



Service provider obligations for managing drivers fact sheet



Providers of passenger services must perform initial and ongoing checks to make sure drivers meet requirements at all times. Drivers must have no disqualifying offences, and they must meet all eligibility criteria. This fact sheet explains disqualifying offences, eligibility criteria and the responsibilities of the service provider in managing their drivers.

The service provider's role in managing drivers

Providers of passenger services must ensure, so far as is reasonably practicable, that their drivers meet requirements at all times. They must perform initial and ongoing checks to ensure that all drivers are eligible and none of them have disqualifying offences. The last two pages of this fact sheet contain tables which explain how to verify the required information during onboarding; and how to monitor it once the driver is onboard.

During an audit, a service provider must be able to demonstrate to the Point to Point Transport Commissioner how they track and manage the suitability of their drivers. This may be automated, or it may require drivers to present updated records, such as criminal history checks, at regular intervals to the service provider.

Disqualifying Offences

In order to drive a taxi or hire vehicle (including rideshare), a driver must not have any disqualifying offences. An authorised service provider must check a driver's criminal history before they start to drive; and continue to check their criminal history for as long as they use that driver's services.

There are three types of disqualifying offences (see table on page 4 for more detail):

1. Disqualifying criminal offences
2. Disqualifying serious driving offences
3. Disqualifying Point to Point transport offences

For more information on disqualifying offences, please refer to our [Disqualifying offences for drivers or taxis or hire vehicles fact sheet](#).

Eligibility Criteria

In order to drive a taxi or hire vehicle (including rideshare), a driver must be eligible and meet all of the eligibility criteria (see table on page 5 for more detail). These are:

1. They meet the medical standards for commercial vehicle drivers.
2. They hold an unrestricted Australian driver licence and have held an unrestricted Australian driver licence for a total of at least 12 months in the preceding four years.
3. They have not had a previous driver authority under the *Passenger Transport Act 1990* or *Passenger Transport Act 2014* cancelled, or an application for such an authority refused, in the preceding 10 years.

The Driver Vehicle Dashboard

The Point to Point Transport Commissioner offers the Driver Vehicle Dashboard (DVD) as a tool to help with the on-going management of drivers. Use of the tool is optional, but you will see in the table on the following page that using the DVD is an excellent way to help manage and monitor driver requirements and eligibility.

It is important to understand that the DVD will not provide you with the full background of a driver and you will need to have appropriate processes in place to ensure a driver does not have a disqualifying offence or is ineligible to drive a taxi, hire or rideshare vehicle. You may require a driver to provide you with a National Criminal History (NCH) Check and driver licence history to determine if they have a pre-existing disqualifying offence.

For more information, consult the DVD user guide which can be found in the Learning Centre on the Point to Point Transport Commissioner's website.

Affiliated provider responsibilities

An affiliated provider is a provider of a passenger service and therefore has the following obligations:

- A primary duty of care to ensure safety so far as is reasonably practicable.
- Responsibility for ensuring their drivers comply with all eligibility requirements.
- Adherence to all specified safety standards.

For more information see the affiliated provider fact sheet at

<https://www.pointtopoint.nsw.gov.au/learning-centre/fact-sheets/affiliated-taxi-service-providers>

FAQs

What is the difference between a NCH Check and a Police Check?

There are several organisations from which a National Criminal History Check can be obtained - one of these is the NSW Police Service. When you obtain a NCH Check from the NSW Police, it is called a Police Check.

Do I need an NCH Check if I already have a Working with Children Check (WWC)?

Yes, a WWC check is not as comprehensive as a NCH check.

Disqualifying Offences – A driver must have *none* of these

| Requirement | How to verify during onboarding* | How to verify once onboard if using the DVD. This must be done regularly on an ongoing basis. | | How to verify once onboard if not using the DVD. This must be done regularly on an ongoing basis. |
|---|---|--|--|--|
| 1. Disqualifying <i>criminal</i> offences | A National Criminal History (NCH) check | If PT Code Applied date is before 29 November 2018 | If PT Code Applied date is after 29 November 2018 | This is required to be defined in your SMS. For instance, requiring drivers to perform regular NCH Checks. Your authorisation may be compromised if these checks are not recent and regular. |
| | | Only offences committed after 29 November 2018 will be shown. An NCH check will be required for any time before this | All offences committed after the PT Code Applied date will be shown | |
| 2. Disqualifying <i>serious driving</i> offences | A driving record from each state, territory or country in which the driver has held a licence in the previous 10 years. | If PT Code Applied date is before 29 May 2018 | If PT Code Applied date is after 29 May 2018 | This is required to be defined in your SMS. For instance, requiring drivers to regularly present their driving record. Your authorisation may be compromised if these checks are not recent and regular. |
| | | Only offences committed in NSW after 29 May 2018 will be shown. Manual checks will be required for any time before this date | All offences committed in NSW after the PT Code Applied date will be shown | |
| 3. Disqualifying <i>Point to Point Transport</i> offences | Will show on the DVD. | Will show on the DVD | | You will need to contact the Point to Point Transport Commissioner to request this information |

*all documents must be no more than 90 days old when they are received

Eligibility Criteria – a driver must have *all* of these

| Requirement | How to verify during onboarding* | How to verify once onboard if using the DVD. This must be done regularly on an ongoing basis. | How to verify once onboard if not using the DVD. This must be done regularly on an ongoing basis. |
|--|---|--|---|
| 1. Evidence of medical fitness to drive | A PT code applied to their licence by Service NSW. Verify with drivers their current health. This will appear as a green light in the “P2P Eligibility” column in the DVD. | Monitor your drivers (formally and informally) and be aware of any changing health conditions which may affect their driving. Document this in your SMS. | |
| 2. Current valid unrestricted Australian driver licence held for a total of at least 12 months in the preceding four years. | Check the age of their current licence and any previous Australian licences over the past two years. If the licence was issued in NSW, this information will automatically show in the DVD. | DVD will monitor this for all NSW licence holders. | Regular checks with drivers to ensure licences remain valid and unrestricted. Document this activity in your SMS. |
| 3. No cancelled driving authority issued under <i>The Passenger Transport Act (1990)</i> (or an application for a driving authority) in the preceding 10 years | Will show on the DVD | Will show on the DVD | Request this information from Service NSW |

**all documents must be no more than 90 days old when they are received*