

TR301*

Transport Co-ordination Act 1966

Transport Co-ordination Amendment Regulations 2006

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Transport Co-ordination Amendment Regulations 2006*.

2. The regulations amended

The amendments in these regulations are to the *Transport Co-ordination Regulations 1985**.

[* *Reprint 1 as at 16 May 2003.*

For amendments to 14 August 2006 see Western Australian Legislation Information Tables for 2005, Table 4, p. 427, and Gazette 23 June 2006.]

3. Regulation 3 replaced

Regulation 3 is repealed and the following regulation is inserted instead —

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3. Terms used in these regulations

- (1) In these regulations, unless the context otherwise requires —
- “**charter services**” means a service that is not a RPT service;
- “**credit card charge**” means an amount payable by the licensee to the credit card provider;
- “**Form**” means a form in Schedule 2;
- “**GST**” has the meaning given to that term in the Commonwealth *A New Tax System (Goods and Services Tax) Act 1999* section 195-1;
- “**licensee**” means the holder of the aircraft licence;
- “**load factor**”, for a flight, means the number of paying and free-on-board passengers divided by the number of seats available for passengers;
- “**net freight revenue**” means amounts receivable in the month by the licensee for carrying freight on the aircraft, for example, consignment fees and amounts per kilogram of freight, other than amounts in respect of GST;
- “**net passenger revenue**” means amounts receivable in the month from passengers in relation to operating the aircraft, for example, fares, excess baggage charges and amounts paid by passengers for in-flight beverages, other than amounts in respect of passenger service fees, credit card charges or GST;
- “**operating costs**” means amounts payable in the month by the licensee in relation to operating the aircraft, including —
- (a) flight crew and cabin crew costs, including employment and accommodation costs; and
 - (b) landing fees, passenger service fees and other similar fees payable to airport operators; and
 - (c) turnaround costs payable to airport operators, or other service providers, for services provided in relation to the aircraft at airports, for example, baggage handling and aircraft movement costs; and
 - (d) in-flight catering costs; and

- (e) commissions on reservations and ticket bookings; and
- (f) loyalty scheme costs; and
- (g) promotion costs; and
- (h) aircraft insurance, finance and security costs; and
- (i) costs of maintaining and repairing the aircraft, for example, depreciation and insurance, excluding labour costs and other indirect costs; and
- (j) fuel costs; and
- (k) taxes imposed on the licensee in respect of the operation of the aircraft;

“passenger service fee” means an amount payable by the licensee to the airport operator in respect of each passenger on a flight to or from the airport;

“registration number” means the registration number of the aircraft given by the Civil Aviation Safety Authority;

“revenue load factor”, for a flight, means the Revenue Passenger Kilometres (the number of paying passengers × the number of kilometres flown) divided by the Actual Seat Kilometres (the number of seats available for passengers × the number of kilometres flown);

“RPT services” means regular public transport services that operate according to a published schedule.

- (2) In relation to a reference to an amount that is payable or receivable in a month —
 - (a) an amount is payable or receivable in a month if, in accordance with accrual accounting principles, the amount is payable or receivable at a time in the month; and
 - (b) an amount that is payable or receivable in a month is not payable or receivable in any other month.

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4. Regulations 8BA and 8BB inserted

After regulation 8B the following regulations are inserted —

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8BA. RPT services — prescribed records and statistics (section 47(1)(d))

- (1) The following records and statistics are prescribed for the purposes of section 47(1)(d) of the Act, in relation

to the operation of the aircraft, for RPT services, on routes specified in the aircraft's licence that include an airport listed in Schedule 3 Division 1 —

- (a) the registration number of the aircraft;
- (b) for each flight —
 - (i) the flight number (if any); and
 - (ii) the time, date and location of departure and arrival; and
 - (iii) the number of passengers; and
 - (iv) for each class of fare (as determined by the licensee) — the number of seats sold, the price and (where relevant) the discount (as a percentage) applied to calculate the price; and
 - (v) the revenue load factor or the load factor;
- (c) for each calendar month, each route flown by the aircraft in the month and each class of fare (as determined by the licensee) sold in the month — the number of seats sold in the class, the average price and (where relevant) the average discount (as a percentage) applied to calculate the price;
- (d) for each cancelled flight and flight that failed to comply with the applicable flight schedule —
 - (i) the flight number (if any); and
 - (ii) the intended date and location of departure and arrival; and
 - (iii) the reasons for the cancellation or failure; and
 - (iv) the respects in which the flight failed to comply with the relevant schedule;
- (e) for each calendar month and each route flown by the aircraft in the month — the total net passenger revenue from, and the total operating costs of, operating the aircraft;
- (f) for each calendar month and, if required by the Director General under this paragraph, each destination to which the aircraft carried freight in the month — the weight of freight carried and the net freight revenue from carrying that freight;
- (g) for each calendar month and each route flown by the aircraft in the month — the number of flying hours;
- (h) for each calendar month — the number and type of written complaints made by passengers

relating to the operation of the aircraft or services provided in relation to the operation of the aircraft, and a description of any complaint resolution procedure undertaken in respect of such complaints.

- (2) For the purposes of subregulation (1)(e), if a component of the total operating costs is not directly attributable to the operation of the aircraft for the month and a route, it is to be attributed to the operation of the aircraft for the month and the route on a proportional basis.
- (3) The licensee must keep the records and statistics for 5 years.

8BB. Charter services — prescribed records and statistics (section 47(1)(d))

- (1) The following records and statistics are prescribed for the purposes of section 47(1)(d) of the Act, in relation to the operation of the aircraft, for charter services, on flights to or from airports listed in Schedule 3 Division 1 or 2 —
 - (a) the registration number of the aircraft;
 - (b) for each flight —
 - (i) the flight number (if any); and
 - (ii) the time, date and location of departure and arrival; and
 - (iii) a copy of the invoice for the flight; and
 - (iv) the number of passengers; and
 - (v) the revenue load factor or the load factor.
- (2) The licensee must keep the records and statistics for 5 years.

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5. Schedule 3 inserted

After Schedule 2 the following Schedule is inserted —

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Schedule 3 — Airports

[r. 8BA and 8BB]

Division 1

1. Albany
2. Carnarvon
3. Esperance
4. Exmouth-Learmouth
5. Geraldton

6. Kalbarri
7. Laverton
8. Leinster
9. Leonora
10. Meekatharra
11. Monkey Mia-Shark Bay
12. Mt. Magnet
13. Wiluna

Division 2

1. Fitzroy Crossing
2. Halls Creek

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By Command of the Lieutenant-Governor and
deputy of the Governor,

G. M. PIKE, Clerk of the Executive Council.
