



Western Australia

**Transport (Road Passenger Services)
Amendment (COVID-19 Response and Regional
Assistance) Act 2020**

As at 03 Apr 2020

No. 10 of 2020

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Assistance) Act 2020**

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**Transport (Road Passenger Services)
Amendment (COVID-19 Response and Regional
Assistance) Act 2020**

No. 10 of 2020

An Act to amend the *Transport (Road Passenger Services) Act 2018* in response to the COVID-19 pandemic and to provide for regional assistance payments.

[Assented to 3 April 2020]

The Parliament of Western Australia enacts as follows:

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1. Short title

This is the *Transport (Road Passenger Services) Amendment (COVID-19 Response and Regional Assistance) Act 2020*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

3. Act amended

This Act amends the *Transport (Road Passenger Services) Act 2018*.

4. Section 3 amended

Delete section 3(c) and insert:

- (c) to provide for an on-demand passenger transport levy; and
- (ca) to provide for a buyback scheme for owners of taxi plates issued under the *Taxi Act 1994*, and for COVID-19 relief payments and regional assistance payments, which may be funded by the levy; and

5. Part 9 heading replaced

Delete the heading to Part 9 and insert:

Part 9 — Voluntary buyback and industry assistance schemes and levy

6. Part 9 Division 2A inserted

After Part 9 Division 2 insert:

Division 2A — COVID-19 relief payments

257A. Terms used

In this Division —

COVID-19 relief payment has the meaning given in section 257B(1);

eligible industry participant, in relation to a COVID-19 relief payment, means a relevant industry participant who —

- (a) is of the class specified in the determination under section 257B(1) for the COVID-19 relief payment; and
- (b) meets the eligibility criteria for the COVID-19 relief payment set out in that determination;

relevant industry participant means the holder of an on-demand booking service authorisation or a passenger transport vehicle authorisation.

257B. Minister may determine that COVID-19 relief payment is payable

- (1) The Minister may, by notice published in the *Gazette*, determine that a payment (a **COVID-19 relief payment**) is payable to relevant industry participants of a specified class for the purpose of providing relief to

those participants from the economic effects of the COVID-19 pandemic.

- (2) A determination under subsection (1) must set out —
 - (a) the eligibility criteria that apply to the COVID-19 relief payment; and
 - (b) either —
 - (i) the amount of the COVID-19 relief payment; or
 - (ii) a method for calculating the amount of the COVID-19 relief payment.
- (3) The Minister may make more than 1 determination under subsection (1).
- (4) The Minister may, by notice published in the *Gazette*, amend or revoke a determination under subsection (1).

257C. Grant of COVID-19 relief payment

- (1) Subject to subsection (2), the CEO must, by written notice, grant a COVID-19 relief payment to an eligible industry participant if —
 - (a) the determination under section 257B(1) for the COVID-19 relief payment is in force; and
 - (b) no other COVID-19 relief payment under that determination has been granted to the eligible industry participant.
- (2) If the CEO requires an application to be made for the COVID-19 relief payment, the payment is not required to be granted unless the eligible industry participant applies for the payment —
 - (a) in the approved form; and
 - (b) on or before the date required by the CEO.

- (3) An applicant for a COVID-19 relief payment to which subsection (2) applies must provide any additional information that the CEO may require for the proper consideration of the application.
- (4) The CEO may require any information provided with an application to be verified by statutory declaration.

257D. Amount and payment of COVID-19 relief payment

- (1) The amount of a COVID-19 relief payment is —
 - (a) if the amount of the payment is set out under section 257B(2)(b)(i) — that amount; or
 - (b) if a method for calculating the amount of the payment is set out under section 257B(2)(b)(ii) — an amount determined by the CEO according to that method.
- (2) A COVID-19 relief payment is to be paid to the eligible industry participant to whom it is granted.
- (3) No more than 1 COVID-19 relief payment may be paid to an eligible industry participant under the same determination under section 257B(1).

7. Part 9 Division 4 inserted

At the end of Part 9 insert:

Division 4 — Regional assistance payments

261A. Terms used

In this Division —

eligible taxi-car operator, in relation to a relevant licence, means a taxi-car operator who meets the eligibility criteria determined under section 261B(1)(a)

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for a regional assistance payment in relation to the licence;

relevant licence means a licence that —

- (a) was issued under the *Transport Co-ordination Act 1966* Part IIIB before that Part was repealed on 2 July 2019; and
- (b) was not a temporary taxi-car licence as defined in the *Transport (Country Taxi-car) Regulations 1982* regulation 4 as in force immediately before 2 July 2019;

taxi-car operator, in relation to a relevant licence, means a person who, immediately before 2 July 2019 —

- (a) either —
 - (i) held the relevant licence; or
 - (ii) was a party to an agreement to acquire the relevant licence from the holder of the relevant licence;
- and
- (b) was —
 - (i) carrying on a business for the operation of a taxi-car under the authority of the relevant licence; or
 - (ii) leasing rights under the relevant licence to another person who was carrying on such a business.

261B. Minister to determine eligibility criteria and calculation method for regional assistance payment

- (1) The Minister must, by notice published in the *Gazette*, determine —
 - (a) the eligibility criteria for a regional assistance payment in relation to a relevant licence; and

- (b) a method for calculating the amount of a regional assistance payment; and
 - (c) the due date for applications for regional assistance payments.
- (2) Different eligibility criteria may be determined under subsection (1)(a) for different classes of taxi-car operators.
- (3) The calculation method determined under subsection (1)(b) may take into account any matters that the Minister considers appropriate, including any of the following —
 - (a) when the relevant licence was acquired or the agreement for the acquisition was made;
 - (b) the amount paid in relation to the acquisition or agreement to acquire the relevant licence;
 - (c) the estimated profits that could have been made in connection with the relevant licence;
 - (d) any subsidy or other amount that has previously been paid to the eligible taxi-car operator;
 - (e) any fees or other amounts relating to the relevant licence that are unpaid;
 - (f) estimates of any amounts referred to in paragraphs (b) to (e) made by reference to averages or other relevant information.
- (4) The Minister may, by notice published in the *Gazette*, amend a determination under subsection (1).

261C. Application for regional assistance payment

- (1) An eligible taxi-car operator may apply for a regional assistance payment in relation to a relevant licence.
- (2) If the application is in relation to a relevant licence for which there are 2 or more eligible taxi-car operators,

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the application must be made jointly by the eligible taxi-car operators.

- (3) The application must be made to the CEO in the approved form on or before the due date determined under section 261B(1)(c).
- (4) An applicant must provide any additional information that the CEO may require for the proper consideration of the application.
- (5) The CEO may require any information provided with an application to be verified by statutory declaration.

261D. Requirement to grant regional assistance payment

The CEO must, by written notice, grant an application for a regional assistance payment in relation to a relevant licence if —

- (a) the applicant, or if a joint application, each applicant, is an eligible taxi-car operator; and
- (b) no other application for a regional assistance payment in relation to the licence has been granted; and
- (c) no more than 4 other applications for regional assistance payments have been granted to the applicant, or if a joint application, to the joint applicants.

261E. Amount and payment of regional assistance payment

- (1) The amount of a regional assistance payment is to be determined by the CEO according to the calculation method determined under section 261B(1)(b).
- (2) A regional assistance payment is to be paid to —
 - (a) the applicant; or

- (b) if the application specifies a person who is to receive the payment on behalf of the eligible taxi-car operators for the licence — that person.
- (3) No more than 1 regional assistance payment may be paid in relation to the same relevant licence.
- (4) No more than 5 regional assistance payments may be paid in relation to the same applicant or, in the case of joint applications, the same joint applicants.



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