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Road Traffic (Authorisation to Drive) Act 2008
Road Traffic (Vehicles) Act 2012
Taxi Act 1994
Transport Co-ordination Act 1966
Transport (Road Passenger Services) Act 2018

Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 2019

Made by the deputy of the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 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 5 Division 3 — on 31 December 2019;
- (c) Part 5 Division 4 — on 2 July 2020;
- (d) the rest of the regulations — on the day on which the *Transport (Road Passenger Services) Act 2018* Part 6 comes into operation.

**Transport Regulations Amendment (Road Passenger Services)
Regulations (No. 2) 2019**

Part 2 Road Traffic (Authorisation to Drive) Regulations 2014
amended

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**Part 2 — Road Traffic (Authorisation to Drive)
Regulations 2014 amended**

3. Regulations amended

This Part amends the *Road Traffic (Authorisation to Drive) Regulations 2014*.

4. Regulation 11 amended

In regulation 11(1) delete “reward, either in a taxi, as defined in regulation 12(4), or in any other circumstance.” and insert:

reward.

5. Regulation 12 amended

(1) In regulation 12(3):

(a) in paragraph (a) delete “a taxi; or” and insert:

an on-demand rank or hail vehicle; or

(b) in paragraph (b) delete “a taxi.” and insert:

an on-demand rank or hail vehicle.

(2) Delete regulation 12(4) and insert:

(4) In subregulation (3) —

on-demand rank or hail vehicle means an on-demand rank or hail vehicle as defined in the *Transport (Road Passenger Services) Regulations 2019* regulation 3.

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Road Traffic (Vehicles) Regulations 2014 amended **Part 3**

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**Part 3 — Road Traffic (Vehicles) Regulations 2014
amended**

6. Regulations amended

This Part amends the *Road Traffic (Vehicles) Regulations 2014*.

7. Regulation 109 amended

In regulation 109 insert in alphabetical order:

authorised on-demand rank or hail vehicle has the meaning given in the *Transport (Road Passenger Services) Regulations 2019* regulation 3;

authorised passenger transport vehicle means a vehicle in relation to which a passenger transport vehicle authorisation is in force;

on-demand charter vehicle has the meaning given in the *Transport (Road Passenger Services) Regulations 2019* regulation 3;

on-demand rank or hail vehicle has the meaning given in the *Transport (Road Passenger Services) Regulations 2019* regulation 3;

passenger transport service has the meaning given in the *Transport (Road Passenger Services) Act 2018* section 4(1);

passenger transport vehicle has the meaning given in the *Transport (Road Passenger Services) Act 2018* section 4(1);

passenger transport vehicle authorisation has the meaning given in the *Transport (Road Passenger Services) Act 2018* section 4(1);

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Part 3 Road Traffic (Vehicles) Regulations 2014 amended

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8. Regulation 109A inserted

After regulation 109 insert:

109A. Passenger transport vehicle authorisations

For the purposes of this Part, if the CEO is satisfied that a passenger transport vehicle authorisation will be granted for a vehicle within a reasonable period, the CEO may treat the vehicle as if that passenger transport vehicle authorisation were in force.

9. Regulation 111 amended

Delete regulation 111(2) and insert:

- (2) The CEO must provide and issue number plates for each authorised on-demand rank or hail vehicle that identify the vehicle as an on-demand rank or hail vehicle (whether by use of the word “taxi” or otherwise).
- (2A) Number plates issued for an authorised passenger transport vehicle (other than an authorised on-demand rank or hail vehicle) may, but are not required to, identify the vehicle as a passenger transport vehicle or as a passenger transport vehicle that is used to provide a particular category of passenger transport service.
- (2B) Number plates must not be issued identifying a vehicle as a passenger transport vehicle, or as a passenger transport vehicle that is used to provide a particular category of passenger transport service, unless —
 - (a) a passenger transport vehicle authorisation, or a passenger transport vehicle authorisation that authorises the vehicle to be operated for use in

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Road Traffic (Vehicles) Regulations 2014 amended **Part 3**

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providing that category of passenger transport service, as the case requires, is in force in relation to the vehicle; or

- (b) the vehicle is to be operated to replace a vehicle with an authorisation referred to in paragraph (a).

10. Regulation 112 amended

In regulation 112:

- (a) delete paragraphs (a) and (b) and insert:
 - (a) for the issue of ordinary plates except if paragraph (b), (ba), (bb), (bc), (d), (da) or (db) applies — \$27.70;
 - (b) for the issue of plates for an authorised on-demand rank or hail vehicle or plates identifying a vehicle as an on-demand charter vehicle — \$29.00;
 - (ba) for the re-issue of ordinary plates that have been returned under regulation 113(1), (2) or (3) except if paragraph (bb) or (bc) applies (other than plates to replace existing plates bearing the same characters) — \$16.75;
 - (bb) for the re-issue of plates that are issued under regulation 111(2) or that are taken under the *Transport (Road Passenger Services) Regulations 2019* Part 9 Division 2 to be issued by the CEO under regulation 111(2) and that have been returned under regulation 113(1), (2) or (3) or 113A — \$19.00;
 - (bc) for the re-issue of plates identifying a vehicle as an on-demand charter vehicle that are issued under regulation 111(1) or that are taken under

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the *Transport (Road Passenger Services) Regulations 2019* Part 9 Division 2 to be plates identifying a vehicle as an on-demand charter vehicle issued by the CEO under regulation 111(1) and that have been returned under regulation 113(1), (2) or (3) or 113A — \$19.00;

- (b) delete paragraph (d) and insert:
 - (d) upon application for the issue of plates to replace ordinary plates bearing the same characters except if paragraph (da) or (db) applies — \$36.90;
 - (da) for the issue of plates to replace plates that are issued under regulation 111(2) or that are taken under the *Transport (Road Passenger Services) Regulations 2019* Part 9 Division 2 to be issued by the CEO under regulation 111(2) — \$34.00;
 - (db) for the issue of plates to replace plates identifying a vehicle as an on-demand charter vehicle that are issued under regulation 111(1) or that are taken under the *Transport (Road Passenger Services) Regulations 2019* Part 9 Division 2 to be plates identifying a vehicle as an on-demand charter vehicle issued by the CEO under regulation 111(1) — \$34.00;

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11. Regulation 113A inserted

After regulation 113 insert:

113A. Return of number plates for passenger transport vehicles

- (1) This regulation applies if —
- (a) a number plate issued by the CEO identifies the vehicle as a passenger transport vehicle or as a passenger transport vehicle that is used to provide a particular category of passenger transport service; and
 - (b) the passenger transport vehicle authorisation for the vehicle, or the passenger transport vehicle authorisation that authorises the vehicle to be operated for use in providing that category of passenger transport service, as the case requires, ceases to be in force.
- (2) The number plate must be returned to the CEO by the holder or previous holder of the passenger transport vehicle authorisation for the vehicle, or other person in possession of the vehicle, within 14 days after the authorisation ceases to be in force.

Penalty for this subregulation:

- (a) for a first offence, a fine of 8 PU;
- (b) for a subsequent offence, a fine of 16 PU.

Modified penalty for this subregulation: 4 PU.

- (3) Subregulation (2) does not apply if, within the 14-day period referred to in that subregulation, a passenger transport vehicle authorisation is issued for the vehicle that is consistent with the identification of the vehicle on the number plate.

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Part 3 Road Traffic (Vehicles) Regulations 2014 amended

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- (4) If the number plate was issued in reliance on regulation 109A, and the passenger transport vehicle authorisation referred to in that regulation has not been granted at the end of a reasonable period after the number plate was issued, this regulation applies as if the passenger transport vehicle authorisation ceased to be in force at the end of that period.
- (5) This regulation does not limit regulation 113.

12. Regulation 114 amended

After regulation 114(2) insert:

- (3) The CEO must not approve the transfer of number plates that identify a vehicle as a passenger transport vehicle, or as a passenger transport vehicle that is used to provide a particular category of passenger transport service, unless —
 - (a) a passenger transport vehicle authorisation, or a passenger transport vehicle authorisation that authorises the vehicle to be operated for use in providing that category of passenger transport service, as the case requires, is in force in relation to the vehicle to which the number plates are proposed to be transferred; or
 - (b) the vehicle to which the number plates are proposed to be transferred is to be operated to replace a vehicle with an authorisation referred to in paragraph (a).

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Road Traffic (Vehicles) Regulations 2014 amended

Part 3

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13. Regulation 115 amended

After regulation 115(2) insert:

- (2A) Despite subregulation (2), if the stolen or lost number plate is a plate issued or taken to be issued under regulation 111(1) that identifies a vehicle as an on-demand charter vehicle, or a plate issued or taken to be issued under regulation 111(2), the CEO must, on the return of each other plate in the set that was not stolen or lost and on payment of the relevant fee under regulation 112, issue a replacement set of number plates for the vehicle either bearing the same characters as those in the returned set or different characters, as the CEO thinks fit.

14. Regulation 125 amended

Delete regulation 125(2) and insert:

- (2) The CEO must not issue a special plate or a name plate for a vehicle with a seasonal heavy vehicle licence.
- (3) The CEO must not issue a special plate or a name plate for an authorised on-demand rank or hail vehicle.

15. Regulation 387 amended

Delete regulation 387(1)(b) and insert:

- (b) an on-demand vehicle (as defined in the *Transport (Road Passenger Services) Act 2018* section 4(1)) may be equipped with a light or lights for the lighting of any

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Part 3 Road Traffic (Vehicles) Regulations 2014 amended

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sign authorised or required to be displayed on the
vehicle by the *Transport (Road Passenger Services)
Regulations 2019*; and

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Transport Co-ordination Regulations 1985 amended **Part 4**

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**Part 4 — *Transport Co-ordination Regulations 1985*
amended**

16. Regulations amended

This Part amends the *Transport Co-ordination Regulations 1985*.

17. Regulation 5A deleted

Delete regulation 5A.

18. Regulation 7 amended

- (1) In regulation 7(1)(a) delete “section 21(1)(a)(i) or (c)(i)” and insert:

section 21(1)(c)(i)

- (2) In regulation 7(1)(b) delete “section 21(1)(a)(ii), (b) or (c)(ii)” and insert:

section 21(1)(b) or (c)(ii) of the Act

- (3) In regulation 7(2):

- (a) delete “section 21(1)(a)(i) or (c)(i)” and insert:

section 21(1)(c)(i) of the Act

- (b) delete “Form 3 or 9 as the case requires” and insert:

Form 9

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Part 4 Transport Co-ordination Regulations 1985 amended

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19. Regulation 8 deleted

Delete regulation 8.

20. Regulation 8A amended

Delete regulation 8A(a).

21. Regulations 8AB and 8B deleted

Delete regulations 8AB and 8B.

22. Regulation 12 deleted

Delete regulation 12.

23. Schedule 1 amended

- (1) In Schedule 1 delete the item for Form 3.
- (2) In Schedule 1 in the item for Form 17 delete “licence other than an omnibus licence.” and insert:

licence.

- (3) In Schedule 1 delete the item for Form 18.

24. Schedule 2 amended

- (1) Delete Schedule 2 Form 3.
- (2) In Schedule 2 Form 13:
 - (a) delete “(or Passengers*)”;
 - (b) delete “(or Name or Party*)”;
 - (c) delete “*Charge for use or hire of the vehicle for above transport — \$.....”;
 - (d) delete “(*OMNIBUS APPLICATIONS ONLY).....”.

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Transport Co-ordination Regulations 1985 amended **Part 4**

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- (3) In Schedule 2 in the heading to Form 17 delete “OTHER THAN AN OMNIBUS LICENCE”.
- (4) Delete Schedule 2 Form 18.
- (5) In Schedule 2 Form 19 delete “to him of licence for omnibus [*insert vehicle description*] or” and insert:

to the transferee of licence for

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Part 5 Transport (Road Passenger Services) Regulations 2019
amended

Division 1 Preliminary

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**Part 5 — *Transport (Road Passenger Services)
Regulations 2019* amended**

Division 1 — Preliminary

25. Regulations amended

This Part amends the *Transport (Road Passenger Services) Regulations 2019*.

Division 2 — Amendments commencing when the *Transport (Road Passenger Services) Act 2018* Part 6 commences

26. Regulation 3 amended

- (1) In regulation 3 delete the definition of *safety management system*.
- (2) In regulation 3 insert in alphabetical order:

approved identification card means an approved identification card referred to in —

- (a) the *Taxi Regulations 1995* regulation 15 as in force immediately before the coming into operation of section 303 of the Act; or
- (b) the *Transport (Country Taxi-car) Regulations 1982* regulation 27A as in force immediately before the coming into operation of section 342 of the Act;

approved person means a person who is approved for the purposes of the provision in which the term is used;

AS/NZS followed by a designation refers to the Australian/New Zealand Standard having that designation that is published jointly by Standards Australia and Standards New Zealand, as in force on the day on which the *Transport Regulations*

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Regulations (No. 2) 2019**

Transport (Road Passenger Services) Regulations 2019	Part 5
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Amendments commencing when the Transport (Road Passenger Services) Act 2018 Part 6 commences	Division 2
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Amendment (Road Passenger Services) Regulations (No. 2) 2019 Part 5 Division 2 comes into operation;

Australian Design Rules means the Australian Design Rules determined as vehicle standards under the *Motor Vehicle Standards Act 1989* (Commonwealth), as in force on the day on which the *Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 2019* Part 5 Division 2 comes into operation;

authorised on-demand rank or hail vehicle means a vehicle in relation to which a passenger transport vehicle authorisation is in force that authorises the vehicle to be operated for use in providing an on-demand rank or hail passenger transport service;

camera surveillance unit means a device that takes visual or audiovisual recordings;

Camera Surveillance Unit Standards means the standards entitled Camera Surveillance Unit Standards 2019 approved by the CEO and published on the Department's website as in force on the day on which the *Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 2019* Part 5 Division 2 comes into operation;

contract fare means an amount agreed under regulation 35ZM(1) as payable for the provision of an on-demand passenger transport service using an on-demand rank or hail vehicle;

Disability Standards means the Disability Standards for Accessible Public Transport 2002 made under the *Disability Discrimination Act 1992* (Commonwealth) section 31, as in force on the day on which the *Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 2019* Part 5 Division 2 comes into operation;

**Transport Regulations Amendment (Road Passenger Services)
Regulations (No. 2) 2019**

Part 5 Transport (Road Passenger Services) Regulations 2019 amended

Division 2 Amendments commencing when the Transport (Road Passenger Services) Act 2018 Part 6 commences

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GST has the meaning given in the *A New Tax System (Goods and Services Tax) Act 1999* (Commonwealth) section 195-1;

metropolitan region means the metropolitan region as defined in the *Planning and Development Act 2005* section 4(1);

non-cash payment means the payment, other than by means of cash, of any amount payable in respect of the provision of an on-demand passenger transport service using an on-demand rank or hail vehicle;

on-demand charter vehicle means an on-demand vehicle other than an on-demand rank or hail vehicle;

on-demand rank or hail vehicle means a vehicle used or intended to be used to provide an on-demand rank or hail passenger transport service;

payment terminal means a device or system used to facilitate a non-cash payment;

region means a region described in the *Regional Development Commissions Act 1993* Schedule 1 but does not include any part of the metropolitan region;

road traffic CEO means the CEO as defined in the *Road Traffic (Administration) Act 2008* section 4;

safety management system, in relation to the provider of a specified service, means the safety management system prepared and maintained in accordance with regulation 9;

Schedule 2A fare means the fare referred to in regulation 35ZI(1) for the provision of an on-demand passenger transport service using an on-demand rank or hail vehicle that primarily operates in the metropolitan region and includes —

- (a) any surcharge or fee of a kind set out in Schedule 2A for the service; and

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- (b) any amount charged under regulation 35ZI(2) in relation to the fare;

Schedule 2B fare means the fare referred to in regulation 35ZJ(1) for the provision of an on-demand passenger transport service using an on-demand rank or hail vehicle that primarily operates in a region and includes —

- (a) any surcharge or fee of a kind set out in Schedule 2B for the service; and
- (b) any amount charged under regulation 35ZJ(2) in relation to the fare;

school bus service means a passenger transport service that —

- (a) uses vehicles that are equipped to carry more than 8 people; and
- (b) is provided solely to carry students, with or without adults who are responsible for them, to or from —
 - (i) a school (as defined in the *School Education Act 1999* section 4); or
 - (ii) another place that students enrolled at a school attend for an event or activity approved by the school;

serious offence means —

- (a) an offence against any of the following provisions of the *Road Traffic Act 1974* —
 - (i) section 54;
 - (ii) section 56 to the extent that it relates to bodily harm, grievous bodily harm or death;
 - (iii) section 59;

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- (iv) section 59A;
 - (v) section 59BA;
 - (vi) section 60;
 - (vii) section 60A;
 - (viii) section 61;
 - (ix) section 63;
 - (x) section 64;
 - (xi) section 64AA;
 - (xii) section 64A;
 - (xiii) section 64AAA;
 - (xiv) section 64AB;
 - (xv) section 64AC;
 - (xvi) section 67;
 - (xvii) section 67AA;
 - (xviii) section 67AB;
 - (xix) section 67A;
- (b) an offence against any of the following provisions of *The Criminal Code* —
- (i) section 279;
 - (ii) section 280;
 - (iii) section 294;
 - (iv) section 297;
 - (v) section 301;
 - (vi) section 304;

specified service has the meaning given in regulation 8B;

student has the meaning given in the *School Education Act 1999* section 4;

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surcharge —

- (a) includes any GST consequent on a payment terminal being made available; and
- (b) does not include a fee or charge that is imposed on a non-cash payment by either of the following —
 - (i) a participant in a designated payment system as defined in the *Payment Systems (Regulation) Act 1998* (Commonwealth) section 7; or
 - (ii) a person consistently with a voluntary undertaking given by the person to, and accepted by, the Reserve Bank of Australia;

unit of competency TLIC2040 means the unit of competency entitled *TLIC2040 Provide wheelchair accessible taxi services to passengers with disabilities* (Release 1) published on the National Register (as defined in the *National Vocational Education and Training Regulator Act 2011* (Commonwealth) section 3), as that unit is in force on the day on which the *Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 2019* Part 5 Division 2 comes into operation;

visual, audiovisual or audio recording includes —

- (a) any electronically stored information from which a recorded image or sound can be generated; and
- (b) any print-out or reproduction of a recorded image or sound;

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27. Regulation 4A inserted

After regulation 4 insert:

4A. Interstate vehicle authorisation (s. 4(1))

For the purposes of paragraph (b) of the definition of *interstate vehicle authorisation* in section 4(1) of the Act, the following criteria are prescribed —

- (a) the authorisation must be valid and in force;
- (b) the authorisation must not be subject to suspension.

28. Regulation 6 amended

After regulation 6(a) insert:

- (aa) a service that solely —
 - (i) takes or facilitates bookings for passenger transport vehicles used in providing school bus services; and
 - (ii) communicates the bookings to drivers of passenger transport vehicles used in providing a school bus service or providers of school bus services;

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29. Part 3 heading replaced

Delete the heading to Part 3 and insert:

Part 3 — Safety standards

Division 1 — Preliminary

30. Regulation 8 replaced

Delete regulation 8 and insert:

8. Safety standards (s. 14(2))

For the purposes of section 14(2) of the Act, the provisions of Divisions 2 to 5 are specified as safety standards.

8A. Persons to whom specified safety standards apply

(1) In this regulation —

relevant provider or driver means —

- (a) a provider of an on-demand booking service; or
- (b) a provider of an on-demand passenger transport service; or
- (c) a provider of a regular passenger transport service; or
- (d) a provider of a tourism passenger transport service; or
- (e) a provider of a school bus service; or
- (f) a provider of a passenger transport vehicle; or
- (g) a passenger transport driver.

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- (2) For the purposes of section 14(2) of the Act, a safety standard specified in a provision of Divisions 2 to 5 is specified in relation to a relevant provider or driver if —
 - (a) the standard expressly imposes an obligation on the relevant provider or driver; or
 - (b) it is expressly specified that the standard is a safety standard for the relevant provider or driver.
- (3) For the purposes of these regulations, a relevant provider or driver is a responsible person in relation to a safety standard specified in a provision of Divisions 2 to 5 if it is expressly specified that the relevant provider or driver is a responsible person in relation to that safety standard.
- (4) A statement in a regulation that a safety standard is specified for a relevant provider or driver is taken to apply to all the provisions of the regulation for that purpose unless the regulation otherwise provides.
- (5) A statement in a regulation that a relevant provider or driver is a responsible person in relation to a safety standard is taken to apply to all the provisions of the regulation for that purpose unless the regulation otherwise provides.

Division 2 — Safety management system

8B. Specified services

The safety standards in this Division apply to the provider of any of the following (a *specified service*) —

- (a) an on-demand booking service;

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- (b) a regular passenger transport service;
- (c) a tourism passenger transport service;
- (d) a school bus service.

31. Regulation 9 amended

- (1) In regulation 9(1) delete “an on-demand booking service” and insert:

a specified service

- (2) Delete regulation 9(2)(a) and insert:

- (a) identify the reasonably foreseeable hazards that could give rise to risks to the health and safety of drivers, passengers or other persons in connection with the passenger transport service —
 - (i) provided by the provider; or
 - (ii) in relation to which the provider provides an on-demand booking service;and

- (3) In regulation 9(3) delete “an on-demand booking service” and insert:

a specified service

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32. Regulation 10 amended

In regulation 10 delete “an on-demand booking service” and
insert:

a specified service

33. Part 3 Divisions 3 to 5 inserted

At the end of Part 3 insert:

Division 3 — Vehicle standards

Subdivision 1 — General standards

10A. Vehicle licence and standards for vehicles

- (1) A vehicle used to provide a passenger transport service must at all times be the subject of a vehicle licence, or interstate vehicle licence, that is in force.
- (2) A vehicle used to provide a passenger transport service must —
 - (a) for a vehicle in respect of which a vehicle licence is in force — meet any requirements that apply to the vehicle under the *Road Traffic (Vehicles) Act 2012*; or
 - (b) for a vehicle in respect of which an interstate vehicle licence is in force — meet any requirements that apply to the vehicle under the law under which that interstate vehicle licence was issued.

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Transport (Road Passenger Services) Regulations 2019 **Part 5**
amended

Amendments commencing when the Transport (Road
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-
- (3) This safety standard is specified for the provider of the vehicle for use in providing the passenger transport service.
 - (4) The following are responsible persons in relation to this safety standard —
 - (a) the provider of an on-demand booking service for the use of the vehicle in providing the passenger transport service;
 - (b) the provider of the passenger transport service;
 - (c) the driver of the vehicle.

10B. Vehicle maintenance

- (1) The following standards apply to the maintenance of a vehicle used to provide a passenger transport service —
 - (a) the vehicle must be regularly and properly maintained so that it meets the requirements referred to in regulation 10A(2);
 - (b) the maintenance of the vehicle, including any maintenance schedule, is to be consistent with the recommendations of the manufacturer of the vehicle.
- (2) This safety standard is specified for the provider of the vehicle for use in providing the passenger transport service.
- (3) The following are responsible persons in relation to this safety standard —
 - (a) the provider of an on-demand booking service for the use of the vehicle in providing the passenger transport service;
 - (b) the provider of the passenger transport service;
 - (c) the driver of the vehicle.

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Part 5 Transport (Road Passenger Services) Regulations 2019 amended

Division 2 Amendments commencing when the Transport (Road Passenger Services) Act 2018 Part 6 commences

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Subdivision 2 — Wheelchair accessible vehicle standards

10C. Wheelchair accessible vehicles: applicable standards

- (1) A wheelchair accessible vehicle used to provide an on-demand passenger transport service must comply with —
 - (a) the following standards —
 - (i) AS/NZS 3856.1:1998, Hoists and ramps for people with disabilities — Vehicle mounted, Part 1: Product requirements;
 - (ii) AS/NZS 3856.2:1998, Hoists and ramps for people with disabilities — Vehicle mounted, Part 2: Installation requirements;
 - (iii) AS/NZS 10542.1:2015, Technical systems and aids for people with disability — Wheelchair tiedown and occupant-restraint systems, Part 1: Requirements and test methods for all systems;
 - and
 - (b) the provisions of Part 9 of the Disability Standards as they apply to taxis.
- (2) Despite subregulation (1), a vehicle that was modified, upgraded or constructed before the coming into operation of Part 6 of the Act to be a wheelchair accessible vehicle and that is used to provide a passenger transport service must comply with the equivalent standards applying to that modification, upgrade or construction that were in force at the time of the modification, upgrade or construction.

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Subdivision 3 — Motor cycle standards

10E. Motor cycles: applicable standards

- (1) A motor cycle used to provide a passenger transport service must comply with the Australian Design Rules that apply to whichever of the following categories of vehicle in those Rules is appropriate to the motor cycle —
 - (a) motor cycles (LC vehicles);
 - (b) motor cycles and side cars (LD vehicles);
 - (c) motor tricycles (LE vehicles).
- (2) A motor cycle used to provide a passenger transport service must be fitted with wheel guards (including mud guards) that meet the requirements in Rule 42/04 — General Safety Requirements in the Australian Design Rules.
- (3) A motor cycle that is an LC vehicle as defined in the Australian Design Rules that is used to provide a passenger transport service must not have —
 - (a) a two-stroke engine; or
 - (b) an engine capacity of less than 500 cc.
- (4) A motor cycle used to provide a passenger transport service on any part of an unsealed road must be an LD vehicle or an LE vehicle as defined in the Australian Design Rules.
- (5) This safety standard is specified for the provider of the motor cycle for use in providing the passenger transport service.

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**Subdivision 4 — Specific requirements: on-demand rank or
hail vehicles**

**10G. Markings, livery, lights and signs: on-demand rank
or hail vehicles**

- (1) An on-demand rank or hail vehicle must —
 - (a) be marked as an on-demand rank or hail vehicle (which may include being marked as a taxi); and
 - (b) display prominent livery; and
 - (c) be fitted with a roof light and roof sign that are clearly visible in daylight.
- (2) This safety standard is specified for the following —
 - (a) the provider of an on-demand booking service for the use of the vehicle in providing a passenger transport service;
 - (b) the provider of the vehicle for use in providing a passenger transport service.
- (3) The driver of the vehicle is a responsible person in relation to this safety standard.

**10H. When roof lights to be lit: on-demand rank or hail
vehicles**

- (1) The roof light of an on-demand rank or hail vehicle —
 - (a) must be lit when the vehicle is available to take passengers; and
 - (b) must not be lit when the vehicle is unavailable to take passengers.

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- (2) This safety standard is specified for the following —
- (a) the provider of an on-demand booking service for the use of the vehicle in providing a passenger transport service;
 - (b) the driver of the vehicle.
- (3) The provider of an on-demand rank or hail passenger transport service is a responsible person in relation to this safety standard if the vehicle is used in providing that service.

10I. Contact information: on-demand rank or hail vehicles

- (1) An on-demand rank or hail vehicle used to provide an on-demand rank or hail passenger transport service must be painted or marked so that the contact information for the provider of the on-demand booking service in relation to the on-demand rank or hail passenger transport service —
- (a) is displayed prominently; and
 - (b) is clearly visible on the vehicle.
- (2) This safety standard is specified for the provider of the on-demand booking service in relation to the on-demand rank or hail passenger transport service.
- (3) The following are responsible persons in relation to this safety standard —
- (a) the provider of the on-demand rank or hail passenger transport service;
 - (b) the driver of the vehicle.

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Subdivision 5 — Specific requirements: on-demand charter vehicles

10J. Signs, lights and markings: on-demand charter vehicles not to be represented as on-demand rank or hail vehicles

- (1) An on-demand charter vehicle that is being used to provide an on-demand passenger transport service must not have signs or lights or be painted or marked in a manner that —
 - (a) might indicate to a reasonable person that the vehicle is an on-demand rank or hail vehicle; or
 - (b) could result in the vehicle resembling an on-demand rank or hail vehicle; or
 - (c) could give rise to the inference that the vehicle is an on-demand rank or hail vehicle.
- (2) An on-demand charter vehicle that is being used to provide an on-demand passenger transport service must not use or display the word “taxi”, or words with similar meaning, in a manner that —
 - (a) might indicate to a reasonable person that the vehicle is an on-demand rank or hail vehicle; or
 - (b) could give rise to the inference that the vehicle is an on-demand rank or hail vehicle.
- (3) This safety standard is specified for the following —
 - (a) the provider of the vehicle for use in providing the on-demand passenger transport service;
 - (b) the driver of the vehicle.
- (4) The provider of an on-demand passenger transport service that is provided using the vehicle is a responsible person in relation to this safety standard.

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Subdivision 6 — Driver identity documents

10L. Driver identity document: on-demand rank or hail vehicle

- (1) The driver of an on-demand rank or hail vehicle must have a driver identity document in the approved form containing the following —
 - (a) a photograph of the driver;
 - (b) the first name of the driver;
 - (c) the identification number that is —
 - (i) on the driver's approved identification card; or
 - (ii) issued to the driver under subregulation (3).
- (2) If the driver has an approved identification card, that identification card is taken to be the driver identification document for the purpose of subregulation (1).
- (3) The CEO must issue a driver identification number to each person whose driver's licence is endorsed with extension T under the *Road Traffic (Authorisation to Drive) Regulations 2014* regulation 12(3)(a) on or after the day on which the *Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 2019* Part 5 Division 2 comes into operation.
- (4) This safety standard is specified for the following —
 - (a) the provider of an on-demand booking service for the use of the vehicle in providing a passenger transport service;

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- (2) The required information in relation to the driver of an on-demand charter vehicle must be —
 - (a) made available in an approved form at the time of booking for viewing by the person who books the vehicle for use in providing a passenger transport service; or
 - (b) displayed in an approved form in the vehicle or on the driver's person.
- (3) This safety standard is specified for the following —
 - (a) the provider of an on-demand booking service for the use of the vehicle in providing a passenger transport service;
 - (b) the provider of an on-demand passenger transport service that is provided using the vehicle;
 - (c) the driver of the vehicle.

Subdivision 7 — Offences

100. Offence of contravening safety standard

- (1) A person who contravenes a safety standard specified for that person in regulation 10D, 10G, 10J or 10K commits an offence.

Penalty for this subregulation:

- (a) for an individual, a fine of \$12 000;
- (b) for a body corporate, a fine of \$40 000.

- (2) A person who contravenes any other safety standard specified for that person in this Division commits an offence.

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
- (b) for a body corporate, a fine of \$30 000.

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- (3) A person who is specified in this Division as a responsible person in relation to a safety standard specified in regulation 10D, 10G, 10J or 10K must ensure, so far as is reasonably practicable, that the safety standard is complied with.

Penalty for this subregulation:

- (a) for an individual, a fine of \$12 000;
- (b) for a body corporate, a fine of \$40 000.

- (4) A person who is specified in this Division as a responsible person in relation to any other safety standard specified in this Division must ensure, so far as is reasonably practicable, that the safety standard is complied with.

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
- (b) for a body corporate, a fine of \$30 000.

Division 4 — Provision of information

10P. Information to be made available by provider of on-demand booking service

- (1) The provider of an on-demand booking service must make the following information available to a person who makes a booking for an on-demand vehicle to be used in providing an on-demand passenger transport service —
- (a) information about the vehicle;
 - (b) information about the driver of the vehicle.

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- (2) The information provided must be —
 - (a) sufficient to enable a proposed passenger to identify the vehicle and the driver; and
 - (b) provided a reasonable time before the journey.
- (3) This regulation does not apply if the vehicle is engaged to provide a passenger transport service on a rank or hail basis.

10Q. Offence of contravening safety standard

A provider of an on-demand booking service who contravenes the safety standard specified in regulation 10P commits an offence.

Penalty:

- (a) for an individual, a fine of \$9 000;
- (b) for a body corporate, a fine of \$30 000.

Division 5 — Driver competence and reporting

10R. Driver of wheelchair accessible vehicle to be competent in loading and unloading wheelchair passengers

- (1) A driver of a wheelchair accessible vehicle that is being used to provide a passenger transport service must be able to demonstrate a level of competence in the safe loading, restraint and unloading of a person in a wheelchair at the standard specified in subregulation (2).
- (2) The standard of competence is equivalent to that required to complete the following elements of unit of competency TLIC2040 —
 - (a) Element 3 (Assist passengers into and out of a taxi in a manner suited to their disability); and

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- (b) Element 4 (Drive a taxi used by passengers with disabilities).
 - (3) This safety standard is specified for the following —
 - (a) the provider of an on-demand booking service for the use of the vehicle in providing the passenger transport service;
 - (b) the provider of the passenger transport service;
 - (c) the driver of the vehicle.
 - (4) The provider of the vehicle for use in providing the passenger transport service is a responsible person in relation to this safety standard.

10S. Driver reporting requirements

- (1) A passenger transport driver must give written notice to the CEO of any change in the driver's circumstances that adversely affects —
 - (a) the good character of the driver; or
 - (b) the mental or physical fitness of the driver to drive a vehicle for the purpose of transporting passengers for hire or reward.
- (2) A passenger transport driver must give written notice to the CEO of any driving impairment of the driver or any alteration to a driving impairment of the driver that must be notified to the road traffic CEO under the *Road Traffic (Authorisation to Drive) Regulations 2014* regulation 64.
- (3) The passenger transport driver must give the notice within 7 days of the driver becoming aware of —
 - (a) the change in circumstances; or
 - (b) the driving impairment or the alteration to the driving impairment.

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- (4) The following are responsible persons in relation to this safety standard —
- (a) the provider of an on-demand booking service for the use of a vehicle driven by the passenger transport driver in providing a passenger transport service;
 - (b) the provider of a passenger transport service provided using a vehicle driven by the passenger transport driver.

10T. Offence of contravening safety standard

- (1) A person who contravenes a safety standard specified for that person in regulation 10R commits an offence.
Penalty for this subregulation:
- (a) for an individual, a fine of \$12 000;
 - (b) for a body corporate, a fine of \$40 000.
- (2) A person who contravenes a safety standard specified for that person in regulation 10S commits an offence.
Penalty for this subregulation: a fine of \$9 000.
- (3) A person who is specified in regulation 10R as a responsible person in relation to the safety standard in that regulation must ensure, so far as is reasonably practicable, that the safety standard is complied with.
Penalty for this subregulation:
- (a) for an individual, a fine of \$12 000;
 - (b) for a body corporate, a fine of \$40 000.
- (4) A person who is specified in regulation 10S as a responsible person in relation to the safety standard in that regulation must ensure, so far as is reasonably practicable, that the safety standard is complied with.

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Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
- (b) for a body corporate, a fine of \$30 000.

34. Regulation 18 replaced

Delete regulation 18 and insert:

18. Renewal of on-demand booking service authorisation

- (1) The provider of an authorised on-demand booking service may apply for the renewal of the on-demand booking service authorisation (the *current authorisation*) by —
 - (a) applying to the CEO in the approved form; and
 - (b) paying the applicable authorisation fee prescribed under regulation 69(2).
- (2) An application and payment under subregulation (1) must be made within the period of 2 months ending on the day on which the current authorisation expires.
- (3) An application for renewal of an on-demand booking service authorisation must include —
 - (a) if the last criminal record check provided under regulation 14 or 22(5) or this regulation in relation to any responsible officer of the provider is dated more than 5 years earlier than the day on which the application for renewal is made — a further criminal record check for the responsible officer that is dated no earlier than 3 months before that day; and

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- (b) any other documents required by the approved form.
- (4) If the provider makes an application and payment under subregulation (1) within the time required under subregulation (2) and in accordance with subregulation (3) —
 - (a) the CEO must grant a further on-demand booking service authorisation to the provider; and
 - (b) the authorisation document issued under section 37 of the Act for the further authorisation must specify —
 - (i) the same authorisation number as the current authorisation; and
 - (ii) the day on which the authorisation comes into force, which must be the day after the day on which the current authorisation expires.
- (5) Despite subregulation (4), the CEO —
 - (a) may refuse to grant a further on-demand booking service authorisation to the provider if —
 - (i) the current authorisation is suspended; or
 - (ii) any of the grounds for making an order suspending or cancelling the current authorisation under section 42(1) or 43(1) or (4) of the Act apply;and
 - (b) must refuse to grant a further on-demand booking service authorisation if section 43(2)

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or (3) of the Act applies in relation to the current authorisation.

- (6) If the provider does not make an application and payment under subregulation (1) within the time required under subregulation (2) and in accordance with subregulation (3) —
- (a) the current authorisation expires at the end of the period for which it was granted; and
 - (b) any subsequent application for an on-demand booking service authorisation by the provider must be made in accordance with section 29 of the Act.

35. Part 4 Division 5A inserted

After Part 4 Division 5 insert:

Division 5A — Changes to information

26A. Provider of on-demand booking service to notify change in circumstances

The provider of an authorised on-demand booking service must give written notice to the CEO, as soon as practicable after becoming aware of the change, if there is a change in any of the information that is given to the CEO —

- (a) in the application for the on-demand booking service authorisation; or
- (b) in an application for renewal of the on-demand booking service authorisation; or

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(c) under this regulation.

Penalty:

- (a) for an individual, a fine of \$3 000;
- (b) for a body corporate, a fine of \$10 000.

36. Regulation 29 amended

- (1) In regulation 29(2) delete “The” and insert:

Subject to subregulation (2A), the

- (2) After regulation 29(2) insert:

(2A) If the provider of an authorised on-demand booking service (the *first provider*) refers a relevant booking to the provider of another authorised on-demand booking service (the *second provider*) —

- (a) the first provider must keep records of the following information but is not required to keep the records required by subregulation (2) in relation to the booking —
 - (i) the day and time of the referral of the booking;
 - (ii) the name of the second provider;
 - (iii) any contact details provided by the person who made the booking or to whose account the booking was charged;

and

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38. Parts 4A to 4C inserted

After regulation 35 insert:

**Part 4A — Authorisation of regular passenger
transport services**

Division 1 — Preliminary

**35A. Exemption for contracted provider of authorised
regular passenger transport service**

- (1) A person (the *contracted provider*) who has entered into a contract with the provider of an authorised regular passenger transport service (the *principal provider*) to provide a regular passenger transport service on behalf of the principal provider is exempt from carrying out the functions set out in subregulation (2) in relation to the regular passenger transport service provided by the contracted provider in accordance with the contract.
- (2) The functions are the following —
 - (a) complying with the safety duties specified in Part 2 of the Act;
 - (b) keeping and retaining records in accordance with regulation 35J;
 - (c) ensuring that a complaints resolution procedure is prepared and made accessible in accordance with regulation 35M;
 - (d) keeping and retaining records of customer complaints in accordance with regulation 35N.

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- (3) This regulation does not affect the obligation of the principal provider to carry out the functions set out in subregulation (2).

**Division 2 — Grant, duration and renewal of regular
passenger service authorisations**

**35B. Application for approval of temporary variation of
route or area (s. 70(2))**

An application under section 70(2) of the Act for approval of a temporary variation of the route or routes or area or areas approved under a regular passenger transport service authorisation must —

- (a) be in writing; and
- (b) specify the particular route or routes or area or areas to be varied and how they are to be varied; and
- (c) specify the period of time for which the temporary variation is sought; and
- (d) set out why the variation and the period of variation is required.

35C. Temporary variation of route or area (s. 70(2))

A variation approved under section 70(2) of the Act must specify —

- (a) the period for which it is to have effect; and
- (b) any variation of the conditions of the authorisation by the Minister under section 68 of the Act that is made as a result of the variation under section 70(2) of the Act.

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**35D. Duration of regular passenger transport service
authorisation (s. 74(1))**

- (1) An authorisation document issued to the provider of a regular passenger transport service must specify the day on which the authorisation comes into force.
- (2) For the purposes of section 74(1) of the Act, a regular passenger transport service authorisation granted under section 63 of the Act or regulation 35E —
 - (a) is granted for the period of 5 years beginning on the day on which the authorisation comes into force; and
 - (b) expires at the end of the last day of that period.

**35E. Renewal of regular passenger transport service
authorisation**

- (1) The provider of an authorised regular passenger transport service may apply for the renewal of the regular passenger transport authorisation (the *current authorisation*) by —
 - (a) applying to the CEO in the approved form; and
 - (b) paying the application fee prescribed under regulation 69(1).
- (2) An application and payment under subregulation (1) must be made within the period of 2 months ending on the day on which the current authorisation expires.
- (3) An application for renewal of a regular passenger transport service authorisation must include the documents required by the approved form.
- (4) If the provider makes an application and payment under subregulation (1) within the time required under

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subregulation (2) and in accordance with subregulation (3), the Minister —

- (a) must consider the application; and
 - (b) may have regard to the matters in section 62 of the Act; and
 - (c) may grant a further regular passenger transport service authorisation to the provider.
- (5) If the Minister grants a further regular passenger transport service authorisation to the provider, the authorisation document issued under section 72 of the Act for the further authorisation must specify —
 - (a) the same authorisation number as the current authorisation; and
 - (b) the day on which the authorisation comes into force, which must be the day after the day on which the current authorisation expires.
- (6) The Minister may refuse to grant a further regular passenger transport service authorisation to the provider if —
 - (a) the current authorisation is suspended; or
 - (b) any of the grounds for making an order suspending or cancelling the current authorisation under section 79(1) of the Act apply; or
 - (c) having regard to the matters in section 62 of the Act, the Minister considers that a further regular passenger transport service authorisation should not be granted to the provider.
- (7) If the provider does not make an application and payment under subregulation (1) within the time

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required under subregulation (2) and in accordance with subregulation (3) —

- (a) the current authorisation expires at the end of the period for which it was granted; and
- (b) any subsequent application for a regular passenger transport service authorisation by the provider must be made in accordance with section 59 of the Act.

Division 3 — Changes to information

35F. Provider of authorised regular passenger transport service to notify change in circumstances

The provider of an authorised regular passenger transport service must give written notice to the CEO, as soon as practicable after becoming aware of the change, if there is a change in any of the information that is given to the CEO —

- (a) in the application for the authorisation; or
- (b) in an application for renewal of the authorisation; or
- (c) under this regulation.

Penalty:

- (a) for an individual, a fine of \$3 000;
- (b) for a body corporate, a fine of \$10 000.

Division 4 — Conditions of authorisation

35G. Obligations in this Division are conditions on authorisation

It is a condition of a regular passenger transport service authorisation that the provider of the authorised regular

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35J. Records

- (1) The provider of an authorised regular passenger transport service must keep records of the following information for each journey that is made as part of the regular passenger transport service —
 - (a) the day of the journey and the times it began and ended;
 - (b) the vehicle licence number or interstate vehicle licence number of the vehicle used in the journey;
 - (c) the name and driver's licence number of the driver of the vehicle used for the journey;
 - (d) the scheduled locations for the journey for picking up and setting down passengers;
 - (e) the fare structure for the scheduled service applicable to the journey.
- (2) The records referred to subregulation (1) must be kept in the manner and form approved by the CEO.
- (3) A record referred to in subregulation (1) must be retained for at least 2 years after the journey is completed.

Division 5 — Offences relating to advertising by providers of regular passenger transport services

35K. Offence to offer or advertise regular passenger transport service unless authorised

The provider of a regular passenger transport service must not offer to provide, advertise, or authorise or permit the publication of an advertisement for, the regular passenger transport service unless the provider

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is the holder of a regular passenger transport service authorisation that is in force.

Penalty:

- (a) for an individual, a fine of \$9 000;
- (b) for a body corporate, a fine of \$30 000.

35L. Name or authorisation number of provider must be included in advertising

The provider of an authorised regular passenger transport service must not advertise, or authorise or permit the publication of an advertisement for, the regular passenger transport service unless the advertisement includes at least one of the following —

- (a) the authorisation number of the provider;
- (b) the name of the provider;
- (c) a trading name or business name used by the provider.

Penalty:

- (a) for an individual, a fine of \$9 000;
- (b) for a body corporate, a fine of \$30 000.

Division 6 — Complaints

35M. Complaints resolution procedure

The provider of an authorised regular passenger transport service must ensure that —

- (a) a written procedure is prepared that provides for —
 - (i) a simple process by which a customer can make a complaint in relation to the regular passenger transport service; and

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- (ii) complaints to be investigated and resolved within a period that is reasonable in the circumstances;

and

- (b) the procedure is readily accessible by —
 - (i) customers; and
 - (ii) drivers of vehicles used or to be used in providing the regular passenger transport service.

Penalty:

- (a) for an individual, a fine of \$12 000;
- (b) for a body corporate, a fine of \$40 000.

35N. Records of customer complaints

- (1) The provider of an authorised regular passenger transport service must keep records in accordance with this regulation of —
 - (a) each complaint made by a customer in relation to the regular passenger transport service; and
 - (b) the resolution of those complaints.

Penalty for this subregulation:

- (a) for an individual, a fine of \$12 000;
 - (b) for a body corporate, a fine of \$40 000.
- (2) The records referred to subregulation (1) must be kept in the manner and form approved by the CEO.
 - (3) A record referred to in subregulation (1) must be retained for at least 2 years after the complaint is made.

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**Part 4B — Authorisation of passenger
transport vehicles**

Division 1 — Preliminary

**350. Driving or operating vehicle with interstate vehicle
authorisation when not authorised (s. 121 and 122)**

- (1) For the purposes of sections 121(2)(b) and 122(3)(b) of the Act and regulation 35P(1)(b)(ii) and (2)(c), a driver must comply with the following conditions —
 - (a) the driver must carry the interstate vehicle authorisation in the vehicle at all times that the vehicle is being used in providing a passenger transport service; and
 - (b) the driver must produce the interstate vehicle authorisation at the request of an authorised officer.
- (2) For the purposes of sections 121(2)(c) and 122(3)(c) of the Act, the period prescribed for an interstate vehicle authorisation is a continuous period of 3 months beginning on the day on which the vehicle enters the State.

**35P. Exemption from s. 121 and 122 for vehicle with
interstate vehicle authorisation where conditions
complied with to extent possible in the State**

- (1) A person who drives a vehicle for use in providing a passenger transport service is exempt from section 121(1) of the Act if —
 - (a) section 121(2)(a) and (c) of the Act apply in relation to the driving; and

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- (b) in driving the vehicle for use in providing a passenger transport service, the person complies with —
 - (i) any conditions of the relevant interstate vehicle authorisation that can be complied with in the State; and
 - (ii) regulation 35O(1).
- (2) A person who operates a vehicle (as defined in section 120 of the Act) for use in providing a passenger transport service, or causes or permits a vehicle to be so operated, is exempt from section 122(1) or (2) of the Act, as the case requires, if —
 - (a) section 122(3)(a) and (c) of the Act apply in relation to the operation of the vehicle; and
 - (b) the vehicle is operated in accordance with any conditions of the relevant interstate vehicle authorisation that can be complied with in the State; and
 - (c) any person driving the vehicle for use in providing a passenger transport service complies with regulation 35O(1).

35Q. Replacement vehicles (s. 121 and 122)

- (1) For the purposes of sections 121(3)(c) and 122(4)(c) of the Act, the period prescribed for use of a replacement vehicle is 1 month.
- (2) For the purposes of sections 121(3)(c) and 122(4)(c) of the Act —
 - (a) a replacement vehicle must comply with the requirements of regulation 35R(1)(a) and (c) and (2); and

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- (b) the provider of the vehicle must give notice to the CEO in the manner and form approved by the CEO of the intended use of the replacement vehicle before the vehicle is used to provide a passenger transport service.

Division 2 — Grant, duration and renewal of passenger transport vehicle authorisations

35R. Requirements for authorisation of vehicle (s. 126 and 133)

- (1) For the purposes of sections 126 and 133(1)(b)(ii) of the Act, a passenger transport vehicle must meet the following requirements —
- (a) the vehicle licence for the vehicle must be in force;
 - (b) in the past 3 months —
 - (i) the vehicle must have been inspected under the *Road Traffic (Vehicles) Act 2012*; and
 - (ii) a certificate of inspection must have been issued under *Road Traffic (Vehicles) Act 2012* that the vehicle meets the prescribed standards and requirements under that Act for the vehicle;
 - (c) the vehicle must have the appropriate category of motor injury insurance required for the vehicle under the *Motor Vehicle (Third Party Insurance) Act 1943*.
- (2) For the purposes of section 126 of the Act, a vehicle intended to be used to provide an on-demand rank or

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hail passenger transport service must meet the following additional requirements —

- (a) the vehicle must meet the requirements of regulation 10G;
- (b) the vehicle must be fitted with a camera surveillance unit that meets the requirements of regulation 35ZA;
- (c) the vehicle must be fitted with a fare calculation device that complies with regulation 35ZZ;
- (d) the vehicle must have attached the required number plates issued or taken to be issued for the vehicle under the *Road Traffic (Vehicles) Regulations 2014* regulation 111(2);
- (e) the characters on the number plates referred to in paragraph (d) must be displayed on the vehicle in raised form on the passenger doors just forward of the handle.

35S. Duration of passenger transport vehicle authorisation (s. 137(1))

- (1) An authorisation document issued to the holder of a passenger transport vehicle authorisation must specify the day on which the authorisation comes into force.
- (2) For the purposes of section 137(1) of the Act, a passenger transport vehicle authorisation granted under section 127 of the Act or regulation 35T —
 - (a) is granted for the period specified in the authorisation beginning on the day on which the authorisation comes into force; and
 - (b) expires at the end of the last day of that period.

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- (ii) the day on which the authorisation comes into force, which must be the day after the day on which the current authorisation expires.
- (5) Despite subregulation (4), the CEO may refuse to grant a further passenger transport vehicle authorisation to the holder if —
 - (a) the current authorisation is suspended; or
 - (b) any of the grounds for making an order suspending or cancelling the current authorisation under section 139(1) of the Act apply.
- (6) If the holder does not make an application and payment under subregulation (1) within the time required under subregulation (2) and in accordance with subregulation (3) —
 - (a) the current authorisation expires at the end of the period for which it was granted; and
 - (b) any subsequent application for a passenger transport vehicle authorisation for the vehicle must be made in accordance with section 124 of the Act.

35U. Cancellation of authorisation on request (s. 149(3))

- (1) For the purposes of section 149(3) of the Act, the prescribed period is —
 - (a) if the authorisation holder is the owner of the vehicle — the period ending on the day of issue of the notice; and
 - (b) if the authorisation holder is not the owner of the vehicle — the period ending on the day following the day of issue of the notice.

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- (2) A person who requests the cancellation of a passenger transport vehicle authorisation is not entitled to a refund of the authorisation fee or any part of it.

Division 3 — Changes to information

35V. Holder of passenger transport vehicle authorisation to notify change in circumstances

The holder of a passenger transport vehicle authorisation must give written notice to the CEO, as soon as practicable after becoming aware of the change, if there is a change in any of the information that is given to the CEO —

- (a) in the application for the authorisation; or
- (b) in an application for renewal of the authorisation; or
- (c) under this regulation.

Penalty:

- (a) for an individual, a fine of \$3 000;
- (b) for a body corporate, a fine of \$10 000.

Part 4C — Requirements relating to passenger transport services

Division 1 — Notifiable occurrences

35W. Term used: notifiable occurrence

In this Division —

notifiable occurrence means any of the following —

- (a) an incident involving a vehicle being used to provide a passenger transport service that must

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be reported to the police under the *Road Traffic Act 1974* section 56;

- (b) an accident or incident involving a vehicle being used to provide a passenger transport service that results in —
 - (i) an injury that is treated by an ambulance officer; or
 - (ii) an injured person being treated at a hospital;
- (c) a collision involving a vehicle being used to provide a passenger transport service that results in damage to the vehicle that is sufficient to prevent the completion of the journey in that vehicle;
- (d) a mechanical or other fault in a vehicle being used to provide a passenger transport service that renders the vehicle unsuitable to be used to provide a passenger transport service without substantial or significant mechanical repairs or services;
- (e) an incident involving a driver or a passenger of a vehicle being used to provide a passenger transport service that results in a complaint to the police involving allegations of —
 - (i) sexual assault; or
 - (ii) indecent exposure; or
 - (iii) assault; or
 - (iv) physical threats or other intimidation;
- (f) an incident involving the conduct of a driver while driving a vehicle being used to provide a passenger transport service that results in the driver being charged with a serious offence;

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- (g) an incident involving —
- (i) the misplacement of a visual, audiovisual or audio recording from a camera surveillance unit installed in a passenger transport vehicle; or
 - (ii) the use in contravention of regulation 35ZD of a visual, audiovisual or audio recording from a camera surveillance unit fitted in a passenger transport vehicle; or
 - (iii) the viewing, downloading, copying, playing, editing or erasing of a visual, audiovisual or audio recording in contravention of regulation 35ZF.

35X. Reporting of notifiable occurrences

- (1) The provider of an on-demand booking service must report to the CEO, in accordance with this regulation, any notifiable occurrence that occurs in relation to a passenger transport service for which the provider provides an on-demand booking service.

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
- (b) for a body corporate, a fine of \$30 000.

- (2) The provider of a passenger transport service must report to the CEO, in accordance with this regulation, any notifiable occurrence that occurs in relation to the passenger transport service.

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
- (b) for a body corporate, a fine of \$30 000.

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- (3) The driver of a passenger transport vehicle must report to the CEO, in accordance with this regulation, any notifiable occurrence that occurs in relation to the transport of passengers by the driver when using that vehicle.

Penalty for this subregulation: a fine of \$9 000.

- (4) A report under this regulation must be made —
- (a) as soon as practicable after the provider or driver becomes aware of the notifiable occurrence; and
 - (b) in the manner and form approved by the CEO.

35Y. Provider of on-demand booking service to report allegations about driver conduct

- (1) The provider of an on-demand booking service for the use of a vehicle in providing an on-demand passenger transport service must report to the CEO, in accordance with this regulation, if it is alleged that a driver of the vehicle has engaged in conduct (whether by act or omission) that a reasonable person would consider would affect the driver's suitability to drive an on-demand vehicle.

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
 - (b) for a body corporate, a fine of \$30 000.
- (2) The report must be made —
- (a) within 48 hours after the provider becomes aware of the alleged conduct; and
 - (b) in the manner and form approved by the CEO.

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Division 2 — Camera surveillance

35Z. Terms used

In this Division —

authorised purpose, in relation to the use of a recording made by a camera surveillance unit fitted to a passenger transport vehicle, means any of the following purposes or any purpose connected with those purposes —

- (a) the investigation or prosecution of an offence against the Act or these regulations or *The Criminal Code* that is committed in or around the vehicle;
- (b) ensuring a person's compliance with a condition of, or requirement relating to, a passenger transport authorisation;
- (c) ensuring a person's compliance with any subsidised travel scheme;
- (d) the investigation or prosecution of an offence against any written law;
- (e) a use in relation to proceedings arising out of a written law if relevant to those proceedings;
- (f) a use that is reasonably necessary for the protection of the lawful interests of any of the following —
 - (i) a provider of an on-demand booking service for the use of the vehicle in providing a passenger transport service;
 - (ii) a provider of a passenger transport service that is provided using the vehicle;
 - (iii) a driver of the vehicle;

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unauthorised purpose means a purpose other than an authorised purpose.

35ZA. Camera surveillance units

- (1) The following persons must ensure that an on-demand rank or hail vehicle is fitted with a camera surveillance unit that complies with subregulation (3) —
- (a) the provider of an on-demand booking service for the use of the vehicle in providing a passenger transport service;
 - (b) the provider of a passenger transport service that is provided using the vehicle.

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
- (b) for a body corporate, a fine of \$30 000.

- (2) The following persons must ensure, so far as is reasonably practicable, that an on-demand rank or hail vehicle is fitted with a camera surveillance unit that complies with subregulation (3) —

- (a) the provider of the vehicle for use in providing a passenger transport service;
- (b) the driver of the vehicle.

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
- (b) for a body corporate, a fine of \$30 000.

- (3) A camera surveillance unit must —

- (a) meet the requirements of the Camera Surveillance Unit Standards; and
- (b) be in working order.

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they may be under camera surveillance while in the vehicle.

- (5) If the passenger transport vehicle is not an on-demand rank or hail vehicle, signs must be placed inside at the front of the vehicle in the clear view of passengers advising passengers that they may be under camera surveillance while in the vehicle.

35ZD. Safeguards applying to camera surveillance units

- (1) The provider of a passenger transport service that is provided using a passenger transport vehicle fitted with a camera surveillance unit must ensure that any visual, audiovisual or audio recordings from the camera surveillance unit are protected against —
- (a) misplacement; or
 - (b) use for an unauthorised purpose.

Penalty for this subregulation:

- (a) for an individual, a fine of \$12 000;
 - (b) for a body corporate, a fine of \$40 000.
- (2) If a passenger transport vehicle is fitted with a camera surveillance unit, the following persons must ensure, so far as is reasonably practicable, that any visual, audiovisual or audio recordings from the camera surveillance unit are protected against misplacement or use for an unauthorised purpose —
- (a) the provider of an on-demand booking service for the use of the vehicle in providing a passenger transport service;
 - (b) the provider of the vehicle for use in providing a passenger transport service;
 - (c) the driver of the vehicle.

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Penalty for this subregulation:

- (a) for an individual, a fine of \$12 000;
- (b) for a body corporate, a fine of \$40 000.

35ZE. Production of camera recordings to authorised officers

- (1) If a passenger transport vehicle is fitted with a camera surveillance unit, an authorised officer may by written notice require the following persons to provide a copy of a visual, audiovisual or audio recording from the camera surveillance unit —
 - (a) the provider of an on-demand booking service for the use of the vehicle in providing a passenger transport service;
 - (b) the provider of a passenger transport service that is provided using the vehicle;
 - (c) the provider of the vehicle for use in providing a passenger transport service;
 - (d) the driver of the vehicle.
- (2) A notice under subregulation (1) must specify —
 - (a) the manner in which the recording to which it applies must be provided; and
 - (b) the time within which the recording must be provided, which must allow the person a reasonable period to comply with the notice.
- (3) A person referred to in subregulation (1)(a) or (b) who is given a notice under that subregulation must comply with the notice.

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
- (b) for a body corporate, a fine of \$30 000.

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- (4) A person referred to in subregulation (1)(c) or (d) who is given a notice under that subregulation must comply with the notice so far as is reasonably practicable.

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
(b) for a body corporate, a fine of \$30 000.

35ZF. Use of recordings from camera surveillance units

- (1) A person must not —
- (a) view, download, copy, play or edit any visual, audiovisual or audio recording from a camera surveillance unit fitted to an on-demand rank or hail vehicle in accordance with regulation 35ZA except as permitted by this regulation; or
- (b) erase a recording referred to in paragraph (a) except in accordance with regulation 35ZG.

Penalty for this subregulation:

- (a) for an individual, a fine of \$10 000;
(b) for a body corporate, a fine of \$40 000.
- (2) An authorised officer or approved person may view, download, copy, play or edit a recording referred to in subregulation (1)(a).
- (3) The provider of an authorised on-demand booking service for the use of an on-demand rank or hail vehicle in providing a passenger transport service may view, download, copy, play or edit any recording referred to in subregulation (1)(a) for an authorised purpose if the camera surveillance unit meets the requirements of the Camera Surveillance Unit Standards.

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- (2) The following persons must ensure, so far as is reasonably practicable, that a visual, audiovisual or audio recording from a camera surveillance unit fitted to an on-demand rank or hail vehicle in accordance with regulation 35ZA is deleted, destroyed or disposed of in accordance with this regulation —
- (a) the provider of the vehicle for use in providing a passenger transport service;
 - (b) the driver of the vehicle.
- Penalty for this subregulation:
- (a) for an individual, a fine of \$9 000;
 - (b) for a body corporate, a fine of \$30 000.
- (3) An authorised officer or approved person who has possession or control of a visual, audiovisual or audio recording from a camera surveillance unit fitted to an on-demand rank or hail vehicle in accordance with regulation 35ZA must ensure that the recording is deleted, destroyed or disposed of in accordance with this regulation.
- (4) A recording referred to in this regulation may be —
- (a) deleted, destroyed or disposed of in a manner approved by the CEO; or
 - (b) in the case of a recording referred to in subregulation (1) or (2) — disposed of by giving it to an authorised officer.
- (5) A recording referred to in this regulation must be deleted, destroyed or disposed of —
- (a) not less than 30 days and not more than 90 days after the recording is made, unless it is being used for an authorised purpose; or

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- (b) if it is used for an authorised purpose during the period referred to in paragraph (a) — as soon as practicable after it ceases to be used for an authorised purpose.
- (6) Subregulations (1) to (3) do not apply to a recording made during the installation or testing of a camera surveillance unit.

Division 3 — Fares and fare devices

Subdivision 1 — Requirements for fares that apply only to on-demand rank or hail vehicles

35ZH. Term used: relevant person

In this Subdivision —

relevant person, in relation to an on-demand rank or hail vehicle, means any of the following —

- (a) the provider of an on-demand booking service for the use of the vehicle in providing an on-demand passenger transport service;
- (b) the provider of an on-demand passenger transport service that is provided using the vehicle;
- (c) the provider of the vehicle for use in providing an on-demand passenger transport service;
- (d) the driver of the vehicle.

35ZI. Maximum fares, surcharges and fees: metropolitan region

- (1) A relevant person in relation to an on-demand rank or hail vehicle that primarily operates in the metropolitan region must ensure that the fare, and any surcharge and fee of a kind set out in Schedule 2A, inclusive of GST,

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for using the vehicle to provide an on-demand passenger transport service are not more than those set out in Schedule 2A.

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
 - (b) for a body corporate, a fine of \$30 000.
- (2) Despite subregulation (1), if levy under Part 9 Division 2 of the Act is payable in relation to a leviable passenger service transaction that relates to the on-demand passenger transport service the following may also be charged for the service —
- (a) an amount of fare allocated for the levy; and
 - (b) an amount for the GST payable in relation to the amount referred to in paragraph (a).
- (3) An amount charged under subregulation (2)(a) must not exceed the lesser of —
- (a) 10% of the sum of the amounts charged of a kind referred to in regulation 47(2) (excluding the GST included in any of those amounts); and
 - (b) \$10.
- (4) A driver must not select a tariff for the use of an on-demand rank or hail vehicle that primarily operates in the metropolitan region to provide an on-demand passenger transport service that is not the appropriate tariff as set out in Schedule 2A.

Penalty for this subregulation: a fine of \$9 000.

- (5) Subregulations (1) to (4) do not prevent an amount from being charged for an airport fee.

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- (6) Subregulations (1) and (4) do not apply to an on-demand passenger transport service that is provided for a contract fare.

35ZJ. Maximum fares, surcharges and fees: regions

- (1) A relevant person in relation to an on-demand rank or hail vehicle that primarily operates in a region must ensure that the fare, and any surcharge and fee of a kind set out in Schedule 2B, inclusive of GST, for using the vehicle to provide an on-demand passenger transport service are not more than those set out in Schedule 2B.
- Penalty for this subregulation:
- (a) for an individual, a fine of \$9 000;
 - (b) for a body corporate, a fine of \$30 000.
- (2) Despite subregulation (1), if levy under Part 9 Division 2 of the Act is payable in relation to a leviable passenger service transaction that relates to the on-demand passenger transport service the following may also be charged for the service —
- (a) an amount of fare allocated for the levy; and
 - (b) an amount for the GST payable in relation to the amount referred to in paragraph (a).
- (3) An amount charged under subregulation (2)(a) must not exceed the lesser of —
- (a) 10% of the sum of the amounts charged of a kind referred to in regulation 47(2) (excluding the GST included in any of those amounts); and
 - (b) \$10.
- (4) A driver must not select a tariff for the use of an on-demand rank or hail vehicle that primarily operates

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in a region to provide an on-demand passenger transport service that is not the appropriate tariff as set out in Schedule 2B.

Penalty for this subregulation: a fine of \$9 000.

- (5) Subregulations (1) to (4) do not prevent an amount from being charged for an airport fee.
- (6) Subregulations (1) to (4) do not apply to an on-demand passenger transport service that is provided for a contract fare.

35ZK. Fare schedule to be displayed in vehicle

- (1) A relevant person in relation to an on-demand rank or hail vehicle must ensure that a fare schedule that complies with this regulation is displayed in the vehicle in a position from where it is clearly visible from the outside of the front passenger window and from the front passenger seat when the vehicle is being used to provide an on-demand passenger transport service.

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
 - (b) for a body corporate, a fine of \$30 000.
- (2) The fare schedule must —
 - (a) be in the approved form; and
 - (b) state —
 - (i) the relevant rates and amounts in Schedule 2A or 2B, whichever is applicable, to be paid for the use of the vehicle to provide the on-demand passenger transport service; and
 - (ii) any other charges that may be applied to the provision of the on-demand

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passenger transport service by the
provider of the service or the provider of
an on-demand booking service.

- (3) If any amounts under regulation 35ZI(2) or 35ZJ(2) are to be paid in relation to the provision of an on-demand passenger transport service using the vehicle, 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.
- (4) The name of the provider of an on-demand booking service that is a relevant person in relation to the vehicle is to be included in the schedule displayed under subregulation (1).

35ZL. Deposit

- (1) The driver of an on-demand rank or hail vehicle may require the person who booked the vehicle to pay a deposit before an on-demand passenger transport service is provided using the vehicle.
- (2) The deposit must not exceed 100% of the Schedule 2A fare or Schedule 2B fare that the driver reasonably estimates would be payable for the on-demand passenger transport service.
- (3) Subregulation (2) does not apply to an on-demand passenger transport service that is to be provided for a contract fare.

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35ZM. Contract fares

- (1) The amount payable for the provision of an on-demand passenger transport service using an on-demand rank or hail vehicle may be agreed between —
 - (a) the person who booked the service and the provider of the on-demand booking service; or
 - (b) the person who booked the service and the driver.
- (2) If a voucher (as defined in regulation 35ZO(1)) is to be used for the payment or part-payment of the contract fare, the amount agreed under subregulation (1) must not exceed the fare (as determined in accordance with regulation 35ZI or 35ZJ) that would otherwise be payable for the provision of the on-demand passenger transport service.
- (3) Subregulation (1) does not apply if the on-demand passenger transport service is provided on a rank or hail basis.
- (4) The provider of an on-demand booking service must —
 - (a) keep a record of each contract fare agreed by the provider under subregulation (1)(a); and
 - (b) retain the record for a period of 12 months starting on the day on which the contract fare was agreed.

Penalty for this subregulation:

- (a) for an individual, a fine of \$12 000;
 - (b) for a body corporate, a fine of \$40 000.
- (5) The driver of an on-demand rank or hail vehicle must —
 - (a) keep a record of each contract fare agreed by the provider under subregulation (1)(b); and

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- (b) retain the record for a period of 12 months starting on the day on which the contract fare was agreed.

Penalty for this subregulation: a fine of \$12 000.

35ZN. Written confirmation of contract fare

- (1) The provider of an on-demand booking service must provide the person who booked the service with written confirmation in accordance with this regulation of a contract fare agreed by the provider.

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
 - (b) for a body corporate, a fine of \$30 000.
- (2) The driver of an on-demand rank or hail vehicle must provide the person who booked the service with written confirmation in accordance with this regulation of a contract fare agreed by the driver.
Penalty for this subregulation: a fine of \$9 000.
 - (3) The written confirmation may be in electronic form.
 - (4) The written confirmation must set out —
 - (a) sufficient details to enable the identification of the driver, the vehicle, the person who booked the service and at least 1 of the passengers; and
 - (b) details of the location where the proposed journey is to begin and end; and
 - (c) details of the day and time of the proposed journey; and
 - (d) the amount of the contract fare including any amount included for GST; and

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- (e) a statement to the effect that, in addition to the contract fare, there may be payable in respect of the journey —
 - (i) parking fees mentioned in regulation 35ZW(1); and
 - (ii) costs of cleaning mentioned in regulation 35ZW(2); and
 - (iii) a surcharge for a non-cash payment mentioned in regulation 35ZS; and
 - (iv) an airport fee.
- (5) A contract fare has no effect, and cannot be recovered, unless it is agreed and written confirmation of the fare is provided in accordance with this regulation before the journey begins.

35ZO. Passenger subsidy scheme vouchers

- (1) In this regulation —

CEO guidelines means —

 - (a) guidelines approved by the CEO under regulation 35ZP for the purpose of this regulation; and
 - (b) until guidelines referred to in paragraph (a) are published, the WA Taxi User Subsidy Scheme Guidelines published by the Director-General for the purposes of the *Taxi Regulations 1995* regulation 8 and the *Transport (Country Taxi-Cars Fares) Regulations 1991* regulation 5A, as in force immediately before the coming into operation of the *Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 2019* Part 5 Division 2.

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- (b) the provider of an on-demand passenger transport service;
- (c) the provider of an on-demand rank or hail vehicle.

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
- (b) for a body corporate, a fine of \$30 000.

35ZP. Guidelines

- (1) The CEO may approve guidelines for the purposes of regulation 35ZO.
- (2) The CEO must publish the approved guidelines on the Department's website.

35ZQ. Commencement and termination of journey in on-demand rank or hail vehicle

- (1) A journey made as part of the provision of an on-demand passenger transport service using an on-demand rank or hail vehicle —
 - (a) begins —
 - (i) if the vehicle is booked on a rank or hail basis — on the entry of a passenger into the vehicle; or
 - (ii) if the vehicle is booked to begin the journey at a specified place — as soon as the passenger acknowledges the driver after arrival at that place; or
 - (iii) if the vehicle is booked to begin the journey at a specified place and at a specified time — on arrival of the vehicle at that place at, or after, that time;

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and

- (b) ends when the vehicle is free to resume plying for hire.

- (2) A driver of an on-demand rank or hail vehicle must set the fare calculation device in operation at the beginning of a journey and stop the device at the end of the journey.
Penalty for this subregulation: a fine of \$9 000.

- (3) If a driver of an on-demand rank or hail vehicle stops the vehicle during the period of a journey to refuel the vehicle or for some other purpose not requested by the person who booked the on-demand passenger transport service or a passenger, the driver must pause the fare calculation device until the journey is recommenced.
Penalty for this subregulation: a fine of \$9 000.

- (4) This regulation does not apply if the on-demand passenger transport service is provided for a contract fare.

35ZR. Multiple hiring

- (1) In this regulation —
multiple hiring, in relation to an on-demand rank or hail vehicle, means the booking of the vehicle by 2 or more passengers who are not accompanying each other but who agree to share the use of the vehicle and pay separate fares for the provision of a passenger transport service using the vehicle to each of them.

- (2) A person who books an on-demand rank or hail vehicle for use in providing an on-demand rank or hail passenger transport service may refuse to consent to the carriage of other passengers in the vehicle during the journey.

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- (3) If there is a multiple hiring of an on-demand rank or hail vehicle, the fare for the provision of each passenger transport service covered by the multiple hiring must not exceed 75% of the Schedule 2A or Schedule 2B fare for the provision of that service.
- (4) An on-demand rank or hail passenger transport service that is provided for a contract fare cannot be the subject of a multiple hiring.
- (5) Subregulation (4) does not prevent 2 or more passengers who are not accompanying each other from agreeing to share the cost of a contract fare.
- (6) If an on-demand rank or hail passenger transport service is the subject of a multiple hiring —
 - (a) any fee for parking at the request of a passenger referred to in regulation 35ZW(1) must be paid by the person who made the booking for that passenger; and
 - (b) any cleaning fee referred to in regulation 35ZW(2) must be paid by the person who made the booking for that passenger; and
 - (c) the amounts to be paid by a person who booked the vehicle for use in providing the service for the purposes of adding a surcharge under regulation 35ZS are, in respect of the service, the amounts for —
 - (i) the separate fare for the provision of the service; and
 - (ii) any parking fee or cleaning costs payable by that person referred to in paragraph (a) or (b).

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- (c) if the provider of an on-demand passenger transport service was involved in requesting or enabling the use of that type of payment terminal, then that provider provides the terminal for the purposes of subregulation (2); and
- (d) in any other case, the driver of the vehicle provides the terminal for the purposes of subregulation (2).

Subdivision 2 — Other requirements for fares

35ZT. Terms used

In this Subdivision —

fare amount includes the fare for the provision of an on-demand passenger transport service and all fees and charges applying to the provision of that service;

relevant provider, in relation to an on-demand vehicle, means —

- (a) the provider of an on-demand booking service for the use of the vehicle in providing a passenger transport service; or
- (b) the provider of an on-demand passenger transport service that is provided using the vehicle.

35ZU. Fare amounts for passenger transport services using on-demand vehicles

- (1) A relevant provider must make available to a person intending to book an on-demand vehicle for use in providing an on-demand passenger transport service —
 - (a) the fare amount for the provision of the service; or

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- (b) a transparent process for the calculation of the fare amount.

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
- (b) for a body corporate, a fine of \$30 000.
- (2) The CEO or an authorised officer may, by written notice, require the relevant provider in relation to an on-demand vehicle to produce for inspection, or provide a copy of —
- (a) the fare amount for the provision of an on-demand passenger transport service using that vehicle; and
- (b) the transparent process for the calculation of the fare amount referred to in subregulation (1).
- (3) A notice under subregulation (2) must specify —
- (a) the manner in which the information to which it applies must be produced or provided; and
- (b) the time within which the information to which it applies must be produced or provided, which must allow the person a reasonable period to comply with the notice.

- (4) A person given a notice under subregulation (2) must comply with the notice.

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
- (b) for a body corporate, a fine of \$30 000.
- (5) For the purposes of this regulation a transparent process is one that —
- (a) is easy for a reasonable person to understand; and

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- (b) discloses all fares, fees and charges that may be payable, including fees and charges that apply if —
 - (i) circumstances change; or
 - (ii) the vehicle is used for a longer period than anticipated; or
 - (iii) there are additional charges at certain times.
- (6) This regulation does not apply if the on-demand passenger transport service is provided on a rank or hail basis.

35ZV. Certain fares and charges prohibited in a declared emergency

- (1) In this regulation —

queue-jumping fee means a fee payable in addition to the fare determined using the standard method of calculating the fare, in order to be conveyed by an on-demand vehicle in priority to persons already logged into the driver's booking system;

surge pricing means an increased fare charged only at times of temporary high demand for passenger transport.
- (2) A relevant provider in relation to an on-demand vehicle must ensure that a fare that is calculated by reference to an element of surge pricing, or includes a queue-jumping fee, is not charged for the provision of an on-demand passenger transport service in an emergency area (as defined in the *Emergency Management Act 2005* section 3).

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;

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- (2) The following persons must ensure, so far as is reasonably practicable, that an on-demand rank or hail vehicle is fitted with a fare calculation device that complies with regulation 35ZZ —
- (a) the provider of the vehicle for use in providing an on-demand passenger transport service;
 - (b) the driver of the vehicle.

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
- (b) for a body corporate, a fine of \$30 000.

35ZZ. Requirements for fare calculation devices

- (1) All fares and other figures displayed on the fare calculation device must be clearly visible to passengers in the vehicle who wish to view them, whether on the device itself or by means of an auxiliary device.
- (2) The fare calculation device must be resistant to tampering and vandalism and must be in working order.
- (3) The fare calculation device must be —
 - (a) securely fixed to the vehicle; or
 - (b) secured in a mounting that is designed and manufactured for that purpose and is fixed to the vehicle in the manner intended by the manufacturer.
- (4) The fare calculation device must not be located in any position, or installed in any way, in which it is likely to cause injury to the driver or any passenger during normal operation of the on-demand rank or hail vehicle or in the event of severe acceleration or deceleration.

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- (5) The fare calculation device must —
- (a) display the fare, including any additional fees, charges or tolls, in numerals, in Australian dollars; and
 - (b) be capable of accurately calculating the fare at all times when the vehicle is being used to provide an on-demand rank or hail passenger transport service; and
 - (c) be calibrated so that it determines the fare in accordance with these regulations.

35ZZA. Display of information — on-demand rank or hail vehicles

- (1) The following persons must ensure that the information set out in subregulation (3) is displayed inside an on-demand rank or hail vehicle so that it is clearly visible to any passenger in the vehicle —
- (a) the provider of an on-demand booking service for the use of the vehicle in providing a passenger transport service; or
 - (b) the provider of a passenger transport service that is provided using the vehicle.

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
 - (b) for a body corporate, a fine of \$30 000.
- (2) The following persons must ensure, so far as is reasonably practicable, that the information set out in subregulation (3) is displayed inside an on-demand rank or hail vehicle so that it is clearly visible to any passenger in the vehicle —
- (a) the provider of the vehicle for use in providing a passenger transport service;

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(b) the driver of the vehicle.

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
- (b) for a body corporate, a fine of \$30 000.

(3) The information to be displayed is —

- (a) the authorisation number of the provider of the on-demand booking service or, in the case of an associated booking service, the authorisation number of the provider of the on-demand booking service identified in the association arrangement as the principal booking service; and
- (b) contact information for the provider of the on-demand booking service.

Division 4 — Other obligations

35ZZB. Driver to inform on-demand booking service of certain matters

- (1) A driver of an on-demand rank or hail vehicle must inform the provider of an on-demand booking service for the use of the vehicle in providing a passenger transport service on each occasion when the driver begins or ends a period during which the driver is driving the vehicle for the purpose of providing a passenger transport service.

Penalty for this subregulation: a fine of \$12 000.

- (2) A driver of an on-demand rank or hail vehicle must provide the driver's correct identity to the provider of the on-demand booking service when complying with subregulation (1).

Penalty for this subregulation: a fine of \$12 000.

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**35ZZC. Conduct of drivers while driving vehicle to
transport passengers for hire or reward**

- (1) A driver of a passenger transport vehicle must behave in an orderly manner at all times while driving the vehicle for the purpose of transporting passengers for hire or reward.

Penalty for this subregulation: a fine of \$6 000.

Note for this subregulation:

Under section 11(2) of the Act, driving a vehicle for the purpose of transporting passengers for hire or reward includes using the vehicle for standing or plying or touting for hire for that purpose.

- (2) Without limiting subregulation (1), a driver does not behave in an orderly manner if the driver —
- (a) uses insulting, offensive or threatening language; or
 - (b) behaves in an insulting, offensive or threatening manner.

35ZZD. Assistance animals

- (1) In this regulation —
assistance animal has the meaning given in the *Disability Discrimination Act 1992* (Commonwealth) section 9(2).
- (2) The driver of a passenger transport vehicle must not refuse to carry an assistance animal or an assistance animal in training in or on the vehicle.

Penalty for this subregulation: a fine of \$9 000.

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**35ZZE. Driver must accept hiring except in certain
circumstances**

- (1) A driver of an on-demand rank or hail vehicle must accept any person as a passenger in the vehicle unless —
- (a) the driver has reasonable grounds to believe that either of the following poses a threat to the driver's safety —
 - (i) the intended passenger or a person accompanying the intended passenger;
 - (ii) the location at which the journey is to begin or end;

or

 - (b) the intended passenger or a person accompanying the intended passenger is —
 - (i) in such an unclean condition that they will soil the vehicle; or
 - (ii) carrying a thing that is likely to soil the vehicle;

or

 - (c) the intended passenger is abusive or aggressive;

or

 - (d) the intended passenger or a person accompanying the intended passenger appears to be under the influence of alcohol or drugs to an extent that they are likely to soil the vehicle or become abusive or aggressive; or
 - (e) the driver has reasonable grounds to believe that the intended passenger has previously evaded or attempted to evade the payment of a fare for the provision of a passenger transport service; or

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- (f) the driver requires the intended passenger to pay a deposit and the intended passenger does not pay it; or
- (g) the intended passenger and persons accompanying the intended passenger aged 12 years or over exceed the number of available seatbelts in the vehicle.

Penalty for this subregulation: a fine of \$3 000.

- (2) If at any point during the provision of an on-demand passenger transport service in an on-demand rank or hail vehicle, a person begins to soil the vehicle or become abusive or aggressive, the driver may terminate the provision of the service and require the person who booked the service to pay —
 - (a) the Schedule 2A or Schedule 2B fare or contract fare that would have been due if the hiring had terminated at that point in the normal course of events; and
 - (b) costs of cleaning mentioned in regulation 35ZW(2).

- (3) A driver of an on-demand rank or hail vehicle must not terminate the provision of an on-demand rank or hail passenger transport service before reaching the agreed destination for reasons other than those set out in subregulation (2).

Penalty for this subregulation: a fine of \$3 000.

35ZZF. No touting or soliciting for passengers

A driver of a vehicle or another person must not tout or solicit for passengers for a rank or hail service to be provided using the vehicle unless the vehicle is an authorised on-demand rank or hail vehicle.

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Penalty:

- (a) for an individual, a fine of \$12 000;
- (b) for a body corporate, a fine of \$40 000.

**35ZZG. Offence to operate unauthorised vehicle with
passenger transport vehicle number plates**

- (1) A person must not operate a vehicle (as defined in section 120 of the Act) if —
 - (a) the number plates of the vehicle identify it as a passenger transport vehicle or as a passenger transport vehicle that is used to provide a particular category of passenger transport service; and
 - (b) there is not in force in relation to the vehicle a passenger transport vehicle authorisation, or a passenger transport vehicle authorisation that authorises the vehicle to be operated for use in providing that category of passenger transport service, as the case requires.

Penalty for this subregulation:

- (a) for an individual, a fine of \$12 000;
 - (b) for a body corporate, a fine of \$40 000.
- (2) Despite subregulation (1), if a passenger transport vehicle authorisation ceases to be in force, a person may operate the vehicle with number plates that identify the vehicle as a passenger transport vehicle, or as a passenger transport vehicle that is used to provide a particular category of passenger transport service, within the period of 14 days after the cessation for a purpose other than the provision of a passenger transport service.

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35ZZH. Wheelchair accessible vehicle to be used to attend to wheelchair dependent passengers first

- (1) A driver of a wheelchair accessible vehicle that is an on-demand rank or hail vehicle must ensure that it is used to attend first to any request for service for a passenger who uses or requires a wheelchair.

Penalty for this subregulation: a fine of \$3 000.

- (2) A provider of on-demand booking service for the use of a wheelchair accessible vehicle in providing an on-demand rank or hail passenger transport service must ensure that it is used to attend first to any request for service for a passenger who uses or requires a wheelchair.

Penalty for this subregulation:

- (a) for an individual, a fine of \$3 000;
- (b) for a body corporate, a fine of \$10 000.

39. Regulation 37 amended

- (1) In regulation 37(2):

- (a) in paragraph (d) delete “CEO.” and insert:

CEO;

- (b) after paragraph (d) insert:

- (e) the chief executive officer of the department of the Public Service principally assisting in the administration of the *Children and Community Services Act 2004*, or a person employed in that department who is nominated by the chief executive officer to the CEO.

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(2) In regulation 37(4) delete “(c) or (d)” and insert:

(c), (d) or (e)

40. Regulation 44 amended

(1) In regulation 44 delete the definitions of:

GST

metered fare

metered fare amount

(2) In regulation 44 insert in alphabetical order:

metered fare means a fare for an on-demand passenger transport service to which regulation 35ZI or 35ZJ applies;

metered fare amount means —

- (a) in relation to a metered fare to which regulation 35ZI applies — the amount of fare calculated using metered rates (whether those rates are the applicable maximum metered rates set out in Schedule 2A or lower rates); or
- (b) in relation to a metered fare to which regulation 35ZJ applies — the amount of fare calculated using metered rates (whether those rates are the applicable maximum metered rates set out in the Schedule 2B or lower rates);

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41. Regulation 47 amended

- (1) In regulation 47(2)(b) delete “the *Taxi Regulations 1995* Schedule 3 or the *Transport (Country Taxi-cars Fares) Regulations 1991* Schedule 1” and insert:

Schedule 2A or Schedule 2B

- (2) In regulation 47(3):

- (a) in paragraph (a) delete “ the *Taxi Regulations 1995* regulation 6(1A)(a) or the *Transport (Country Taxi-cars Fares) Regulations 1991* regulation 3(1AA)(a);” and insert:

regulation 35ZI(2)(a) or 35ZJ(2)(a);

- (b) delete paragraphs (c) to (e) and insert:

- (c) any airport fee;
- (d) any surcharge for non-cash payment charged under regulation 35ZS;
- (e) any parking fees or cleaning costs charged under regulation 35ZW;

42. Regulation 55 amended

Delete regulation 55(1)(d).

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43. Regulation 56 amended

(1) In regulation 56(1):

(a) in paragraph (d) delete “46(2)(c).” and insert:

46(2)(c);

(b) after paragraph (d) insert:

(e) the distance travelled in the associated relevant journey, if this is used for calculating any amount of the fare payable for the on-demand passenger transport service.

(2) In regulation 56(2):

(a) in paragraph (d) delete “amount.” and insert:

amount;

(b) after paragraph (d) insert:

(e) the distance travelled in the associated relevant journey.

44. Regulation 68 amended

In regulation 68:

(a) in paragraph (a) delete “authorisation;” and insert:

authorisation on a ground referred to in section 42(1)(a), (b), (d) or (e) of the Act;

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(b) in paragraph (b) delete “the service.” and insert:

the service;

(c) after paragraph (b) insert:

(c) a decision under regulation 35E(6)(b) to refuse to grant a further regular passenger service authorisation on a ground referred to in section 79(1)(a), (c) or (e) of the Act;

(d) a decision under regulation 35T(5)(b) to refuse to grant a further passenger transport vehicle authorisation on a ground referred to in section 139(1)(b) or (d) of the Act.

45. Regulation 69 amended

After regulation 69(2) insert:

(2A) The fees set out in Schedule 1 Division 3 are prescribed as the authorisation fees for passenger transport vehicle authorisations for the purposes of section 127(d) of the Act and regulation 35T.

46. Regulations 69A and 69B inserted

At the end of Part 8 insert:

69A. Exemption of providers of school bus services and vehicles

(1) A provider of a passenger transport service that is a school bus service is exempt from all of the

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requirements of the Act and these regulations in relation to the school bus service except the requirement under regulation 9 to have a safety management system.

- (2) A provider of a passenger transport vehicle used or intended to be used for a passenger transport service that is a school bus service is exempt from all of the requirements of the Act and these regulations in relation to the provision of that vehicle.

69B. CEO or authorised officer may require documents to be produced or provided

- (1) The CEO or an authorised officer may, by written notice —
- (a) require the provider of a specified service that is required under regulation 9 to have a safety management system to —
 - (i) produce for inspection the provider's safety management system; or
 - (ii) provide copies of that safety management system;
 - or
 - (b) require a party to an association arrangement to produce for inspection, or provide a copy of, the association arrangement; or
 - (c) require the provider of an authorised on-demand booking service to —
 - (i) produce for inspection any of the records kept under regulations 28, 29, 33 and 35ZF(6); or

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provided on an ongoing basis at times specified in the notice.

- (4) A person given a notice under subregulation (1) must comply with the notice.

Penalty for this subregulation:

- (a) for an individual, a fine of \$12 000;
(b) for a body corporate, a fine of \$40 000.

47. Part 9 replaced

Delete Part 9 and insert:

Part 9 — Transitional provisions

Division 1 — General matters

70. Disclosure of information about drivers' licences

- (1) For the purposes of section 293(2) of the Act, the CEO may disclose the information referred to in that section to a person referred to in that section who requests the information (the *recipient*) by making the information available to the recipient through an online facility.
- (2) The information referred to in section 293(2) of the Act about an 'F' or 'T' endorsed driver's licence must not be disclosed unless the recipient provides each of the following in relation to the driver's licence —
- (a) the surname of the driver's licence holder;
(b) the date of birth of the driver's licence holder;
(c) the driver's licence number.

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**71. Camera surveillance units installed before
2 July 2019**

A camera surveillance unit installed in an on-demand rank or hail vehicle before 2 July 2019 is not required to meet the requirements of regulation 35ZA(3)(a) until 2 July 2020 if it meets the requirements of the standards entitled Camera Surveillance Unit Standards 2017 approved by the CEO and published on the Department's website, as in force on the day on which the *Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 2019* Part 5 Division 2 comes into operation.

**72. Camera surveillance units in on-demand rank or
hail vehicles in regional areas**

- (1) In this regulation —
relevant provider, in relation to an on-demand rank or hail vehicle, means —
 - (a) the provider of an on-demand booking service for the use of the vehicle in providing a passenger transport service; or
 - (b) the provider of a passenger transport service that is provided using the vehicle.
- (2) Subject to subregulation (3), regulation 35ZA(1) and (2) do not apply until 2 July 2020 in relation to an on-demand rank or hail vehicle that primarily operates outside the metropolitan region except in relation to the use of the vehicle for a journey that starts and ends inside the metropolitan region.
- (3) Regulation 35ZA(1) and (2) do not apply until 2 July 2020 in relation to an on-demand rank or hail

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vehicle that primarily operates in the following
areas —

- (a) the Mandurah local government district;
- (b) the Murray local government district.

73. Provisions for section 295 of the Act

- (1) The prescribed day for section 295(2) and (3) of the Act is 30 September 2019.
- (2) The prescribed requirements for section 295(4) of the Act are —
 - (a) that the vehicle complies with the requirements of regulation 35R for the authorisation of a vehicle intended to be used to provide an on-demand rank or hail passenger transport service; and
 - (b) either —
 - (i) that the vehicle is owned by the owner of the taxi plates; or
 - (ii) that the owner of the vehicle has consented to the owner of the taxi plates applying for authorisation of the vehicle as a passenger transport vehicle authorised to be operated for use in providing an on-demand rank or hail passenger transport service.

74. Provisions for section 296 of the Act

- (1) The prescribed date for the purposes of the definition of *relevant date* in section 296(1) of the Act is 30 September 2019.

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- (2) The requirements for the purposes of section 296(3)(b) of the Act are —
- (a) that the vehicle complies with the requirements of regulation 35R for the authorisation of a vehicle intended to be used to provide an on-demand rank or hail passenger transport service; and
 - (b) either —
 - (i) that the vehicle is owned by the lessee of the taxi plates; or
 - (ii) that the owner of the vehicle has consented to the lessee of the taxi plates applying for authorisation of the vehicle as a passenger transport vehicle authorised to be operated for use in providing an on-demand rank or hail passenger transport service.

Division 2 — Number plates

75. Term used: commencement day

In this Division —

commencement day means the day on which Part 6 of the Act comes into operation.

76. Existing attached taxi plates for taxis may continue to be used

- (1) This regulation applies if a taxi plate that was issued under the *Taxi Act 1994* was attached to a taxi immediately before commencement day.
- (2) Unless otherwise provided in this Division, the taxi plate may continue to be used on and after

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commencement day as a number plate for the vehicle it was attached to while it continues to be an authorised on-demand rank or hail vehicle.

- (3) A taxi plate that may continue to be used because of subregulation (2) is taken on and after commencement day to be —
- (a) a number plate issued by the road traffic CEO under the *Road Traffic (Vehicles) Regulations 2014* regulation 111(2) in relation to the on-demand rank or hail vehicle; and
 - (b) the property of the road traffic CEO.

77. Existing attached number plates for country taxi-cars may continue to be used

- (1) This regulation applies if a number plate that was issued for a country taxi-car under the *Transport Co-ordination Act 1966* was attached to the taxi-car immediately before commencement day.
- (2) Unless otherwise provided in this Division, the number plate may continue to be used on and after commencement day as a number plate for the vehicle it was attached to while it continues to be an authorised on-demand rank or hail vehicle.
- (3) A number plate that may continue to be used because of subregulation (2) is taken on and after commencement day to be —
- (a) a number plate issued by the road traffic CEO under the *Road Traffic (Vehicles) Regulations 2014* regulation 111(2) in relation to the on-demand rank or hail vehicle; and
 - (b) the property of the road traffic CEO.

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78. Omnibus number plates

- (1) This regulation applies if a number plate that was issued under the *Transport Co-ordination Act 1966* section 32A was attached to a vehicle that was an omnibus licensed under that Act immediately before commencement day.
- (2) Unless otherwise provided in this Division, the number plate may continue to be used on and after commencement day as a number plate for the vehicle it was attached to —
 - (a) while it continues to be authorised under the Act to be used to provide a passenger transport service (other than an on-demand rank or hail passenger transport service); and
 - (b) after it ceases to be authorised under the Act to be used to provide a passenger transport service if the number plate does not identify the vehicle as —
 - (i) a passenger transport vehicle; or
 - (ii) a passenger transport vehicle that is used to provide a particular category of passenger transport service.
- (3) A number plate that may continue to be used because of subregulation (2)(a) is taken on and after commencement day to be —
 - (a) a number plate issued by the road traffic CEO under the *Road Traffic (Vehicles) Regulations 2014* regulation 111(1) identifying the vehicle as an on-demand charter vehicle; and
 - (b) the property of the road traffic CEO.

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- (4) A number plate that may continue to be used because of subregulation (2)(b) is taken on and after the vehicle ceases to be authorised under the Act to be used to provide a passenger transport service to be —
- (a) a number plate issued by the road traffic CEO under the *Road Traffic (Vehicles) Regulations 2014* regulation 111(1) in relation to the vehicle; and
 - (b) the property of the road traffic CEO.

79. Owned taxi plates that were attached and were not the subject of the buyback scheme

- (1) This regulation applies if —
- (a) taxi plates issued under the *Taxi Act 1994* —
 - (i) were owned taxi plates as defined in section 295(1) of the Act; and
 - (ii) were not the subject of a buyback payment under Part 9 Division 1 of the Act; and
 - (iii) were attached to a vehicle immediately before commencement day;
 - and
 - (b) the eligible owner of the taxi plates has nominated a vehicle under section 295(4) of the Act.
- (2) The taxi plates —
- (a) may be attached to the nominated vehicle on or after commencement day; and
 - (b) once attached may be used as the number plates for the nominated vehicle while it continues to be an authorised on-demand rank or hail vehicle; and

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- (c) must not be used as the number plates for the vehicle to which they were attached immediately before commencement day.
- (3) A number plate that may be used on a nominated vehicle because of subregulation (2) is taken on and after commencement day to be —
 - (a) a number plate issued by the road traffic CEO under the *Road Traffic (Vehicles) Regulations 2014* regulation 111(2) that identifies the nominated vehicle as an on-demand rank or hail vehicle; and
 - (b) the property of the road traffic CEO.

80. Leased taxi plates that were attached

- (1) This regulation applies if —
 - (a) taxi plates issued under the *Taxi Act 1994* were attached to a vehicle immediately before commencement day; and
 - (b) the lessee of the taxi plates has nominated a vehicle under section 296(3)(b) of the Act.
- (2) The taxi plates —
 - (a) may be attached to the nominated vehicle on or after commencement day; and
 - (b) once attached may be used as the number plates for the nominated vehicle while it continues to be an authorised on-demand rank or hail vehicle; and
 - (c) must not be used as the number plates for the vehicle to which they were attached immediately before commencement day.

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- (3) A number plate that may be used on a nominated vehicle because of subregulation (2) is taken on and after commencement day to be —
- (a) a number plate issued by the road traffic CEO under the *Road Traffic (Vehicles) Regulations 2014* regulation 111(2) that identifies the nominated vehicle as an on-demand rank or hail vehicle; and
 - (b) the property of the road traffic CEO.

81. Return of number plates that were not attached to a vehicle

- (1) This regulation applies in relation to the following plates if they were not attached to a vehicle immediately before commencement day —
- (a) taxi plates issued for a taxi under the *Taxi Act 1994*;
 - (b) number plates issued for a country taxi-car under the *Transport Co-ordination Act 1966*;
 - (c) number plates issued for an omnibus under the *Transport Co-ordination Act 1966* section 32A.
- (2) The relevant person must surrender the taxi plates or number plates to the CEO within 14 days after commencement day.
- Penalty for this subregulation: a fine of \$800.
- (3) In subregulation (2) —
- relevant person**, in relation to taxi plates or number plates, means —
- (a) the owner of the taxi plates; or
 - (b) if the taxi plates were leased under the *Taxi Act 1994*, the lessee of the taxi plates; or

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- (c) the licensee under the *Transport Co-ordination Act 1966* in relation to number plates issued for a country taxi-car under that Act; or
 - (d) the licensee under the *Transport Co-ordination Act 1966* in relation to number plates issued for an omnibus under section 32A of that Act.
- (4) A taxi plate or a number plate issued for a country taxi-car that is required to be surrendered under subregulation (2) is taken on and after commencement day to be —
- (a) a number plate issued by the road traffic CEO under the *Road Traffic (Vehicles) Regulations 2014* regulation 111(2) for a vehicle that identifies the vehicle as an on-demand rank or hail vehicle; and
 - (b) the property of the road traffic CEO.
- (5) A number plate issued for an omnibus that is required to be surrendered under subregulation (2) is taken on and after commencement day to be —
- (a) a number plate issued by the road traffic CEO under the *Road Traffic (Vehicles) Regulations 2014* regulation 111(1) for a vehicle that identifies the vehicle as an on-demand charter vehicle; and
 - (b) the property of the road traffic CEO.

82. Seizure of number plates

An authorised officer may seize and take possession of number plates that the officer suspects on reasonable grounds should have been returned to the CEO under regulation 81.

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48. Schedule 1 amended

(1) In Schedule 1 Division 1 after item 3 insert:

3A.	Application fee for regular passenger transport service authorisation (s. 59(3)(e) of the Act)	\$115.00
3B.	Application fee for renewal of regular passenger transport service authorisation (r. 35E(1)(b))	\$115.00
3C.	Application fee for variation of regular passenger transport service authorisation (s. 67(2)(c) of the Act)	\$154.00
3D.	Application fee for variation of approved route or area (s. 69(2)(c) of the Act)	\$154.00
3E.	Application fee for transfer of regular passenger transport service authorisation (s. 75(4)(d) of the Act)	\$77.00
3F.	Application fee for passenger transport vehicle authorisation (s. 124(3)(d) of the Act)	\$15.00
3G.	Application fee for variation of conditions of passenger transport vehicle authorisation (s. 130(2)(c) of the Act)	\$20.00
3H.	Application fee for category of service change for passenger transport service authorisation (s. 132(2)(c) of the Act)	\$36.00

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(2) In Schedule 1 Division 1 after item 5 insert:

6.	Fee for handling the following transactions in person or over the phone in relation to authorisations under the Act —	\$20.00
	(a) changes to existing records (except changes of address)	
	(b) late renewal of annual authorisations	
	(c) manual search of records	

(3) At the end of Schedule 1 insert:

**Division 3 — Authorisation fees for passenger transport
vehicle authorisations**

Table

Duration of the authorisation	Fee
1 month	\$21
3 months	\$40
6 months	\$67
12 months	\$113
Another period specified under regulation 35S	A pro rata amount based on the fee for a 12 month authorisation

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49. Schedules 2A and 2B inserted

After Schedule 2 insert:

Schedule 2A — Fares: metropolitan region

[r. 35ZI]

Metered rates (maximums)

Tariff	Flagfall	Distance rate	Detention
Tariff 1			
Monday to Friday 6 am to 6 pm	\$4.20	\$1.72/km	\$49.00/hour
Tariff 2			
For the following times —			
Monday to Friday 6 pm to 6 am			
Friday 6 pm to Monday 6 am			
All day Public Holidays	\$6.10	\$1.72/km	\$49.00/hour
Tariff 3			
When carrying 5 or more passengers	\$6.10	\$2.56/km	\$76.00/hour

Other amounts (maximums)

Call out fee (but only if a guaranteed booking fee is not payable for the same hire)	\$1.50
Guaranteed booking fee	\$9.00

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Surcharges	
Ultra-Peak — From midnight Friday to 3 am Saturday or midnight Saturday to 3 am Sunday	\$3.60
Christmas Day — Midnight to midnight	\$5.10
New Year's Eve — 6 pm New Year's Eve to 6 am New Year's Day	\$5.80

Schedule 2B — Fares: regions

[r. 35ZJ]

Division 1 — Gascoyne region

Metered rates (maximums)

Tariff	Flagfall	Distance rate	Detention
Tariff 1 Monday to Friday 6 am to 6 pm	\$4.20	\$2.31/km	\$49.00/hour
Tariff 2 For the following times — Monday to Friday 6 pm to 6 am Friday 6 pm to Monday 6 am All day Public Holidays	\$6.10	\$2.31/km	\$49.00/hour

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Tariff	Flagfall	Distance rate	Detention
Tariff 3			
When carrying 5 or more passengers	\$6.10	\$3.41/km	\$76.00/hour

Other amounts (maximums)

Call out fee	\$1.50
Surcharges	
Ultra-Peak —	
From midnight Friday to 5 am Saturday or midnight Saturday to 5 am Sunday	\$2.65
Christmas Day —	
Midnight to midnight	\$5.10
New Year's Eve —	
6 pm New Year's Eve to 6 am New Year's Day	\$5.70

Division 2 — Goldfields-Esperance region

Metered rates (maximums)

Tariff	Flagfall	Distance rate	Detention
Tariff 1			
Monday to Friday 6 am to 6 pm	\$4.20	\$1.80/km	\$49.00/hour
Tariff 2			
For the following times —			
Monday to Friday 6 pm to 6 am			
Friday 6 pm to Monday 6 am			

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Tariff	Flagfall	Distance rate	Detention
All day Public Holidays	\$6.10	\$1.80/km	\$49.00/hour
Tariff 3			
When carrying 5 or more passengers	\$6.10	\$2.56/km	\$76.00/hour

Other amounts (maximums)

Call out fee	\$1.50
Surcharges	
Ultra-Peak —	
From midnight Friday to 5 am Saturday or midnight Saturday to 5 am Sunday	\$2.65
Christmas Day —	
Midnight to midnight	\$5.10
New Year's Eve —	
6 pm New Year's Eve to 6 am New Year's Day	\$5.70

Division 3 — Great Southern region

Metered rates (maximums)

Tariff	Flagfall	Distance rate	Detention
Tariff 1			
Monday to Friday 6 am to 6 pm	\$4.20	\$1.75/km	\$49.00/hour

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Tariff	Flagfall	Distance rate	Detention
Tariff 2			
For the following times —			
Monday to Friday 6 pm to 6 am			
Friday 6 pm to Monday 6 am			
All day Public Holidays	\$6.10	\$1.75/km	\$49.00/hour
Tariff 3			
When carrying 5 or more passengers	\$6.10	\$2.60/km	\$76.00/hour

Other amounts (maximums)

Call out fee	\$1.50
Surcharges	
Ultra-Peak —	
From midnight Friday to 5 am Saturday or midnight Saturday to 5 am Sunday	\$2.65
Christmas Day —	
Midnight to midnight	\$5.10
New Year's Eve —	
6 pm New Year's Eve to 6 am New Year's Day	\$5.70

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Division 4 — Kimberley region

Metered rates (maximums)

Tariff	Flagfall	Distance rate	Detention
Tariff 1			
Monday to Friday 6 am to 6 pm	\$4.20	\$2.27/km	\$49.00/hour
Tariff 2			
For the following times —			
Monday to Friday 6 pm to 6 am			
Friday 6 pm to Monday 6 am			
All day Public Holidays	\$6.10	\$2.27/km	\$49.00/hour
Tariff 3			
When carrying 5 or more passengers	\$6.10	\$3.35/km	\$76.00/hour

Other amounts (maximums)

Call out fee	\$1.50
Surcharges	
Ultra-Peak —	
From midnight Friday to 5 am Saturday or midnight Saturday to 5 am Sunday	\$2.65
Christmas Day —	
Midnight to midnight	\$5.10
New Year's Eve —	
6 pm New Year's Eve to 6 am New Year's Day	\$5.70

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Division 5 — Mid West region

Metered rates (maximums)

Tariff	Flagfall	Distance rate	Detention
Tariff 1 Monday to Friday 6 am to 6 pm	\$4.30	\$1.76/km	\$49.50/hour
Tariff 2 For the following times — Monday to Friday 6 pm to 6 am Friday 6 pm to Monday 6 am All day Public Holidays	\$6.20	\$1.76/km	\$49.50/hour
Tariff 3 When carrying 5 or more passengers	\$6.20	\$2.60/km	\$76.60/hour

Other amounts (maximums)

Call out fee	\$1.50
Surcharges	
Ultra-Peak —	
From midnight Friday to 5 am Saturday or midnight Saturday to 5 am Sunday	\$2.65
Christmas Day —	
Midnight to midnight	\$5.10
New Year's Eve —	
6 pm New Year's Eve to 6 am New Year's Day	\$5.80

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Division 6 — Peel region

Metered rates (maximums)

Tariff	Flagfall	Distance rate	Detention
Tariff 1			
Monday to Friday 6 am to 6 pm	\$4.20	\$1.75/km	\$49.00/hour
Tariff 2			
For the following times —			
Monday to Friday 6 pm to 6 am			
Friday 6 pm to Monday 6 am			
All day Public Holidays	\$6.10	\$1.75/km	\$49.00/hour
Tariff 3			
When carrying 5 or more passengers	\$6.10	\$2.60/km	\$76.00/hour

Other amounts (maximums)

Call out fee	\$1.50
Surcharges	
Ultra-Peak —	
From midnight Friday to 5 am Saturday or midnight Saturday to 5 am Sunday	\$2.65
Christmas Day —	
Midnight to midnight	\$5.10
New Year's Eve —	
6 pm New Year's Eve to 6 am New Year's Day	\$5.70

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Division 7 — Pilbara region

Metered rates (maximums)

Tariff	Flagfall	Distance rate	Detention
Tariff 1 Monday to Friday 6 am to 6 pm	\$4.20	\$2.31/km	\$49.00/hour
Tariff 2 For the following times — Monday to Friday 6 pm to 6 am Friday 6 pm to Monday 6 am All day Public Holidays	\$6.10	\$2.31/km	\$49.00/hour
Tariff 3 When carrying 5 or more passengers	\$6.10	\$3.41/km	\$76.00/hour

Other amounts (maximums)

Call out fee	\$1.50
Surcharges	
Ultra-Peak —	
From midnight Friday to 5 am Saturday or midnight Saturday to 5 am Sunday	\$2.65
Christmas Day —	
Midnight to midnight	\$5.10
New Year's Eve —	
6 pm New Year's Eve to 6 am New Year's Day	\$5.70

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Division 8 — South West region

Metered rates (maximums)

Tariff	Flagfall	Distance rate	Detention
Tariff 1			
Monday to Friday 6 am to 6 pm	\$4.20	\$1.75/km	\$49.00/hour
Tariff 2			
For the following times —			
Monday to Friday 6 pm to 6 am			
Friday 6 pm to Monday 6 am			
All day Public Holidays	\$6.10	\$1.75/km	\$49.00/hour
Tariff 3			
When carrying 5 or more passengers	\$6.10	\$2.60/km	\$76.00/hour

Other amounts (maximums)

Call out fee	\$1.50
Surcharges	
Ultra-Peak —	
From midnight Friday to 5 am Saturday or midnight Saturday to 5 am Sunday	\$2.65
Christmas Day —	
Midnight to midnight	\$5.10
New Year's Eve —	
6 pm New Year's Eve to 6 am New Year's Day	\$5.70

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Division 9 — Wheatbelt region

Metered rates (maximums)

Tariff	Flagfall	Distance rate	Detention
Tariff 1 Monday to Friday 6 am to 6 pm	\$4.20	\$1.80/km	\$49.00/hour
Tariff 2 For the following times — Monday to Friday 6 pm to 6 am Friday 6 pm to Monday 6 am All day Public Holidays	\$6.10	\$1.80/km	\$49.00/hour
Tariff 3 When carrying 5 or more passengers	\$6.10	\$2.56/km	\$76.00/hour

Other amounts (maximums)

Call out fee	\$1.50
Surcharges	
Ultra-Peak —	
From midnight Friday to 5 am Saturday or midnight Saturday to 5 am Sunday	\$2.65
Christmas Day —	
Midnight to midnight	\$5.10

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New Year's Eve —	
6 pm New Year's Eve to 6 am New Year's Day	\$5.70

50. Schedule 3 replaced

Delete Schedule 3 and insert:

Schedule 3 — Prescribed offences and modified penalties

[r. 39]

Offence			Modified penalty for individual	Modified penalty for body corporate
<i>Offences under Transport (Road Passenger Services) Regulations 2019</i>				
1.	r. 10	Contravention of safety standard in r. 9	\$1 800	\$6 000
2.	r. 10O(1)	Contravention of safety standard in r. 10D, 10G, 10J or 10K	\$1 800	\$6 000
3.	r. 10O(2)	Contravention of safety standard in Part 3 Division 3 other than safety standard in r. 10D, 10G, 10J or 10K	\$900	\$3 000
4.	r. 10O(3)	Non-compliance with safety standard in r. 10D, 10G, 10J or 10K by responsible person	\$1 800	\$6 000

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Offence			Modified penalty for individual	Modified penalty for body corporate
5.	r. 10O(4)	Non-compliance with safety standard in Part 3 Division 3 (other than safety standard in r. 10D, 10G, 10J or 10K) by responsible person	\$900	\$3 000
6.	r. 10Q	Contravention of safety standard in r. 10P	\$900	\$3 000
7.	r. 10T(1)	Contravention of safety standard in r. 10R	\$1800	\$6 000
8.	r. 10T(2)	Contravention of safety standard in r. 10S	\$900	
9.	r. 10T(3)	Non-compliance with safety standard in r. 10R by responsible person	\$1 800	\$6 000
10.	r. 10T(4)	Non-compliance with safety standard person in r. 10S by responsible person	\$900	\$3 000
11.	r. 22(2)	Failure to notify CEO of person ceasing to be responsible officer	\$300	\$1 000
12.	r. 22(4)	Failure to nominate replacement responsible officer	\$300	\$1 000

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Offence			Modified penalty for individual	Modified penalty for body corporate
13.	r. 26	Failure to notify CEO of charge or conviction of disqualification offence	\$300	\$1 000
14.	r. 26A	Failure to notify change in circumstances	\$300	\$1 000
15.	r. 30	Offering or advertising on-demand booking service or on-demand passenger transport service when not authorised to provide on-demand booking service	\$900	\$3 000
16.	r. 31(1)	Failure to include name or authorisation number in advertising	\$900	\$3 000
17.	r. 31(2)	Failure to include name or authorisation number of principal booking service provider in advertising	\$900	\$3 000
18.	r. 32	Failure to prepare and make accessible complaints resolution procedure	\$1 200	\$4 000
19.	r. 33(1)	Failure to keep records about complaints	\$1 200	\$4 000

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Offence			Modified penalty for individual	Modified penalty for body corporate
20.	r. 35F	Failure to notify change in circumstances	\$300	\$1 000
21.	r. 35K	Offering or advertising regular passenger transport service when not authorised to provide regular passenger transport service	\$900	\$3 000
22.	r. 35L	Failure to include name or authorisation number in advertising	\$900	\$3 000
23.	r. 35M	Failure to prepare and make accessible complaints resolution procedure	\$1 200	\$4 000
24.	r. 35N(1)	Failure to keep records about complaints	\$1 200	\$4 000
25.	r. 35V	Failure to notify change in circumstances	\$300	\$1 000
26.	r. 35ZA(1)	Failure to ensure on-demand rank or hail vehicle fitted with camera surveillance unit	\$1 800	\$6 000

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Offence			Modified penalty for individual	Modified penalty for body corporate
27.	r. 35ZA(2)	Failure to ensure, so far as is reasonably practicable, on-demand rank or hail vehicle fitted with camera surveillance unit	\$1 800	\$6 000
28.	r. 35ZB(2)	Failure to fit signs to passenger transport vehicle	\$900	\$3 000
29.	r. 35ZB(3)	Failure to ensure, so far as is reasonably practicable, that signs fitted to passenger transport vehicle	\$900	\$3 000
32.	r. 35ZD(1)	Failure to protect camera surveillance unit recordings	\$1 800	\$6 000
33.	r. 35ZD(2)	Failure to ensure, so far as is reasonably practicable, recordings from camera surveillance unit protected	\$1 800	\$6 000
34.	r. 35ZE(3)	Failure to produce recording to authorised officer	\$900	\$3 000

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Offence			Modified penalty for individual	Modified penalty for body corporate
35.	r. 35ZE(4)	Failure to produce recording to authorised officer so far as is reasonably practicable	\$900	\$3 000
36.	r. 35ZF(1)	Dealing with recording except as permitted	\$1 500	\$6 000
37.	r. 35ZF(6)	Failure to keep record of authorisation	\$1 000	\$4 000
38.	r. 35ZG(1)	Failure to ensure recording disposed of in accordance with requirements	\$900	\$3 000
39.	r. 35ZG(2)	Failure to ensure, so far as is reasonably practicable, recording disposed of in accordance with requirements	\$900	\$3 000
40.	r. 35ZI(1)	Failure to ensure that fare is not more than set out in Schedule 2A: metropolitan region	\$900	\$3 000
41.	r. 35ZI(4)	Failure to select appropriate tariff: metropolitan region	\$900	

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Offence			Modified penalty for individual	Modified penalty for body corporate
42.	r. 35ZJ(1)	Failure to ensure fare is not more than set out in Schedule 2B: regions	\$900	\$3 000
43.	r. 35ZJ(4)	Failure to select appropriate tariff: regions	\$900	
44.	r. 35ZK(1)	Failure to display fare schedule in vehicle	\$900	\$3 000
45.	r. 35ZM(4)	Failure to keep records about contract fares agreed with provider of on-demand booking service	\$1 200	\$4 000
46.	r. 35ZM(5)	Failure to keep records about contract fares agreed with driver	\$1 200	
47.	r. 35ZN(1)	Failure to provide written confirmation of contract fare agreed by provider of on-demand booking service	\$900	\$3 000
48.	r. 35ZN(2)	Failure to provide written confirmation of contract fare agreed by driver	\$900	

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Offence			Modified penalty for individual	Modified penalty for body corporate
49.	r. 35ZO(2)	Failure to accept passenger subsidy scheme voucher	\$900	
50.	r. 35ZO(3)	Entering false or misleading information on passenger subsidy scheme voucher	\$1 800	
51.	r. 35ZO(4)	Accepting voucher knowing that it is false or misleading	\$1 800	
52.	r. 35ZO(5)	Tendering voucher that person not entitled to	\$1 800	
53.	r. 35ZO(6)	Directing driver to refuse voucher	\$900	\$3 000
54.	r. 35ZQ(2)	Failure to operate fare calculation device	\$900	
55.	r. 35ZQ(3)	Failure to pause fare calculation device	\$900	
56.	r. 35ZS(2)	Contravention of limit on surcharge for non-cash payment	\$200	\$800
57.	r. 35ZS(3)	Failure to use payment terminal that results in lowest surcharge	\$200	

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Offence			Modified penalty for individual	Modified penalty for body corporate
58.	r. 35ZU(1)	Failure to make information about fares available to person booking vehicle	\$900	\$3 000
59.	r. 35ZU(4)	Failure to make information about fares available to CEO or authorised officer	\$900	\$3 000
62.	r. 35ZY(1)	Failure to ensure vehicle fitted with fare calculation device	\$900	\$3 000
63.	r. 35ZY(2)	Failure to ensure, so far as is reasonably practicable, vehicle fitted with fare calculation device	\$900	\$3 000
64.	r. 35ZZA(1)	Failure to ensure that information displayed in vehicle	\$900	\$3 000
65.	r. 35ZZA(2)	Failure to ensure, so far as is reasonably practicable, that information displayed in vehicle	\$900	\$3 000

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Offence			Modified penalty for individual	Modified penalty for body corporate
66.	r. 35ZZB(1)	Failure of driver to inform on-demand booking service provider of certain matters	\$1 200	
67.	r. 35ZZC(1)	Failure of driver to behave in orderly manner	\$600	
68.	r. 35ZZD(2)	Refusal to carry assistance animal in vehicle	\$900	
69.	r. 35ZZE(1)	Refusal of passenger except as permitted	\$300	
70.	r. 35ZZE(3)	Termination of journey before destination except as permitted	\$300	
71.	r. 35ZZF	Touting or soliciting for passengers other than in authorised on-demand rank or hail vehicle	\$1 800	\$6 000
72.	r. 35ZZG(1)	Offence to operate unauthorised vehicle with number plates identifying it as passenger transport vehicle	\$1800	\$6 000

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Offence			Modified penalty for individual	Modified penalty for body corporate
73.	r. 35ZZH(1)	Offence to fail to attend passenger who uses wheelchair first	\$600	
74.	r. 35ZZH(2)	Offence to fail to ensure vehicle used to attend passenger who uses wheelchair first	\$600	\$2 000
75.	r. 69B(4)	Failure to comply with notice given by CEO or authorised officer under r. 69B(1) —		
		(a) if the notice is given under r. 69B(1)(a)	\$1 800	\$6 000
		(b) if the notice is given under r. 69B(1)(b), (c), (d) or (e)	\$1 200	\$4 000
Offences under <i>Transport (Road Passenger Services) Act 2018</i>				
76.	s. 58	Failure to notify CEO if no longer providing regular passenger transport service	\$500	\$2 500
77.	s. 121(1)	Driving a vehicle without a vehicle authorisation	\$1 800	

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Offence			Modified penalty for individual	Modified penalty for body corporate
78.	s. 122(1)	Operating a vehicle without a vehicle authorisation	\$1 800	\$9 000
79.	s. 122(2)	Causing or permitting operation of vehicle without a vehicle authorisation	\$1 800	\$9 000
80.	s. 123	Failure to comply with authorisation conditions	\$1 800	\$9 000
81.	s. 211(1)	Compliance with improvement notice	\$500	\$2 500
82.	s. 211(2)	Driving vehicle when prohibited under improvement notice	\$1 200	\$6 000
83.	s. 213(3)	Unlawful removal of improvement notice sticker	\$500	

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Division 3 Amendments commencing on 31 December 2019

r. 52

- (b) a trading name or business name used by the provider of the associated booking service;
- (c) any of the following (as published on the list under section 41 of the Act) —
 - (i) the authorisation number of the provider of the on-demand booking service identified in the association arrangement as the principal booking service (the *principal booking service*);
 - (ii) the name of the provider of the principal booking service;
 - (iii) a trading name or business name used by the provider of the principal booking service.

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
- (b) for a body corporate, a fine of \$30 000.

52. Schedule 3 amended

In Schedule 3 after item 59 insert:

60.	r. 35ZX(1)	Failure to include information in receipt	\$900	\$3 000
61.	r. 35ZX(2)	Failure of provider of associated booking service to include information in receipt	\$900	\$3 000

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Division 4 Amendments commencing on 2 July 2020

r. 54

54. Schedule 3 amended

In Schedule 3 after item 29 insert:

30.	r. 35ZC(1)	Failure to provide and operate recording system for camera surveillance unit	\$900	\$3 000
31.	r. 35ZC(2)	Failure to ensure, so far as is reasonably practicable, that recording system for camera surveillance unit provided and operated	\$900	\$3 000

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Regulations repealed **Part 6**

r. 55

Part 6 — Regulations repealed

55. Regulations repealed

These regulations are repealed:

- (a) the *Taxi Regulations 1995*;
- (b) the *Transport (Country Taxi-car) Regulations 1982*;
- (c) the *Transport (Country Taxi-cars Fares) Regulations 1991*.

D. FOSTER, Clerk of the Executive Council
