Transport Regulations Amendment (Road Passenger Services) Regulations 2019

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Transport Regulations Amendment (Road Passenger Services) Regulations 2019*.

2. Commencement

These regulations come into operation as follows —

(a) Part 1 — on the day on which these regulations are published in the Gazette;

(b) Part 2 — on the day on which the *Transport (Road Passenger Services) Act 2018* section 302 comes into operation;

(c) the rest of the regulations — on the day on which the *Transport (Road Passenger Services) Act 2018* Part 9 Division 2 comes into operation.
Part 2 — Amendments relating to taxi dispatch services

3. Regulations amended
   This Part amends the Taxi Regulations 1995.

4. Regulation 19A deleted
   Delete regulation 19A.

5. Schedule 1 amended
   Delete Schedule 1 items 6 and 7.
Part 3 — Amendments relating to on-demand passenger transport levy

Division 1 — Taxi Regulations 1995 amended

6. Regulations amended

This Division amends the Taxi Regulations 1995.

7. Regulation 3 amended

(1) In regulation 3 insert in alphabetical order:

**leviable passenger service transaction** has the meaning given in the Transport (Road Passenger Services) Act 2018 section 244;

(2) In regulation 3 in the definition of **Schedule 3 fare** delete “and includes any surcharge or fee of a kind set out in Schedule 3 for the hire;” and insert:

and includes —

(a) any surcharge or fee of a kind set out in Schedule 3 for the hire; and

(b) any amount charged under regulation 6(1A) in respect of the hire;

8. Regulation 6 amended

(1) After regulation 6(1) insert:

(1A) Despite subregulation (1), if levy under the Transport (Road Passenger Services) Act 2018 Part 9 Division 2 is payable in relation to a leviable passenger service transaction that relates to the hire of a taxi, the
Following may also be charged for the hire of the taxi—

(a) an amount of fare allocated for the levy;

(b) an amount for the GST payable in relation to the amount referred to in paragraph (a).

(1B) An amount charged under subregulation (1A)(a) must not exceed the lesser of—

(a) 10% of the sum of the amounts charged for the hire of the taxi of a kind referred to in the Transport (Road Passenger Services) Regulations 2019 regulation 47(2) (excluding the GST included in any of those amounts); or

(b) $10.

(2) In regulation 6(3) delete “and (2)” and insert:

(2)

9. Regulation 6A amended

In regulation 6A(2):

(a) after “voucher” insert:

(as defined in regulation 8(1))

(b) delete “(as calculated in accordance with the appropriate tariff set out in Schedule 3)” and insert:

(as determined in accordance with regulation 6)
Amendments relating to on-demand passenger transport levy
Transport (Country Taxi-cars Fares) Regulations 1991 amended

10. Regulation 7 amended

After regulation 7(1) insert:

(1A) If any amounts under regulation 6(1A) are to be paid in relation to the hire of the taxi, the schedule displayed under subregulation (1) must include a statement that an additional amount of fare allocated for the levy and an amount for the GST on that additional amount may be charged.

11. Regulation 10 amended

Delete regulation 10(3) and insert:

(3) If a taxi is the subject of multiple hiring, each separate hirer may, at that hirer’s destination, be charged 75% of the Schedule 3 fare for the hire of the taxi applicable at that hirer’s destination.

Division 2 — Transport (Country Taxi-cars Fares) Regulations 1991 amended

12. Regulations amended

This Division amends the Transport (Country Taxi-cars Fares) Regulations 1991.

13. Regulation 2A amended

(1) In regulation 2A(1) insert in alphabetical order:

leviable passenger service transaction has the meaning given in the Transport (Road Passenger Services) Act 2018 section 244;
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Division 2 Transport (Country Taxi-cars Fares) Regulations 1991 amended

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(2) In regulation 2A(1) in the definition of *Schedule 1 fare* delete “and includes any surcharge or fee of a kind set out in Schedule 1 for the hire;” and insert:

and includes —

(a) any surcharge or fee of a kind set out in Schedule 1 for the hire; and

(b) any amount charged under regulation 3(1AA) in respect of the hire;

14. Regulation 3 amended

(1) After regulation 3(1) insert:

(1AA) Despite subregulation (1), if levy under the *Transport (Road Passenger Services) Act 2018* Part 9 Division 2 is payable in relation to a leviable passenger service transaction that relates to the hire of a taxi-car, the following may also be charged for the hire of the taxi-car —

(a) an amount of fare allocated for the levy;

(b) an amount for the GST payable in relation to the amount referred to in paragraph (a).

(1AB) An amount charged under subregulation (1AA)(a) must not exceed the lesser of —

(a) 10% of the sum of the amounts charged for the hire of the taxi-car of a kind referred to in the *Transport (Road Passenger Services) Regulations 2019* regulation 47(2) (excluding the GST included in any of those amounts); or

(b) $10.
(2) In regulation 3(1B) delete “and (1A)” and insert:

to (1A)

15. Regulation 3AA amended

In regulation 3AA(2):

(a) after “voucher” insert:

(as defined in regulation 5A(1))

(b) delete “(as calculated in accordance with the appropriate tariff set out in Schedule 1)” and insert:

(as determined in accordance with regulation 3)

16. Regulation 5 amended

Delete regulation 5(3) and insert:

(3) If a taxi-car is the subject of multiple hiring, each separate hirer may, at that hirer’s destination, be charged 75% of the Schedule 1 fare for the hire of the taxi-car applicable at that hirer’s destination.

17. Regulation 6 amended

After regulation 6(1) insert:

(1A) If any amounts under regulation 3(1AA) are to be paid in relation to the hire of the taxi-car, the fare schedule must include a statement that an additional amount of
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fare allocated for the levy and an amount for the GST on that additional amount may be charged.

R. NEILSON, Clerk of the Executive Council.