effective services to the rural and community transport sectors;
 - issues relating to luxury hire cars, including the interaction and distinction between taxis and luxury hire cars; and
 - the operation of wheelchair accessible taxis.
3. The Reference Group shall provide expert advice to DIER on the operations of the changes to the *Taxi and Luxury Hire Car Industries Act 1995* that were introduced in 2003. In particular the Reference Group shall consider whether there has been effective price and service competition in the provision of taxi services, following the partial deregulation of fares and the revised arrangements for issuing new licences.
4. The Reference Group shall provide expert advice to DIER on other issues that might arise during its work.

5. The Reference Group shall, through its consideration of the issues identified above, develop a 'vision' for the taxi industry that can inform the development of the objectives of the new taxi industry legislation.

The Reference Group shall be the main point of future contact and consultation between DIER and the industry.

Meetings

The Reference Group will work with members of DIER's Passenger Transport Policy Branch and with other DIER officers as required. Reference group members will be required to attend the meetings scheduled for the group, and it is expected that members will conduct themselves in a professional and business-like manner.

Meetings of the Reference Group will be convened by DIER and will be held approximately once every six (6) weeks over an approximate 12–15 month period. The commitment from members is expected to be to attend approximately nine (9) meetings over this time. An indicative timeline for the meetings can be found at [Attachment 1](#).

Meetings will be held in either Hobart or Launceston. Members will be entitled to a payment in recognition of the expenses incurred in attending meetings.

As the secretariat for the Reference Group, DIER will provide an agenda and discussion papers for each meeting. It is anticipated that each meeting of the Reference Group will consider one issue in detail. Meetings will follow the agenda and should not be considered as an opportunity to raise unrelated operational issues that can be addressed through other channels. Members of the Reference Group will be expected to review the papers and to actively contribute to the work of the group in relation to the issues raised, including presenting the views of industry on the issues to the group for consideration. Protocols for the conduct of the meetings can be found at [Attachment 2](#).

The discussion papers will be made available to stakeholders outside the Reference Group for comment. Submissions from these stakeholders will be provided to the Reference Group for consideration, to enable it to present the industry's preferred position on each issue to the Department.

The Government shall be the sole decision making body in respect of policy decisions affecting the taxi and luxury hire car industries. DIER shall provide advice to the Government on the issues considered by the Reference Group, based on the input provided by the Reference Group. DIER seeks to establish, as far as possible, consensus between the industry and the Government in relation to the issues to be considered. However, DIER recognises that there might be issues on which the views of the industry conflict with the Government's objectives for the industry and that the Government might ultimately reject the industry's position. In such instances, DIER will acknowledge the views of the industry, and provide reasons for not accepting these views.

**Attachment 1 – Indicative Timeline for Reference Group Meetings
(updated 17 March 2005)**

Timing	Issue
January 2006	Fare setting mechanisms and driver pay & conditions
March 2006	Links between taxis and community transport Wheelchair accessible taxis *
April 2006	Taxi and luxury hire car accreditation under the Passenger Transport Act/ Industry code of conduct
May 2006	Interaction between taxis and luxury hire cars **
June 2006	Role of radio rooms
July 2006	Taxi areas
August 2006	Review of National Competition Policy changes to the Taxi and Luxury Hire Car Industries Act
September 2006	Administration and enforcement

* Representatives of WAT operators and wheelchair-reliant users will be invited to participate in this meeting.

** Luxury hire car industry representatives will be invited to participate in this meeting.

Attachment 2 – Taxi Industry Reference Group Meeting Protocols

The project to rewrite the taxi industry legislation involves a significant amount of work for the Reference Group and for DIER, and the time available for meetings is limited. It is important that Reference Group members from both DIER and the industry adopt a disciplined and professional approach to the meetings, and that members work together to maximise the value of the Reference Group process.

To this end, meeting protocols for the Reference Group have been developed. The protocols outline the roles and responsibilities of the members of the Reference Group, and set out the way in which the group's meetings will operate.

Role of the Reference Group

The role of the Reference Group is to discuss a range of issues associated with the rewriting of the legislation governing the taxi industry. The group is an advisory, rather than a decision-making, body. Its role is therefore to provide advice to the government on issues related to the legislation. The group will not be responsible for drafting the new legislation.

Notice of meetings

Dates will be set for the second and third meetings at the first meeting. The date for each subsequent meeting will be set two meetings in advance.

The Department of Infrastructure, Energy and Resources (DIER) will distribute the agenda and papers for each meeting three weeks before each meeting. Members should ensure that their contact details are up to date, and advise DIER if these details change.

Attendance

It is expected that members will attend all meetings. However, DIER recognises that circumstances will arise where a member might find it impossible to attend. If a member is unable to attend, they should notify DIER as soon as possible. They should provide their feedback on the agenda items separately to DIER.

A quorum for the group will be six industry representatives. If there are fewer than six members able to attend, the meeting will be postponed. Because it will be important to maintain continuity of the group, substitute members will not normally be accepted if a member is not able to attend.

Preparation for the meetings

All members should familiarise themselves with the papers well in advance of the meeting. Where appropriate, members may wish to make written responses to the papers.

The papers will contain a number of questions that will form the basis of the discussion at the meetings. As far as possible members should discuss these questions with the people on whose behalf they are participating in the Reference Group, so that they can present the views of these people to the meeting.

Agenda

The agenda provides a structure to the meeting and outlines the issues to be considered and the order in which they will be considered. Items that are not on the agenda will not normally be discussed, unless they are relevant to the issues at hand. Members should not raise at the meetings unrelated operational issues that can be addressed through other channels. Members can raise issues to be added to the agendas of future meetings.

If members identify issues that are relevant to the issues being discussed that are not on the agenda, they should notify DIER at least one week prior to the meeting date so that these can be added to the agenda.

Chair

The Chair of the Reference Group will be the Director of DIER's Passenger Transport Policy Branch. The Chair is responsible for conducting the meeting in an orderly manner and for ensuring that all items on the agenda are discussed in a timely and professional way. If the discussion deviates significantly from the topic, the Chair can ask members to refocus their attention on the topic.

Conduct of meetings

Members should give others the chance to speak and not interrupt the speaker. The Chair decides who should speak and will invite comments from members who have not had the opportunity to contribute.

Discussions should focus on the issues at hand. Mindful of times constraints, care will be required to avoid repetition of issues.

Minutes

DIER will record the discussions from the meetings and will forward summaries to all members. Members should read these summaries carefully and advise DIER as soon as possible if there are any inaccuracies. Final summaries will be posted on DIER's website once they have been agreed by the members.

Further information

Enquiries about the meetings, proposals for additional agenda items, apologies and comments on the meeting summaries should be directed to Barb Dunford, Project Manager of the taxi legislation review on 6233 2865 or by email barb.dunford@dier.tas.gov.au