



Western Australia

Transport (Road Passenger Services) Act 2018

## **Transport (Road Passenger Services) Regulations 2019**



## **Transport (Road Passenger Services) Regulations 2019**

### **Contents**

#### **Part 1 — Preliminary**

1.	Citation	1
2.	Commencement	1
3.	Terms used	1

#### **Part 2 — Key concepts**

4.	Association arrangements (s. 4(1))	3
5.	On-demand passenger transport services (s. 5(3)(c))	4
6.	On-demand booking services (s. 10(3))	4
7.	Hire or reward (s. 11)	4

#### **Part 3 — Safety of services**

8.	Safety standards for providers of on-demand booking services (s. 14(2))	7
9.	Safety management system	7
10.	Offence of contravening safety standard	8

#### **Part 4 — Authorisation of on-demand booking services**

##### **Division 1 — Preliminary**

11.	Term used: disqualification offence	9
12.	Prescribed functions for which provider of principal booking service is responsible (s. 27(3))	9

Contents

---

	<b>Division 2 — Applications for on-demand booking service authorisations</b>	
13.	Information to be included in on-demand booking service authorisation application (s. 29(4)(e))	10
14.	Documents to be included in on-demand booking service authorisation application (s. 29(4)(e))	11
15.	Declaration as to persons nominated as responsible officers	11
	<b>Division 3 — Grant, duration and renewal of on-demand booking service authorisations</b>	
16.	Condition for maximum number of vehicles	11
17.	Duration of on-demand booking service authorisation (s. 39(1))	12
18.	Renewal of on-demand booking service authorisation	13
19.	Surrender of on-demand booking service authorisation	14
	<b>Division 4 — Responsible officers</b>	
20.	Responsible officer must be ordinarily resident in Australia (s. 30(f))	15
21.	At least 1 responsible officer to be resident in State	15
22.	Nomination of additional or replacement responsible officer	15
23.	Acceptance of or refusal to accept nomination of additional or replacement responsible officer	16
	<b>Division 5 — Disqualification</b>	
24.	Disqualification offences and disqualification periods (s. 26 and 46)	18
25.	Reinstatement of authorisation if conviction quashed or set aside	18
26.	Requirement to notify CEO of charge or conviction for disqualification offence	18
	<b>Division 6 — Records</b>	
27.	Obligations in this Division are conditions on authorisation	19
28.	Records of drivers, vehicles and associates	19
29.	Records of bookings for on-demand passenger transport services	20

	<b>Division 8 — Complaints</b>	
32.	Complaints resolution procedure	22
33.	Records of customer complaints	22
	<b>Division 9 — Miscellaneous</b>	
34.	Association arrangement, safety management system or records to be produced or provided to CEO or authorised officer	23
35.	List of authorised on-demand booking services (s. 41)	24
	<b>Part 5 — Information</b>	
36.	Law enforcement officials (s. 150)	25
37.	Relevant authorities (s. 150)	25
38.	Prescribed period (s. 152(a))	26
	<b>Part 6 — Infringement notices and enforcement</b>	
39.	Prescribed offences and modified penalties	27
40.	Approved officers and authorised officers	27
41.	Entry warrants (s. 178(2))	28
42.	Forms	28
	<b>Part 7 — Voluntary buyback, adjustment assistance and levy</b>	
	<b>Division 1 — Buyback payment and net loss payment</b>	
43.	Prescribed day for buyback payment and net loss payment applications (s. 229(2) and 235(2))	29
	<b>Division 3 — Adjustment assistance grants</b>	
67.	Prescribed day for adjustment assistance grant applications (s. 259(2))	29
	<b>Part 8 — Miscellaneous</b>	
68.	Review of decisions	30
69.	Fees	30
	<b>Part 9 — Transitional provisions</b>	
70.	Disclosure of information about drivers' licences	31

Contents

---

**Schedule 1 — Fees**

**Division 1 — Fees: general**

**Division 2 — Authorisation fees for on-demand  
booking service authorisations**

**Schedule 2 — Disqualification  
offences and disqualification  
periods**

- |    |   |    |
|----|---|----|
| 1. | Disqualification offences and disqualification<br>periods: on-demand booking services | 34 |
|----|---|----|

**Schedule 3 — Prescribed offences  
and modified penalties**

**Schedule 4 — Forms**

**Notes**

- |  |    |
|--|----|
| Compilation table                            | 48 |
| Provisions that have not come into operation | 48 |

**Defined terms**

## **Transport (Road Passenger Services) Regulations 2019**

### **Part 1 — Preliminary**

#### **1. Citation**

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

#### **2. Commencement**

These regulations come into operation as follows —

- (a) Part 4 Division 7 and Part 7 Division 2 — on the day on which the *Transport (Road Passenger Services) Act 2018* Part 9 Division 2 comes into operation;
- (b) the rest of the regulations — on the day on which the *Transport (Road Passenger Services) Act 2018* section 265 comes into operation.

#### **3. Terms used**

In these regulations —

***child care service*** means —

- (a) any education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1); or
- (b) any child care service as defined in the *Child Care Services Act 2007* section 4;

**r. 3**

---

***driver's licence number*** means —

- (a) for a person who holds a driver's licence — the number of that driver's licence; or
- (b) for a person who holds a driving authorisation referred to in paragraph (b) of the definition of ***driving authorisation*** in section 4(1) of the Act — the number of that driving authorisation;

***electric vehicle*** means a vehicle propelled solely by electricity;

***'F' or 'T' endorsed driver's licence*** has the meaning given in section 292 of the Act;

***interstate vehicle licence*** means a vehicle licence or vehicle registration under a law of another State or a Territory;

***safety management system***, in relation to the provider of an authorised on-demand booking service, means the safety management system prepared and maintained in accordance with regulation 9;

***wheelchair accessible vehicle*** has the meaning given in section 278(2) of the Act.



## Part 2 — Key concepts

### 4. Association arrangements (s. 4(1))

For the purposes of the definition of *association arrangement* in section 4(1) of the Act, an association arrangement between providers of on-demand booking services must —

- (a) be an agreement between a provider of an authorised on-demand booking service and another provider of an on-demand booking service; and
- (b) be in the form of a written agreement between the 2 providers; and
- (c) state the names of the providers who are the parties to the arrangement; and
- (d) state which provider is the provider of the principal booking service and which provider is the provider of the associated booking service under the arrangement; and
- (e) describe the on-demand booking services provided by the provider of the associated booking service to which the arrangement applies; and
- (f) include an acknowledgment that the provider of the principal booking service is —
  - (i) responsible for the functions prescribed under regulation 12 in relation to on-demand booking services provided by the provider of the associated booking service in accordance with the association arrangement; and
  - (ii) liable to pay levy payable under Part 9 Division 2 of the Act in respect of a booking taken by the provider of the associated booking service.

**5. On-demand passenger transport services (s. 5(3)(c))**

For the purposes of section 5(3)(c) of the Act, a service is not an on-demand passenger transport service if it is a service by which a person can hire a driver to —

- (a) attend at a time and place determined by the hirer; and
- (b) drive passengers in the hirer's vehicle to another location determined by the hirer.

**6. On-demand booking services (s. 10(3))**

For the purposes of section 10(3) of the Act, the following are not on-demand booking services —

- (a) a service provided in the course of carrying on business as a travel agent that is incidental to, and not the main part of, that business;
- (b) a communication or technology service that facilitates or enables the taking or communication of bookings if that service is provided for or in connection with an authorised on-demand booking service;
- (c) administrative services, or the provision of safety management systems or regulatory compliance services, for or in connection with an authorised on-demand booking service.

**7. Hire or reward (s. 11)**

- (1) For the purposes of section 11(1)(a)(i) of the Act, the prescribed amount in relation to a journey to transport passengers is the amount calculated using the relevant rate per kilometre set out in the *Road Traffic (Authorisation to Drive) Regulations 2014* Schedule 3.

- (2) For the purposes of section 11(1)(b) of the Act, a person will be considered to be providing a service for the transport of passengers by vehicle for hire or reward if —
- (a) the person provides a service for the transport of passengers by vehicle; and
  - (b) any of the following applies —
    - (i) the vehicle is being driven to pick up passengers for the purpose of transporting the passengers for hire or reward;
    - (ii) the person has indicated to the provider of an on-demand booking service, by logging into a dispatch or booking system or by other means, that the vehicle is available for the purpose of transporting passengers for hire or reward;
    - (iii) the person is taking bookings on the basis that the vehicle is available for the purpose of transporting passengers for hire or reward.
- (3) For the purposes of section 11(1)(b) of the Act, a person will be considered to be driving a vehicle for the purpose of transporting passengers for hire or reward if —
- (a) the person is driving the vehicle to pick up passengers for the purpose of transporting the passengers for hire or reward; or
  - (b) the person driving the vehicle has indicated to the provider of an on-demand booking service, by logging into a dispatch or booking system or by other means, that the vehicle is available for the purpose of transporting passengers for hire or reward; or
  - (c) the person driving the vehicle is taking bookings on the basis that the vehicle is available for the purpose of transporting passengers for hire or reward.
- (4) For the purposes of section 11(4)(b) of the Act, a person will not be considered to be providing a service for the transport of

**r. 7**

---

passengers by vehicle for hire or reward, or to be driving a vehicle for the purpose of transporting passengers for hire or reward, if the person is driving the vehicle —

- (a) in the course of providing or operating a child care service; or
- (b) in the course of their employment in a child care service.

### Part 3 — Safety of services

**8. Safety standards for providers of on-demand booking services (s. 14(2))**

For the purposes of section 14(2) of the Act, regulation 9 is specified as a safety standard for providers of on-demand booking services.

**9. Safety management system**

- (1) The provider of an on-demand booking service must prepare and maintain a safety management system in accordance with this regulation.
- (2) The safety management system must —
  - (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 on-demand passenger transport services in relation to which the provider provides an on-demand booking service; and
  - (b) include procedures to eliminate or minimise those risks so far as is reasonably practicable; and
  - (c) be in writing and readily accessible to persons using the system.
- (3) The provider of an on-demand booking service must ensure that the provider's safety management system is —
  - (a) reviewed as soon as practicable after the provider identifies any new hazard referred to in subregulation (2)(a); and
  - (b) kept up-to-date.

**10.        Offence of contravening safety standard**

A provider of an on-demand booking service who contravenes the safety standard specified in regulation 9 commits an offence.

Penalty:

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

## **Part 4 — Authorisation of on-demand booking services**

### **Division 1 — Preliminary**

**11. Term used: disqualification offence**

In this Part —

*disqualification offence* means an offence prescribed under regulation 24.

**12. Prescribed functions for which provider of principal booking service is responsible (s. 27(3))**

- (1) For the purposes of section 27(3) of the Act, the provider of an authorised on-demand booking service (the *principal booking service*) who has entered into an association arrangement is responsible for the functions set out in subregulation (2) in relation to on-demand booking services provided by the provider of the associated booking service in accordance with the association arrangement, as if —
- (a) an on-demand booking service provided by the provider of the associated booking service were provided by the provider of the principal booking service; and
  - (b) a booking taken or facilitated by the provider of the associated booking service were taken or facilitated by the provider of the principal booking service.
- (2) For the purposes of subregulation (1), the functions are the following —
- (a) preparing, maintaining, reviewing and keeping up-to-date a safety management system in accordance with regulation 9;
  - (b) keeping and retaining records relating to drivers, vehicles, bookings and booking requests in accordance with regulations 28 and 29;

- (c) ensuring that a complaints resolution procedure is prepared and made accessible in accordance with regulation 32;
- (d) keeping and retaining records of customer complaints in accordance with regulation 33.

Notes for this regulation:

1. The provider of the principal booking service under an association arrangement is also liable to pay any levy payable under Part 9 Division 2 of the Act in relation to bookings taken by the provider of the associated booking service (see section 244(3) of the Act).
2. For the purposes of regulation 16, an on-demand booking service provided by the provider of an associated booking service under an association arrangement is considered to be provided under the on-demand booking service authorisation of the provider of the principal booking service.

## **Division 2 — Applications for on-demand booking service authorisations**

### **13. Information to be included in on-demand booking service authorisation application (s. 29(4)(e))**

For the purposes of section 29(4)(e) of the Act, an application for an on-demand booking service authorisation must include the following information —

- (a) the maximum number of vehicles the applicant wants to be covered by the authorisation;
- (b) whether the applicant, a person nominated under section 29(4)(c) of the Act in the application or a close associate of the applicant has previously held an on-demand booking service authorisation, or an equivalent authorisation in another State or a Territory, that has been cancelled;
- (c) whether the applicant, a person nominated under section 29(4)(c) of the Act in the application or a close associate of the applicant has previously made an application for an on-demand booking service



authorisation, or an equivalent authorisation in another State or a Territory, that was refused.

**14. Documents to be included in on-demand booking service authorisation application (s. 29(4)(e))**

For the purposes of section 29(4)(e) of the Act, an application for an on-demand booking service authorisation must include —

- (a) in relation to each person nominated in the application under section 29(4)(c) of the Act, a criminal record check for the person that is dated no earlier than 3 months before the day on which the application is made; and
- (b) any other documents required by the approved form.

**15. Declaration as to persons nominated as responsible officers**

The declaration required under section 29(4)(d) of the Act must be made by —

- (a) if the applicant is an individual or the trustee of a trust — the applicant; or
- (b) if the applicant is a partnership — a partner of the partnership; or
- (c) if the applicant is a company — a director of the body corporate; or
- (d) if the applicant is an incorporated association — a member of the management committee of the association.

**Division 3 — Grant, duration and renewal of on-demand booking service authorisations**

**16. Condition for maximum number of vehicles**

- (1) An authorisation document issued to the provider of an authorised on-demand booking service must identify the maximum number of vehicles covered by the authorisation.

- (2) It is a condition of an on-demand booking service authorisation that the provider of the authorised on-demand booking service must ensure that, at any time, the total number of vehicles in relation to which an on-demand booking service is provided under the authorisation does not exceed the maximum number identified on the authorisation document.
- (3) For the purposes of subregulation (2), an on-demand booking service is provided under an on-demand booking service authorisation if —
  - (a) the service is provided by the provider of the authorised on-demand booking service; or
  - (b) the provider of the authorised on-demand booking service has entered into an association arrangement and the service is provided by the provider of the associated booking service in accordance with the association arrangement.

**17. Duration of on-demand booking service authorisation (s. 39(1))**

- (1) An authorisation document issued to the provider of an on-demand booking service must specify the day on which the authorisation comes into force.
- (2) For the purposes of section 39(1) of the Act, an on-demand booking service authorisation granted under section 31 of the Act or regulation 18 —
  - (a) is granted for the period of 12 months beginning on the day on which the authorisation comes into force; and
  - (b) expires at the end of the last day of that period.

**18. Renewal of on-demand booking service authorisation**

- (1) The holder of an on-demand booking service authorisation (the **current authorisation**) may apply for the renewal of the 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 or 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
  - (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), the CEO must —
  - (a) grant a further on-demand booking service authorisation to the provider; and
  - (b) issue an authorisation document to the provider under section 37 of the Act specifying —
    - (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), 43(1) or 43(4) of the Act apply;
  - and
  - (b) must refuse to grant a further on-demand booking service authorisation if section 43(3) or (4) 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), the current authorisation expires on the day that applies under regulation 17(2)(b) and any subsequent application for an on-demand booking service authorisation by the provider must be made in accordance with section 29 of the Act.

**19. Surrender of on-demand booking service authorisation**

- (1) The provider of an authorised on-demand booking service may, by written notice to the CEO, surrender the on-demand booking service authorisation.
- (2) If a provider surrenders an on-demand booking service authorisation, the CEO must cancel the authorisation by written notice to the provider stating the day on which the cancellation takes effect.
- (3) A provider who surrenders an on-demand booking service authorisation is not entitled to any refund of the authorisation fee or any part of it.

### **Division 4 — Responsible officers**

**20. Responsible officer must be ordinarily resident in Australia (s. 30(f))**

For the purposes of section 30(f) of the Act, a person nominated under section 29(4)(c) of the Act or regulation 22 must be ordinarily resident in Australia.

**21. At least 1 responsible officer to be resident in State**

It is a condition of an on-demand booking service authorisation that the provider must take all reasonable steps to ensure that at all times there is at least 1 responsible officer of the provider of the authorised on-demand booking service who is a resident of the State.

**22. Nomination of additional or replacement responsible officer**

- (1) The provider of an authorised on-demand booking service may at any time, by written notice to the CEO, nominate 1 or more additional persons to represent the provider in providing the service.
- (2) If a person ceases to be a responsible officer of the provider of an authorised on-demand booking service, the provider must as soon as practicable give written notice to the CEO stating that the person has ceased to be a responsible officer.  
Penalty for this subregulation:
  - (a) for an individual, a fine of \$3 000;
  - (b) for a body corporate, a fine of \$10 000.
- (3) Subregulation (4) applies if the provider of an on-demand booking service ceases, or becomes aware that the provider will cease, to have either of the following —
  - (a) at least 1 responsible officer who is a resident of the State;

- (b) if the provider is a body corporate — at least 1 responsible officer who is a director or manager of the body corporate.
- (4) The provider must as soon as practicable give written notice to the CEO nominating 1 or more replacement persons to represent the provider of the on-demand booking service in providing the service, so that the provider has a responsible officer or officers meeting the criteria in subregulation (3)(a) and (b).

Penalty for this subregulation:

- (a) for an individual, a fine of \$3 000;
  - (b) for a body corporate, a fine of \$10 000.
- (5) When a nomination under subregulation (1) or (4) is made, the provider must —
  - (a) pay the nomination fee prescribed under regulation 69(1); and
  - (b) give the CEO a criminal record check for each nominated person that is dated no earlier than 3 months before the day on which the nomination is made.

Note for this regulation:

Under section 30 of the Act, a person must meet the criteria in that section in order to be nominated under this regulation to represent the provider of an on-demand booking service in providing that service.

**23. Acceptance of or refusal to accept nomination of additional or replacement responsible officer**

- (1) The CEO may accept the nomination of a person by the provider of an authorised on-demand booking service under regulation 22(1) or (4) if the CEO is satisfied that the person is a responsible officer of the provider.

- (2) The CEO may refuse to accept the nomination of a person by the provider of an authorised on-demand booking service under regulation 22(1) or (4) if —
  - (a) the person has previously held an on-demand booking service authorisation, or an equivalent authorisation in another State or a Territory, and that authorisation has been cancelled; or
  - (b) the person has been charged with a disqualification offence.
- (3) The CEO must refuse to accept the nomination of a person by the provider of an authorised on-demand booking service under regulation 22(1) or (4) if —
  - (a) the person —
    - (i) has been convicted of a disqualification offence; and
    - (ii) the conviction has not been quashed or set aside; and
    - (iii) the disqualification period prescribed under regulation 24 in relation to the disqualification offence has not passed since the conviction;
  - or
  - (b) for a nomination under regulation 22(4) — the nomination will not result in the provider having a responsible officer or officers meeting the criteria in regulation 22(3)(a) and (b).
- (4) The CEO must give written notice of the acceptance of or refusal to accept a nomination under regulation 22(1) or (4) to the provider of the authorised on-demand booking service.

### **Division 5 — Disqualification**

**24. Disqualification offences and disqualification periods (s. 26 and 46)**

The disqualification offences and disqualification periods set out in Schedule 2 are prescribed for the purposes of Part 3 of the Act.

**25. Reinstatement of authorisation if conviction quashed or set aside**

- (1) This regulation applies if —
  - (a) an on-demand booking service authorisation has been cancelled under section 43(2), (3) or (4) of the Act because the provider of the authorised on-demand booking service, or a responsible officer or close associate of the provider, has been convicted of a disqualification offence; and
  - (b) the conviction is quashed or set aside on or before the day on which the authorisation would have expired.
- (2) On application by the provider, the CEO must, by written notice to the provider, reinstate the authorisation and issue a further authorisation document to the provider specifying the same authorisation number as the cancelled authorisation.
- (3) A reinstated authorisation remains in force until it is cancelled or until it expires under regulation 17(2)(b) at the end of the period of 12 months after it originally came into force (whichever occurs first).

**26. Requirement to notify CEO of charge or conviction for disqualification offence**

If the provider of an authorised on-demand booking service, or a responsible officer or close associate of the provider, is charged with or convicted of a disqualification offence, the provider must give written notice of the charge or conviction to the CEO



as soon as practicable after becoming aware of the charge or conviction.

Penalty:

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

### **Division 6 — Records**

**27. Obligations in this Division are conditions on authorisation**

It is a condition of an on-demand booking service authorisation that the provider of the authorised on-demand booking service must comply with the requirements imposed by regulations 28 and 29.

**28. Records of drivers, vehicles and associates**

- (1) The provider of an authorised on-demand booking service must keep records of the following information —
  - (a) the name and driver's licence number of each person who drives a vehicle for use in providing an on-demand passenger transport service in relation to which the provider provides an on-demand booking service;
  - (b) the vehicle licence number or interstate vehicle licence number of each vehicle used in the provision of an on-demand passenger transport service in relation to which the provider provides an on-demand booking service;
  - (c) the name and contact details of each provider of an on-demand booking service with whom the provider of the authorised on-demand booking service has an association arrangement.
- (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)(a) must be retained for at least 2 years after the person ceases to drive a vehicle as referred to in that subregulation.
- (4) A record referred to in subregulation (1)(b) must be retained for at least 2 years after the vehicle ceases to be used as referred to in that subregulation.
- (5) A record referred to in subregulation (1)(c) must be retained for at least 2 years after the association arrangement ceases to have effect.

**29. Records of bookings for on-demand passenger transport services**

- (1) In this regulation —
  - associated journey***, in relation to a relevant booking, means a journey to transport passengers by vehicle that is made as part of the on-demand passenger transport service to which the relevant booking relates;
  - relevant booking***, in relation to the provider of an on-demand booking service, means a booking for an on-demand vehicle to be used in providing an on-demand passenger transport service taken or facilitated by the provider of the on-demand booking service;
  - wheelchair accessible vehicle booking*** means a relevant booking for a wheelchair accessible vehicle to be used in providing an on-demand passenger transport service.
- (2) The provider of an authorised on-demand booking service must keep records of the following information in relation to each relevant booking —
  - (a) the day and time at which the booking was taken or facilitated;
  - (b) the day of the associated journey and the times it began and ended;

- (c) the locations where the associated journey began and ended;
  - (d) the name and driver's licence number of the driver of the vehicle;
  - (e) the vehicle licence number or interstate vehicle licence number of the vehicle;
  - (f) any contact details provided by the person who made the booking or to whose account the booking was charged;
  - (g) the number of passengers carried who were seated in a wheelchair (if any);
  - (h) whether the vehicle was an electric vehicle;
  - (i) the amount payable for the on-demand passenger transport service and the components of that amount.
- (3) The provider of an authorised on-demand booking service must keep records of the following information in relation to each request for a wheelchair accessible vehicle booking that does not result in a booking being taken or facilitated —
- (a) any contact details provided by the person making the request or through whose account the request is made;
  - (b) the day and time of the request;
  - (c) the on-demand passenger transport service for which a booking is requested.
- (4) The records referred to subregulations (2) and (3) must be kept in the manner and form approved by the CEO.
- (5) A record referred to in subregulation (2) must be retained for at least 2 years after the day on which the relevant booking is taken or facilitated.
- (6) A record referred to in subregulation (3) must be retained for at least 2 years after the day on which the booking request is made.

*[Div. 7 (r. 30-31) has not come into operation<sup>2</sup>.]*

## **Division 8 — Complaints**

### **32. Complaints resolution procedure**

The provider of an authorised on-demand booking 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 an on-demand booking service provided by the provider or an on-demand passenger transport service in relation to which the provider provides an on-demand booking service; and
  - (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 on-demand vehicles used or to be used in providing on-demand passenger transport services in relation to which the provider provides an on-demand booking service.

Penalty:

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

### **33. Records of customer complaints**

- (1) The provider of an authorised on-demand booking service must keep records in accordance with this regulation of —
  - (a) each complaint made by a customer in relation to an on-demand booking service provided by the provider or an on-demand passenger transport service in relation to which the provider provides an on-demand booking 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.

### **Division 9 — Miscellaneous**

**34. Association arrangement, safety management system or records to be produced or provided to CEO or authorised officer**

- (1) The CEO or an authorised officer may, by written notice —
- (a) require a party to an association arrangement to produce for inspection, or provide a copy of, the association arrangement; or
  - (b) require the provider of an authorised on-demand booking service to produce for inspection, or provide a copy of, the provider's safety management system; 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 and 33; or
    - (ii) provide copies of any of the records kept under regulations 28, 29 and 33.
- (2) A notice under subregulation (1) must specify —
- (a) the manner in which the document or documents to which it applies must be produced or provided; and
  - (b) the time within which the document or documents to which it applies must be produced or provided, which

must allow the person a reasonable period to comply with the notice.

- (3) A notice under subregulation (1)(c)(ii) may require copies of records to be 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.

**35. List of authorised on-demand booking services (s. 41)**

The list of all providers of authorised on-demand booking services published under section 41 of the Act must include the following information about each provider —

- (a) the name of the provider;
- (b) any trading name or business name used by the provider in connection with the provision of the on-demand booking service;
- (c) the authorisation number for the on-demand booking service authorisation.

## Part 5 — Information

### 36. Law enforcement officials (s. 150)

For the purposes of the definition of **law enforcement official** in section 150 of the Act, the following persons and classes of persons are prescribed —

- (a) the Commissioner, as defined in the *Australian Federal Police Act 1979* (Commonwealth) section 4(1);
- (b) the Commissioner, as defined in the *Corruption, Crime and Misconduct Act 2003* section 3(1);
- (c) the Public Sector Commissioner, but only when the Public Sector Commissioner is performing functions under the *Corruption, Crime and Misconduct Act 2003*;
- (d) the Commissioner (however designated) of the police force of another State or of the Northern Territory.

### 37. Relevant authorities (s. 150)

- (1) In this regulation —

**Road Safety Commissioner** means the person employed in the department of the Public Service principally assisting in the administration of the *Road Safety Council Act 2002* in the position of Road Safety Commissioner of Western Australia;

**WorkSafe Commissioner** means the WorkSafe Western Australia Commissioner appointed under the *Occupational Safety and Health Act 1984* section 9.

- (2) For the purposes of the definition of **relevant authority** in section 150 of the Act, the following persons are prescribed —

- (a) the Road Safety Commissioner or a person employed in the department of the Public Service principally assisting in the administration of the *Road Safety Council Act 2002* who is nominated by the Road Safety Commissioner to the CEO;
- (b) Austroads Ltd (ACN 136 812 390);

**r. 38**

---

- (c) the WorkSafe Commissioner or a person employed in the department of the Public Service principally assisting in the administration of the *Occupational Safety and Health Act 1984* who is nominated by the WorkSafe Commissioner to the CEO;
  - (d) the managing director, as defined in the *Insurance Commission of Western Australia Act 1986* section 3, or an officer or employee of the Insurance Commission of Western Australia who is nominated by the managing director to the CEO.
- (3) A nomination under subregulation (2) must be in writing signed by the person making the nomination.
- (4) A person mentioned in subregulation (2)(a), (c) or (d) whose nomination to the CEO is revoked is, when the revocation takes effect, no longer a person prescribed for the purposes of the definition of **relevant authority** in section 150 of the Act.

**38. Prescribed period (s. 152(a))**

For the purposes of section 152(a) of the Act, the prescribed period is 6 months.



## **Part 6 — Infringement notices and enforcement**

### **39. Prescribed offences and modified penalties**

- (1) The offences described in Schedule 3 are offences for which an infringement notice may be issued under the *Criminal Procedure Act 2004* Part 2.
- (2) The modified penalty specified opposite an offence in Schedule 3 is the modified penalty for that offence for the purposes of the *Criminal Procedure Act 2004* section 5(3).

### **40. Approved officers and authorised officers**

- (1) In this regulation —  
**TRPS authorised officer** means an authorised officer as defined in section 4(1) of the Act.
- (2) Each TRPS authorised officer is an authorised officer for the purposes of the *Criminal Procedure Act 2004* Part 2 in relation to infringement notices issued under that Part for an offence prescribed under regulation 39(1).
- (3) An authorised officer who is a police officer can show that the authorised officer is authorised to issue infringement notices by showing the officer's Certificate of Authority (as defined in the *Police Force Regulations 1979* regulation 901A).
- (4) An authorised officer who is not a police officer can show that the authorised officer is authorised to issue infringement notices by showing the officer's identity card issued under section 166(3) of the Act.
- (5) The CEO may, in writing, appoint a person employed in the Department who is not a TRPS authorised officer to be an approved officer for the purposes of the *Criminal Procedure Act 2004* Part 2 in relation to infringement notices issued under that Part for an offence prescribed under regulation 39(1).

**r. 41**

---

**41.      Entry warrants (s. 178(2))**

For the purposes of section 178(2) of the Act, the following information is prescribed —

- (a) the applicant's full name and official details;
- (b) the premises in relation to which the warrant is being sought;
- (c) the purpose for which the entry to the premises is required;
- (d) the grounds on which the applicant considers that entry to the premises is necessary;
- (e) a statement to the best of the applicant's knowledge about whether an application for an entry warrant for the same premises has been made under section 178 of the Act within the previous 72 hours and, if so, whether or not a warrant was issued.

**42.      Forms**

For the purposes of the *Criminal Procedure Act 2004* Part 2 and sections 184(3) and 189(3) of the Act, the forms set out in Schedule 4 are prescribed in relation to the matters specified in those forms.

## **Part 7 — Voluntary buyback, adjustment assistance and levy**

### **Division 1 — Buyback payment and net loss payment**

**43. Prescribed day for buyback payment and net loss payment applications (s. 229(2) and 235(2))**

For the purposes of sections 229(2) and 235(2) of the Act, the prescribed day is 31 May 2019.

*[Div. 2 (r. 44-66) has not come into operation<sup>2</sup>.]*

### **Division 3 — Adjustment assistance grants**

**67. Prescribed day for adjustment assistance grant applications (s. 259(2))**

For the purposes of section 259(2) of the Act, the prescribed day is 31 March 2019.

## **Part 8 — Miscellaneous**

### **68. Review of decisions**

The following decisions are prescribed for the purposes of paragraph (i) of the definition of ***reviewable decision*** in section 262 of the Act —

- (a) a decision under regulation 18(5)(a) to refuse to grant a further on-demand booking service authorisation;
- (b) a decision under regulation 23(1) or (2) to refuse to accept a nomination of a person to represent the provider of an on-demand booking service in providing the service.

### **69. Fees**

- (1) The fees set out in Schedule 1 Division 1 are payable in relation to the matters referred to in that Division.
- (2) The fees set out in Schedule 1 Division 2 are prescribed as the authorisation fees for on-demand booking service authorisations for the purposes of section 31(1)(e) of the Act and regulation 18.
- (3) The CEO may, by written notice to a person, waive payment of the whole or a part of a fee by the person if the CEO considers that it is appropriate in the circumstances to do so.
- (4) The CEO may, by notice published in the *Gazette*, waive payment of the whole or a part of a fee by a class of persons if the CEO considers that it is appropriate in the circumstances to do so.

## Part 9 — Transitional provisions

### 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.

**Schedule 1 — Fees**

[r. 69(1) and (2)]

**Division 1 — Fees: general**

**Table**

	<b>Description of fee</b>	<b>Fee</b>
1.	Application fee for on-demand booking service authorisation (s. 29(4)(f) of the Act)	\$113.00
2.	Fee for nomination of additional or replacement person to represent provider of authorised on-demand booking service (r. 22(5)(a))	\$23.00
3.	Application fee for variation of conditions of on-demand booking service authorisation (s. 34(2)(c) of the Act)	\$14.00
4.	Fee for provision of unpublished de-identified data on request (s. 151(3) of the Act)	\$139.00 for each hour, or part of an hour, that a person spends extracting and providing data in response to request
5.	Fee for providing copy of authorisation document for on-demand booking service authorisation	\$12.00

**Division 2 — Authorisation fees for on-demand booking service  
authorisations**

**Table**

<b>Number of vehicles covered by the authorisation</b>	<b>Fee</b>
1	\$250
2 to 5	\$470
6 to 15	\$1 380
16 to 30	\$2 750
31 to 50	\$4 500
51 to 90	\$7 400
91 to 150	\$12 300
151 to 250	\$20 000
251 to 500	\$33 000
More than 500	\$65 000

## **Schedule 2 — Disqualification offences and disqualification periods**

[r. 24]

### **1. Disqualification offences and disqualification periods: on-demand booking services**

- (1) Each offence described in column 1 of the Table is prescribed for the purposes of Part 3 of the Act as a disqualification offence for providers of on-demand booking services, responsible officers of providers of on-demand booking services and close associates of providers of on-demand booking services.
- (2) If particular circumstances are set out opposite a disqualification offence in column 2 of the Table, the offence is a disqualification offence for the purposes of Part 3 of the Act only in those circumstances.
- (3) The disqualification period that applies to a disqualification offence is the period set out opposite that offence in column 3 of the Table.
- (4) A reference in the Table to a penalty of imprisonment for which an offender is liable is a reference to the maximum penalty of imprisonment that could be imposed on an individual convicted of the offence (or, in the case of a summary conviction, to the maximum penalty of imprisonment that could be imposed on an individual on summary conviction) regardless of the penalty actually imposed and whether a fine could also, or alternatively, be imposed.

**Table**

<b>Item</b>	<b>Column 1 Disqualification offence</b>	<b>Column 2 Circumstances</b>	<b>Column 3 Disqualification period</b>
<i>Offences under Transport (Road Passenger Services) Act 2018</i>			
1.	Offence under s. 21(1) of the Act (Safety duty offence: Category 1)		Permanent
2.	Offence under s. 22(1) of the		5 years



Item	Column 1 Disqualification offence	Column 2 Circumstances	Column 3 Disqualification period
	Act (Safety duty offence: Category 2)		
3.	Offence under s. 23 of the Act (Safety duty offence: Category 3)	2 <sup>nd</sup> or subsequent conviction only	5 years
Offences under <i>Occupational Safety and Health Act 1984 (OSH Act)</i>			
4.	Offence under the OSH Act s. 19A(1), 21A(1), 21C(1), 22A(1), 23AA(1), 23B(1) or 23H(1) (Level 4 penalty offence)		Permanent
5.	Offence under the OSH Act s. 19A(2), 21A(2), 21C(2), 22A(2), 23AA(2), 23B(2) or 23H(2) (Level 3 penalty offence)		5 years
6.	Offence under the OSH Act s. 19A(3), 21A(3), 21C(3), 22A(3), 23AA(3), 23B(3) or 23H(3) (Level 2 penalty offence)	2 <sup>nd</sup> or subsequent conviction only	12 months
Offences under <i>The Criminal Code</i>			
7.	Offence under <i>The Criminal Code</i> Chapter IX, XI, XVI, XXII, XXV, XXVIA, XXVIII to XXXIIIB, s. 343, Chapter XXXVI to XLI, XLIVA, XLVI, XLIX, LI, LIII or LV if an offender is liable to a penalty of imprisonment for more than 3 years		Permanent

**cl. 1**

---

<b>Item</b>	<b>Column 1 Disqualification offence</b>	<b>Column 2 Circumstances</b>	<b>Column 3 Disqualification period</b>
8.	Offence under <i>The Criminal Code</i> Chapter IX, XI, XVI, XXII, XXVIA, XXVIII to XXXIIIB, XXXVI to XLI, XLIVA, XLVI or XLIX to LIII if an offender is liable to a penalty of imprisonment for more than 18 months but no more than 3 years		5 years
9.	Offence under <i>The Criminal Code</i> Chapter IX, XI, XVI, XXII, XXIX, XXX, XXXIII to XXXIIIB, XXXVII, XLIVA, XLIX, L or LIII if the offender is liable to a penalty of imprisonment for no more than 18 months		12 months
10.	Offence under <i>The Criminal Code</i> s. 552, 553, 555A, 556, 558, 560, 562, 563A or 563B if an offender is liable to a penalty of imprisonment for more than 3 years	Only if the offence relates to an offence referred to in item 7, 8 or 9 of this Table	Permanent
11.	Offence under <i>The Criminal Code</i> s. 552, 553, 555A, 556, 558, 560 or 562 if an offender is liable to a penalty of imprisonment for more than 18 months but no more than 3 years	Only if the offence relates to an offence referred to in item 7, 8 or 9 of this Table	5 years

Item	Column 1 Disqualification offence	Column 2 Circumstances	Column 3 Disqualification period
12.	Offence under <i>The Criminal Code</i> s. 552, 553, 555A, 556, 558, 560 or 562 if an offender is liable to a penalty of imprisonment for no more than 18 months	Only if the offence relates to an offence referred to in item 7, 8 or 9 of this Table	12 months
Offences under <i>Prostitution Act 2000</i>			
13.	Offence under the <i>Prostitution Act 2000</i> s. 16(1) or (2), 17(1) or 18(1)		Permanent
Offences under <i>Misuse of Drugs Act 1981</i>			
14.	Indictable offence under the <i>Misuse of Drugs Act 1981</i>		Permanent
15.	Simple offence under the <i>Misuse of Drugs Act 1981</i>		12 months
Offences under <i>Weapons Act 1999</i>			
16.	Offence under the <i>Weapons Act 1999</i> s. 6(1), 7(1) or (2), 8A(2) or (3) or 8(1)		12 months
Offences under the <i>Firearms Act 1973</i>			
17.	Offence under the <i>Firearms Act 1973</i> if an offender is liable to a penalty of imprisonment for more than 2 years		Permanent

**cl. 1**

---

Item	Column 1 Disqualification offence	Column 2 Circumstances	Column 3 Disqualification period
18.	Offence under the <i>Firearms Act 1973</i> if an offender is liable to a penalty of imprisonment for at least 12 months but no more than 2 years		12 months
Offences under laws of Commonwealth, other States or Territories			
19.	Offence under a law of the Commonwealth, another State or a Territory that is constituted by conduct that is substantially the same as the conduct constituting an offence described in items 1 to 18 (the <i>local offence</i> )		The disqualification period prescribed for the local offence

## Schedule 3 — Prescribed offences and modified penalties

[r. 39]

**Table**

Offence			Modified penalty for individual	Modified penalty for body corporate
Offences under <i>Transport (Road Passenger Services) Regulations 2019</i>				
1.	r. 10	Contravention of safety standard in r. 9	\$1 800	\$6 000
2.	r. 22(2)	Failure to notify CEO of person ceasing to be responsible officer	\$300	\$1 000
3.	r. 22(4)	Failure to nominate replacement responsible officer	\$300	\$1 000
4.	r. 26	Failure to notify CEO of charge or conviction of disqualification offence	\$300	\$1 000
5.	r. 30	Advertising on-demand booking service or on-demand passenger transport service when not authorised to provide on-demand booking service	\$900	\$3 000
6.	r. 31(1)	Failure to include name or authorisation number in advertising	\$900	\$3 000

<b>Offence</b>			<b>Modified penalty for individual</b>	<b>Modified penalty for body corporate</b>
7.	r. 31(2)	Failure to include name or authorisation number of principal booking service provider in advertising	\$900	\$3 000
8.	r. 32	Failure to prepare and make accessible complaints resolution procedure	\$1 200	\$4 000
9.	r. 33(1)	Failure to keep records about complaints	\$1 200	\$4 000
10.	r. 34(4)	Failure to comply with notice given by CEO or authorised officer under r. 34(1) —		
		(a) if the notice is given under r. 34(1)(a) or (c)	\$1 200	\$4 000
		(b) if the notice is given under r. 34(1)(b)	\$1 800	\$6 000

## Schedule 4 — Forms

[r. 42]

### Form 1 — Infringement notice

<i>Transport (Road Passenger Services) Act 2018</i>		Infringement notice no.
<b>Infringement Notice</b>		
<b>Alleged offender</b>	Name	
	Address	
<b>Alleged offence</b>	Date or period	
	Place	
	Written law contravened	
	Details of offence	
<b>Date</b>	Date of notice	
<b>Issuing officer</b>	Name	
	Office	
	Signature	
<b>Modified penalty</b>	\$ _____	

Form 1

<b>TAKE NOTICE</b>	<p>It is alleged that you have committed the above offence.</p> <p><b>If you do not want to be prosecuted in court for the offence</b>, pay the modified penalty to the Approved Officer within 28 days after the date of this notice.</p> <p><b>If you do not pay</b> the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act, some or all of the following action may be taken — your driver's licence may be suspended; your vehicle licence may be suspended or cancelled; your details may be published on a website; your vehicle may be immobilised or have its number plates removed; and your property may be seized and sold.</p> <p><b>If you want this matter to be dealt with by prosecution in court</b>, sign and date here:</p> <p>_____ / ____ /20</p> <p>and post this notice to the Approved Officer at the address below within 28 days after the date of this notice.</p>	
<b>How to pay</b>	In person	<i>[Insert details for paying in person]</i>
	By post	<i>[Insert details for paying by post]</i>
	Online	<i>[Insert details for paying online]</i>
	By telephone	<i>[Insert details for paying by telephone]</i>



**Form 2 — Withdrawal of infringement notice**

<i>Transport (Road Passenger Services) Act 2018</i>		Withdrawal no.
<b>Withdrawal of infringement notice</b>		
<b>Alleged offender</b>	Name	
	Address	
<b>Details of infringement notice</b>	Infringement notice no.	
	Date of issue	
	Date or period	
	Place	
	Written law contravened	
	Details of offence	
<b>Approved Officer withdrawing notice</b>	Name	
	Office	
	Signature	
<b>Date</b>	Date of withdrawal	

**Form 3**

<p><b>Withdrawal of infringement notice</b>  <i>[*Delete whichever is not applicable]</i></p>	<p>The above infringement notice issued against you for the above alleged offence has been withdrawn.</p> <p>If you have already paid the modified penalty for the alleged offence, you are entitled to a refund.</p> <p>1.      Your refund is enclosed.</p> <p><i>or</i></p> <p>2.      If you have paid the modified penalty but a refund is not enclosed, you may claim your refund by signing and dating this notice and posting it to:</p> <p>Approved Officer — <i>Transport (Road Passenger Services) Act 2018</i>  <i>[Insert address]</i></p>		
<p><b>Your signature</b></p>		<p><b>Date</b></p>	

**Form 3 — Entry warrant**

<p><i>Transport (Road Passenger Services) Act 2018</i></p> <p><b>Entry warrant</b></p>		
<p><b>To</b></p>	<p>Authorised officers under the <i>Transport (Road Passenger Services) Act 2018</i>.</p>	
<p><b>Application</b></p>	<p>The applicant has applied under the <i>Transport (Road Passenger Services) Act 2018</i> s. 178 to me, a Justice of the Peace, for an entry warrant.</p>	
<p><b>Applicant's details</b></p>	<p>Full name and authorisation</p>	

<b>Purposes mentioned in <i>Transport (Road Passenger Services) Act 2018</i> s. 168 for which entry is required</b>				
<b>Suspected contravention(s) of Act</b>	Provision(s)			
<b>Warrant</b>	This warrant authorises you to enter the premises described below and exercise the powers in the <i>Transport (Road Passenger Services) Act 2018</i> Part 8 Division 1 Subdivision 2.			
<b>Premises to be entered</b>				
<b>Execution period</b>	This warrant must be executed within _____ day(s) after the date it is issued.			
<b>Issuing details</b>	Name of JP			
	Date		Time	
<b>JP's signature</b>	Issued by me on the above date and at the above time.  Justice of the Peace			
<b>Execution details</b>	Start	Date:	Time:	End
				Date:     Time:
	Occupier present? Yes/No			
	Entry audiovisually recorded? Yes/No			
<b>Person executing this warrant</b>	Name			

**Form 4**

---

**Form 4 — Order to produce**

<i>Transport (Road Passenger Services) Act 2018</i>			
<b>Order to produce business records</b>			
<b>To</b>			
<b>Application</b>	The applicant has applied under the <i>Transport (Road Passenger Services) Act 2018</i> s. 188 to me, a Justice of the Peace, for an order to produce business records.		
<b>Applicant's details</b>	Full name and authorisation		
	Contact details		
<b>Business records to be produced</b>	Description of records	Version to be produced	
<b>Order</b>	You are ordered to produce the version of the record or records described above at the place described below on or before <i>[date]</i> .		
<b>Warning</b>	<b>It is an offence not to obey this order without a reasonable excuse.</b>		
<b>Where records to be produced</b>			
<b>Issuing details</b>	Name of JP		
	Date		Time
<b>JP's signature</b>	Issued by me on the above date and at the above time.		
	Justice of the Peace		

<b>Service details</b>	<p>On [<i>date</i>] I served a copy of this order on the person to whom it is addressed by:</p>    <p>Signature of server</p>	
<b>Server's details</b>	Name	
	Contact details	

## **Notes**

- <sup>1</sup> This is a compilation of the *Transport (Road Passenger Services) Regulations 2019*<sup>1a</sup>. The following table contains information about those regulations.

### **Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Transport (Road Passenger Services) Regulations 2019</i>	26 Feb 2019 p. 461-533	Regulations other than Pt. 4 Div. 7 and Pt. 7 Div. 2: 28 Feb 2019 (see r. 2(b) and <i>Gazette</i> 26 Feb 2019 p. 449-50)

- <sup>1a</sup> On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

### **Provisions that have not come into operation**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Transport (Road Passenger Services) Regulations 2019</i> Pt. 4 Div. 7 and Pt. 7 Div. 2 <sup>2</sup>	26 Feb 2019 p. 461-533	1 Apr 2019 (see r. 2(a) and <i>Gazette</i> 26 Feb 2019 p. 449-50)

- <sup>2</sup> On the date as at which this compilation was prepared, the *Transport (Road Passenger Services) Regulations 2019* Pt. 4 Div. 7 and Pt. 7 Div. 2 had not come into operation. They read as follows:

## **Part 4 — Authorisation of on-demand booking services**

### **Division 7 — Offences relating to advertising by providers of on-demand booking services**

#### **30. Offence to offer or advertise on-demand booking service or on-demand passenger transport service unless authorised**

The provider of an on-demand booking service must not offer to provide, advertise, or authorise or permit the publication of an advertisement for, an on-demand booking service or an on-demand passenger transport service unless the provider —

- (a) is the holder of an on-demand booking service authorisation that is in force; or

- (b) is the provider of an associated booking service in relation to another on-demand booking service the provider of which holds an on-demand booking 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.

**31. Name or authorisation number of provider must be included in advertising**

- (1) The provider of an authorised on-demand booking service must not advertise, or authorise or permit the publication of an advertisement for, the on-demand booking service or an on-demand passenger transport service unless the advertisement includes at least one of the following (as published on the list under section 41 of the Act) —

- (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 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 an on-demand booking service that is an associated booking service in relation to an authorised on-demand booking service (the *principal booking service*) must not advertise, or authorise or permit the publication of an advertisement for, the associated booking service or an on-demand passenger transport service unless the advertisement includes —

- (a) a statement that the provider of the associated booking service has an association arrangement with the provider of the principal booking service; and
- (b) at least one of the following (as published on the list under section 41 of the Act) —
  - (i) the authorisation number of the provider of 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.

## Part 7 — Voluntary buyback, adjustment assistance and levy

### Division 2 — On-demand passenger transport levy

#### Subdivision 1 — Preliminary

#### 44. Terms used

In this Division —

**approved special events provider** means a provider of an authorised on-demand booking service in relation to whom an approval under regulation 50(3) is in force;

**assessment period** has the meaning given in section 241 of the Act;

**associated relevant journey**, in relation to a leviable passenger service transaction, means the relevant journey to which the leviable passenger service transaction relates;

**booster seat** has the meaning given in the *Road Traffic Code 2000* regulation 230;

**child restraint** has the meaning given in the *Road Traffic Code 2000* regulation 230;

**child safety harness** has the meaning given in the *Road Traffic Code 2000* regulation 230;

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

**metered fare** means a fare for an on-demand passenger transport service to which the *Taxi Regulations 1995* regulation 6 or the *Transport (Country Taxi-cars Fares) Regulations 1991* regulation 3 applies;

**metered fare amount** means —

- (a) in relation to a metered fare to which the *Taxi Regulations 1995* regulation 6 applies — the amount of fare calculated using metered or off meter rates (whether those rates are the applicable maximum metered rates set out in the *Taxi Regulations 1995* Schedule 3 or lower rates); or
- (b) in relation to a metered fare to which the *Transport (Country Taxi-cars Fares) Regulations 1991* regulation 3 applies — the amount of fare calculated using metered or off meter rates (whether those rates are the applicable maximum metered rates set out in the *Transport (Country Taxi-cars Fares) Regulations 1991* Schedule 1 or lower rates);



**multiple service agreement** means an agreement if —

- (a) 2 or more on-demand passenger transport services may be carried out under the agreement during 1 or more periods specified in the agreement; and
- (b) it is not possible under the terms of the agreement to determine a separate amount payable that applies to each separate on-demand passenger transport service;

**relevant journey** has the meaning given in section 241 of the Act;

**special event** —

- (a) means —
  - (i) a tour; or
  - (ii) a wedding, funeral, graduation, birthday party or other ceremony or celebration of religious or personal significance; or
  - (iii) a ball or similar function;
 but
- (b) does not include a concert, theatrical performance or sporting event;

**special events booking** means a booking for a luxury or vintage vehicle to be used in providing an on-demand passenger transport service for a special event, but does not include a booking that relates to an on-demand passenger transport service —

- (a) for a journey to or from an airport; or
- (b) that is provided for business purposes.

**Subdivision 2 — General provisions relating to levy**

**45. Classes of providers of on-demand booking services (s. 241)**

- (1) For the purposes of the definition of **assessment period** in section 241 of the Act, the classes of provider of an on-demand booking service set out in the Table are prescribed.

**Table**

Name of class	Description of class
Small on-demand booking service providers	Each provider of an on-demand booking service if the total number of vehicles in relation to which the provider provides an on-demand booking service is not more than 50
Large on-demand	Each provider of an on-demand booking

Name of class	Description of class
booking service providers	service if the total number of vehicles in relation to which the provider provides an on-demand booking service is more than 50

- (2) For the purposes of subregulation (1), if the provider of an authorised on-demand booking service (the ***principal booking service***) has entered into an association arrangement, an on-demand booking service provided by the provider of the associated booking service to which the arrangement applies is taken to be provided by the provider of the principal booking service.

**46. Levy fare: general**

- (1) For the purposes of the definition of ***levy fare*** in section 241 of the Act, unless regulation 47 or 48 applies, the levy fare for an on-demand passenger transport service is the amount payable for the service, including the amounts set out in subregulation (2) but excluding any amounts set out in subregulation (3).
- (2) The following amounts are included in the levy fare —
- (a) any base or minimum fare amount;
  - (b) any call out charge;
  - (c) any fare amounts calculated by reference to the actual or expected time, location, duration or distance of the journey (including any charges payable during peak periods);
  - (d) any booking charge or other amount payable in relation to the booking for the on-demand passenger transport service;
  - (e) any other amount payable for the service and not referred to in subregulation (3).
- (3) The following amounts are excluded from the levy fare —
- (a) any amount allocated for the levy that does not exceed the lesser of —
    - (i) 10% of the sum of the amounts referred to in subregulation (2); or
    - (ii) \$10;
  - (b) any amount of GST;
  - (c) any airport fee;
  - (d) any charge for using a particular payment method;

- (e) any charge for cleaning the vehicle because it was soiled by a passenger or parking the vehicle at the request of a passenger;
- (f) any charge for providing or fitting a child restraint, booster seat or child safety harness;
- (g) any charge for carrying oversized or excess luggage using a trailer, roof-rack or similar equipment.

**47. Levy fare: on-demand passenger transport service provided for metered fare**

- (1) For the purposes of the definition of *levy fare* in section 241 of the Act, the levy fare for an on-demand passenger transport service provided for a metered fare is the amount payable for the service, including the amounts set out in subregulation (2) but excluding the amounts set out in subregulation (3).
- (2) The following amounts are included in the levy fare —
  - (a) the metered fare amount;
  - (b) any call out fee, guaranteed booking fee or surcharge of a kind set out in the *Taxi Regulations 1995* Schedule 3 or the *Transport (Country Taxi-cars Fares) Regulations 1991* Schedule 1 (whether the maximum fee or charge or a lower fee or charge is payable);
  - (c) any other amount payable for the service and not referred to in subregulation (3).
- (3) The following amounts are excluded from the levy fare —
  - (a) any amount allocated for the levy charged under the *Taxi Regulations 1995* regulation 6(1A)(a) or the *Transport (Country Taxi-cars Fares) Regulations 1991* regulation 3(1AA)(a);
  - (b) any amount of GST (including any amount of GST included in an amount of a kind referred to in subregulation (2)(a) or (b));
  - (c) any airport fee of a kind set out in the *Taxi Regulations 1995* Schedule 3 or the *Transport (Country Taxi-cars Fares) Regulations 1991* Schedule 1;
  - (d) any surcharge for non-cash payment charged under the *Taxi Regulations 1995* regulation 8B or the *Transport (Country Taxi-cars Fares) Regulations 1991* regulation 3B;
  - (e) any parking fees or cleaning costs charged under the *Taxi Regulations 1995* regulation 6B or the *Transport (Country Taxi-cars Fares) Regulations 1991* regulation 3AB;

- (f) any charge for providing or fitting a child restraint, booster seat or child safety harness;
- (g) any charge for carrying oversized or excess luggage using a trailer, roof-rack or similar equipment.

**48. Levy fare: fare under multiple service agreement**

- (1) For the purposes of the definition of *levy fare* in section 241 of the Act, the levy fare for an on-demand passenger transport service to which a multiple service agreement applies is to be calculated as follows —
  - (a) first, calculate the percentage (*X%*) of the agreement period that falls during the relevant assessment period;
  - (b) second, calculate *X%* of the total amount payable under the agreement for on-demand passenger transport services in respect of the agreement period (including any amounts of a kind referred to in regulation 46(2), but excluding any amounts of a kind referred to in regulation 46(3)(b) to (g) and any amount allocated for the levy that does not exceed 10% of the sum of the amounts of a kind referred to in regulation 46(2));
  - (c) third, divide the amount calculated under paragraph (b) by the number of on-demand passenger transport services completed under the agreement during the relevant assessment period.
- (2) In subregulation (1) —
  - agreement period* means the period specified in the multiple service agreement during which the on-demand passenger service was completed;
  - relevant assessment period* means the assessment period during which the on-demand passenger transport service was completed.

**49. Transactions relating to electric vehicles not leviable passenger service transactions (s. 244(2))**

A passenger service transaction that consists of taking a booking for an electric vehicle to be used in providing an on-demand passenger transport service is not a leviable passenger service transaction.

**50. Exemption from requirement to pay levy for approved special events providers**

- (1) An approved special events provider is exempt from liability to pay the levy in relation to leviable passenger service transactions by the provider.

- (2) The provider of an authorised on-demand booking service may apply to the CEO in the approved form for approval as a special events provider.
- (3) On application under subregulation (2), the CEO may by written notice approve the provider as a special events provider if the CEO is satisfied that —
  - (a) the only bookings for on-demand vehicles to be used in providing on-demand passenger transport services taken or facilitated by the provider are special events bookings; and
  - (b) the provider is not a party to any association arrangement with another provider of an on-demand booking service.
- (4) In determining for the purposes of subregulation (3) whether a vehicle is a luxury or vintage vehicle referred to in the definition of ***special events booking*** in regulation 44, the CEO may have regard to the following —
  - (a) the age and rarity of the vehicle;
  - (b) the value of the vehicle;
  - (c) the degree of comfort and amenity the vehicle provides to passengers;
  - (d) any other relevant matters.
- (5) It is a condition of an on-demand booking service authorisation of an approved special events provider that —
  - (a) the provider must not take or facilitate a booking, other than a special events booking, for a vehicle to be used in providing an on-demand passenger transport service; and
  - (b) the provider must not enter into an association arrangement; and
  - (c) if the provider intends to begin to take or facilitate bookings, other than special events bookings, for vehicles to be used in providing on-demand passenger transport services, or to enter into an association arrangement, the provider must give written notice to the CEO before doing so.
- (6) The CEO must by written notice revoke an approval under subregulation (3) if —
  - (a) the CEO is satisfied that the provider has contravened a condition in subregulation (5)(a) or (b); or
  - (b) the provider gives a notice to the CEO in accordance with subregulation (5)(c).

**51. Calculation of amount of levy payable on estimated basis (s. 247(1))**

- (1) For the purposes of section 247(1) of the Act, if the CEO has determined under section 247(2) of the Act that it is not reasonably practicable to determine the whole or part of the amount of levy payable by a person based on actual levy fares or leviable passenger service transactions or both during an assessment period —
  - (a) the CEO must as soon as practicable give the person a written direction setting out how the whole or the part of the amount of levy payable is to be calculated on an estimated basis for that assessment period; and
  - (b) the amount of levy payable by the person for the assessment period is to be calculated in accordance with that direction.
- (2) In giving a direction under subregulation (1)(a), the CEO must have regard to the reasons for making the determination under section 247(2) of the Act.
- (3) A direction under subregulation (1)(a) must provide for a method for the calculation of the whole or part of the amount of levy payable by the person for the assessment period on an estimated basis that takes into account 1 or more of the following matters —
  - (a) the amount of levy payable by the person for the previous assessment period or any part of it;
  - (b) the average amount of levy payable by the person over 2 or more recent assessment periods or any parts of those periods;
  - (c) the amount of levy payable by the person for the equivalent assessment period, or equivalent part of an assessment period, in the previous calendar year;
  - (d) the day, time, location, duration or distance of any associated relevant journey for a leviable passenger service transaction in respect of which the actual levy fare cannot be ascertained;
  - (e) any fare estimator made available by the person that applies to any associated relevant journey for a leviable passenger service transaction in respect of which the actual levy fare cannot be ascertained.

**52. Registration as taxpayer (s. 249)**

- (1) An application by a person for registration as a taxpayer under section 249 of the Act must —
  - (a) be in the approved form; and

- (b) be made no later than 7 days after the day on which the person first becomes liable to pay the levy.
- (2) A person registered as a taxpayer under section 249 of the Act must give written notice to the CEO if there is a change in any of the information that was given to the CEO in the application for registration as soon as practicable after becoming aware of the change.

Penalty for this subregulation:

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

**53. Payment of levy**

- (1) A provider of an on-demand booking service who applies under section 249 of the Act to register as a taxpayer for the purposes of Part 9 Division 2 of the Act must enter into an approved agreement for the payment of amounts of levy by direct debit from a bank account.
- (2) An amount of levy payable by a person is to be paid by direct debit from a bank account in accordance with the agreement entered into under subregulation (1).
- (3) On application by the provider of an on-demand booking service, the CEO may, if the CEO considers it appropriate in the circumstances, give the provider written notice stating that another payment method may be used.
- (4) If the CEO gives a notice under subregulation (3) —
  - (a) subregulations (1) and (2) do not apply to the provider; and
  - (b) an amount of levy payable by the provider must be paid by the payment method specified in the notice.

**54. Returns (s. 250)**

A return lodged by a taxpayer under section 250 of the Act must —

- (a) be in the approved form; and
- (b) include any documents required by the approved form.

**55. Records (s. 251)**

- (1) For the purposes of section 251(a) of the Act, records of the following information must be kept in accordance with this regulation in relation to each leviable passenger service transaction by a person —
  - (a) the day and time at which the booking in relation to the leviable passenger service transaction was taken;

- (b) the day of the associated relevant journey for the leviable passenger service transaction and the times it began and ended;
  - (c) the locations where the associated relevant journey began and ended;
  - (d) the distance travelled in the associated relevant journey;
  - (e) the name and driver's licence number of the driver of the on-demand vehicle used for the associated relevant journey;
  - (f) the vehicle licence number or interstate vehicle licence number of the vehicle used for the associated relevant journey;
  - (g) the fare information required under regulation 56 for the on-demand passenger transport service to which the leviable passenger service transaction relates.
- (2) The records referred to in 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 5 years after the day on which the leviable passenger service transaction to which it relates occurs.

**56. Records: fare information**

- (1) For the purposes of regulation 55(1)(g), the fare information for an on-demand passenger transport service to which regulation 46 applies is —
  - (a) the total amount payable for the on-demand passenger transport service;
  - (b) each component of the total amount referred to in paragraph (a), including each amount of a kind referred to in regulation 46(2) or (3);
  - (c) the amount of the levy fare for the on-demand passenger transport service;
  - (d) the rates used for calculating any amount of a kind referred to in regulation 46(2)(c).
- (2) For the purposes of regulation 55(1)(g), the fare information for an on-demand passenger transport service provided for a metered fare is —
  - (a) the total amount payable for the on-demand passenger transport service;
  - (b) each component of the total amount referred to in paragraph (a), including each amount of a kind referred to in regulation 47(2) or (3);



- (c) the amount of the levy fare for the on-demand passenger transport service;
  - (d) the rates used for calculating the metered fare amount.
- (3) For the purposes of regulation 55(1)(g), the fare information for an on-demand passenger transport service to which a multiple service agreement applies is —
  - (a) the total amount payable for on-demand passenger transport services under the multiple service agreement in respect of the agreement period (as defined in regulation 48(2));
  - (b) each component of the total amount referred to in paragraph (a), including each amount of a kind referred to in regulation 46(2) or (3)(b) to (g) and any amount allocated for the levy;
  - (c) the number of days in the agreement period;
  - (d) the number of on-demand passenger transport services completed under the multiple service agreement during the relevant assessment period (as defined in regulation 48(2));
  - (e) the levy fare for the on-demand passenger transport service.

**57. Records to be produced or provided to CEO or authorised officer**

- (1) The CEO or an authorised officer may, by written notice, require a person who is required to keep records under section 251 of the Act to —
  - (a) produce any of those records for inspection; or
  - (b) provide copies of any of those records.
- (2) A notice under subregulation (1) must specify —
  - (a) the manner in which the records must be produced or provided; and
  - (b) the time within which the records must be produced or provided, which must allow the person a reasonable period to comply with the notice.
- (3) A notice under subregulation (1)(b) may require copies of records to be 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.

**Subdivision 3 — Modifications of *Taxation Administration Act 2003***

- 58. Modifications of *Taxation Administration Act 2003* (s. 243(2))**  
For the purposes of Part 9 Division 2 of the Act, the *Taxation Administration Act 2003* applies with the modifications set out in this Subdivision.
- 59. Time limits on reassessment**  
The *Taxation Administration Act 2003* section 17(1) and (4) apply as if any reference to 5 years were a reference to 2 years.
- 60. Penalty tax not payable**  
The *Taxation Administration Act 2003* Part 3 Division 3 and any other provisions of that Act to the extent that they relate to penalty tax do not apply in relation to the levy.
- 61. Records relevant to objections**  
The *Taxation Administration Act 2003* Part 4 Division 2 applies as if it required an objection to contain, in addition to the requirements of section 35 of that Act, any records relevant to the objection, such as journey data, vehicle records, fare calculation device data and financial statements.
- 62. Time for lodging objections**
- (1) The *Taxation Administration Act 2003* Part 4 Division 2 applies as if it provided that the Commissioner cannot extend the 60-day period for lodging an objection under section 36(1), (2) or (3) of that Act unless there are special circumstances that prevented the objection from being lodged within that period.
  - (2) Without limiting subregulation (1), special circumstances may include the following —
    - (a) a serious illness or other personal emergency affecting the taxpayer;
    - (b) a failure of computing or other systems, including loss of data, affecting the taxpayer's ability to make the objection;
    - (c) an unforeseeable circumstance outside the control of the taxpayer.
  - (3) The *Taxation Administration Act 2003* section 36(5) applies as if the reference to 12 months were a reference to 6 months.

**63. Proceedings before State Administrative Tribunal**

The *Taxation Administration Act 2003* section 43(2ab) applies as if a reference to the Minister were a reference to the Minister administering the *Transport (Road Passenger Services) Act 2018* Part 9 Division 2.

**64. Time limit on refund applications**

The *Taxation Administration Act 2003* section 54(4)(b) applies as if the reference to 5 years were a reference to 2 years.

**65. Proceedings for an offence**

The *Taxation Administration Act 2003* section 112 applies for the purposes of proceedings for an offence under the *Transport (Road Passenger Services) Act 2018* Part 9 Division 2 or under the *Taxation Administration Act 2003* in relation to the *Transport (Road Passenger Services) Act 2018* Part 9 Division 2 as if a reference to the Commissioner included a reference to the CEO.

**66. Service**

The *Taxation Administration Act 2003* section 115 applies as if it provided that any document required or permitted under that Act to be served on the Commissioner in relation to the levy must be served —

- (a) if there is an online facility available on the Department's website that provides for the service of documents relating to the levy — using the taxpayer's account with that online facility; or
- (b) in another manner approved by the CEO.

Defined terms

---

**Defined terms**

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
'F' or 'T' endorsed driver's licence .....	3
associated journey .....	29(1)
child care service .....	3
current authorisation .....	18(1)
disqualification offence .....	11
driver's licence number .....	3
electric vehicle .....	3
interstate vehicle licence .....	3
local offence .....	Sch. 2 cl. 1(4)
OSH Act .....	Sch. 2 cl. 1(4)
principal booking service .....	12(1)
recipient .....	70(1)
relevant booking .....	29(1)
Road Safety Commissioner .....	37(1)
safety management system .....	3
TRPS authorised officer .....	40(1)
wheelchair accessible vehicle .....	3
wheelchair accessible vehicle booking .....	29(1)
WorkSafe Commissioner .....	37(1)