



Due Diligence



Under the new point to point transport legislation, officers are people who hold positions of responsibility within a business. They are involved in making decisions affecting all or a substantial part of the services offered by a service provider, for example a company director or someone in senior management.

The Point to Point Transport Commission can take action against officers as individuals, as well as the service provider if the service provider fails to meet its safety obligations.

How to exercise due diligence

Officers are the people in a business responsible for ensuring the business is meeting its safety obligations.

The *Point to Point Transport (Taxis and Hire Vehicles) Act 2016* requires officers to exercise due diligence, which includes taking reasonable steps to:

Have up-to-date knowledge of safety matters relating to passenger services.

Example: understanding the legislation and regulatory framework or ensuring management meetings cover safety issues.

Understand operations, including common risks and hazards.

Example: knowing which regions or routes increase risk of violence or driver fatigue.

Ensure the business has (and uses) appropriate resources and processes to eliminate or minimise safety risks, and ensuring that the business has appropriately skilled staff.

Example: you could use a safety management system with associated policies and procedures to minimise safety risks.

Ensure the business has appropriate processes to receive information about incidents, hazards and risks, and responding in a timely manner.

Example: having incident reporting mechanisms in place and providing drivers and others with avenues to raise safety issues.

Ensure the business has and implements processes to comply with any duty or obligation.

Example: consulting with drivers, affiliated providers, vehicle owners and others on safety issues, ensuring compliance with notices from the Commissioner, providing training and instruction in safe procedures for equipment and systems, and testing procedures and practices to verify compliance with obligations.

Key Resources

More information about details provided in this fact sheet can be found at pointtopoint.nsw.gov.au.

The following fact sheets are also available:

- Duty of Care and Safety Management Systems
- Safety Standards for Drivers
- Safety Standards for Vehicles Providing Booked Services
- Safety Standards for Taxis

